

In some degree the obligation which the community is under to the enterprising publisher.

I transmit in file marked A, the Ordinance and Report of the Convention of South Carolina; Resolutions of the Legislatures of Maine, Massachusetts, New Jersey, Delaware, New York, Mississippi, Indiana and Illinois, approving the Proclamation of the President of the United States; and representing the proceedings of the people of South Carolina; from Connecticut and Maryland, approving the Proclamation and the Tariff, and disapproving the doctrine of Nullification; from Alabama, disapproving the Tariff and reprobating Nullification; from New Hampshire, approving the Proclamation and commending the exercise of the Veto; and from Virginia, recommending to the people of South Carolina to rescind their Ordinance, and to Congress to modify the Tariff Laws. The file marked B, contains Resolutions of the Legislature of South Carolina, recommending the call of a Convention to determine questions of disputed power between the States and the General Government; and Resolutions from Massachusetts, Delaware, Ohio and Mississippi, dissenting from the proposition. In the file C, will be found Resolutions of the Legislatures of New Hampshire, Delaware, and Illinois, recommending the passage of a law by Congress for the more perfect and uniform organization of the Militia; from Massachusetts and Pennsylvania, requesting the Governors of the several States to recommend to their respective Legislatures, the adoption of such measures as may be necessary to ensure a speedy and entire abolition of Lotteries; and from New Hampshire, Resolutions proposing an exchange of Law Reports. These papers will doubtless receive the respectful consideration to which they are entitled, by the importance of the principles discussed, and the high sources from which they emanate.

My Private Secretary will lay my Letter Book before you, together with such resolutions of militia officers and Justices of the Peace as have been received since the adjournment of the last General Assembly.

The death of Chief-Justice Henderson, the last of the three illustrious men, who constituted the first Supreme Court, held under the present system, has caused a vacancy in the high office, which he filled for so many years with such distinguished ability, integrity and usefulness. The election of a successor, is among the many important duties which demand the attention of the Legislature at the present session.

In this annual Message, I have deemed it proper to direct your attention to the most important subjects of legislation. Various matters of less general interest, but which are nevertheless worthy of your consideration, will be communicated in due time.

In the remarks which I have deemed it my duty to submit to you, I have endeavored to unite that frankness which is of the essence of our free institutions with the respect due to the immediate representatives of the people. If I have failed in either, I trust it will be attributed to no want of disposition to discharge with fidelity the obligations imposed upon me by the station I occupy. My opinions have been expressed with an earnestness inspired by a conviction of their correctness, unaccompanied, however, by any vanity that can be pained by the detection of their fallacy. I have no other ambition than to unite with you in the adoption of such measures as shall be best calculated to develop and improve our physical and intellectual resources; to promote the prosperity and advance the character of the State.

I have the honor to be, Gentlemen, with high considerations, your obedient servant,

DAVID L. SWAIN.  
Executive Department, North Carolina,  
November 13th, 1833.

**II. Of the Literary Fund.**

The balance of cash remaining in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st day of October, 1833, as reported to the General Assembly of that year, was \$33,585 33 1/2

The receipts at the Treasury of money belonging to this Fund, from the 31st of October, 1832, to the 1st day of November, 1833, amounting to twenty-eight thousand four hundred and thirty-eight dollars and forty-nine cents, (28,438 49, and consist of the following sums, viz.	6,220 43
Cash received for entries of vacant land,	675 64
Ditto for taxes on sales at auction received of sundry auctioneers,	2,737 23
Ditto for interest on account of the Literary Fund,	14,100 00
Ditto State Bank of North Carolina for dividends of stock belonging to President and Directors of Literary Fund,	564 00
Ditto ditto for dividends of profits on stock owned by the President and Directors of this Fund,	5,325 00
Ditto Bank of Newbern for dividends of capital belonging to President and Directors of this Fund,	506 14
Ditto Cape Fear Navigation Company for dividends of profits appropriated to this Fund,	28,438 49
Making, when added to the balance above stated, the amount of	117,024 81 1/2

There has been no expenditure from the Literary Fund during the year.

**III. Of the Fund for Internal Improvement.**

Balance on the 31st October, 1832, as reported to the General Assembly of that year, \$13 40 1/2

The receipts at the Treasury on account of the Fund for Internal Improvement, from the 31st October, 1832, to the 1st November, 1833, amounting to one thousand four hundred and fifty-eight dollars and sixty-one cents, (1,458 61, ) viz.

Cash received of sundry purchasers of Cherokee lands, appropriated by law to this Fund, (Statement C.)	Principal, 1,073 13	Interest, 324 33		
Ditto John T. C. Wiatt, auctioneer, for sale of camp equipage,	1,207 48	61 13		
The expenditures for the same period amounted to one thousand two hundred and ninety-two dollars ninety-three cents, (1,292 93, ) viz.	258 76	74 00	4 92	9 00
Ditto James W. W. Keen, balance due him for work of Cape Fear river,	74 00			
Ditto James W. W. Keen, Superintendent of Public Works, as per acct. stated,	4 92			
Ditto ditto, for postage, on warrant of the Board Int. Imp't,	9 00			
Ditto William R. Hill, Secretary of the Board,				
Ditto James Mebane, for Cape Fear Navigation Company, being the balance of the State's last subscription to the stock of that Company, according to the account kept by the Board Int. Imp't,	896 25			
Ditto James W. W. Keen, Supt. Public Works, on account of salary,	50 00			
Which sum deducted leaves a balance due the Board of Internal Improvement of	1,292 93			
	979 08 1/2			

The above disbursements from the Fund for Internal Improvement are also sustained by vouchers properly taken at the Treasury Office, passed upon, and filed by the Comptroller, as directed by the 21st section of the act of 1827. They will be found likewise to agree with the entries in the books of the two Offices.

This Fund has become so reduced as to have but little more than a nominal existence, and is therefore a prospect of its accumulating much from any resources now within the control of the Board. The receipts from Cherokee purchases constitute at present its only source of income. These at best would be inconsiderable; but, owing to the unsettled state of the title to those lands, collections have of late been almost entirely suspended. The whole amount of bonds, exclusive of interest, as shown by the bond account kept in this Office, was, on the 31st October last, \$32,034 67 1/2.

**RECAPITULATION.**

The foregoing statements show balances of cash on hand at the close of the business of the fiscal year ending on the 31st of October, 1833, as follows, viz.:

Amount as Public Treasurer,	57,877 24
Ditto Treasurer of the Fund for Internal Improvement,	117,024 81 1/2
Ditto Treasurer of the Literary Fund,	175,881 14
Making an aggregate amount of	350,783 19 1/2

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this and the Comptroller's Office, and for which he is therefore accountable on the 1st day of November, 1833. This amount is disposed of (as directed by law) in the following manner, viz:

Deposited in the State Bank of North Carolina at Raleigh, and remaining at the credit of the Public Treasurer on the 1st day of November, 1833,	80,678 47
Ditto Bank of Newbern ditto,	66,558 59
Ditto Bank of Cape Fear, Fayetteville,	19,044 35
Worn Treasury Notes, silver change, &c. deposited in the vault of the Treasury,	166,981 41
	9,599 73
	175,881 14

It will be seen, in the course of the examination about to be made by the Committee of Finance into the fiscal operations of the past year, that not only the Sheriffs, but all others charged with the collection, and paying into the Treasury, of the public revenue, have observed a punctuality in the discharge of their duty which, it is believed, is without a parallel in any previous year. By the act of 1827, the Public Treasurer and Comptroller are required to publish annually, on the 1st day of November, a list of the delinquents. It is remarkable that there has been no necessity for such publication the present year, inasmuch as there has not been a single instance of default in any collecting officer; and it gives me particular pleasure to have this opportunity of bearing public testimony to the promptness and fidelity of those with whom it is made my duty to act, and in whom these qualifications are so important. Such punctuality, while it contributes to render plain and facile the business of this office, also proves much for the excellence and security of the present mode of collecting the revenue. The law in relation to the tax on sales at auction, is not, however, altogether free from exception. It provides that the Court of Pleas and Quarter Sessions may appoint as many as three auctioneers in each county, who are required to make quarterly exhibits to the clerk of said court of the amount of goods sold; an abstract of which the clerk is required to transmit annually, in the month of October, to the Comptroller. Upon this return, the auctioneer is charged with the tax, which is levied per centum on the amount of sales. Many counties in the State appoint no auctioneers, and the only evidence we have of the appointments made, is furnished by the abstract forwarded by the clerk; and even this does not furnish the names of the sureties. Now, it may, and does sometimes, happen that an auctioneer fails to file with the clerk an account of his sales; of course the clerk can make no return to the Comptroller; and thus a delinquency may escape altogether the knowledge of the Public Treasurer, whose duty it is to bring the delinquent to account, or enforce the penalty for neglect. It would, therefore, seem obviously better that the clerks be compelled, in like manner as they now are in relation to sheriffs, to certify to the Comptroller the names of each auctioneer and his sureties, in their respective counties; and where there is no appointment, to certify the fact. By requiring certificates from all the counties, as well where no appointments are made, as where they are, every delinquency, whether arising from the neglect of the clerk or auctioneer, must necessarily be exposed. Defects of this kind may exist in the mode of collecting the taxes; but that must be regarded as much less exceptionable than the manner of levying them. Much of the most active property in the country, that which is most productive to its owner, and in many States is made to yield a large portion of public revenue, is, in our State, entirely free from taxation; while that on which the burden is intended to be imposed, is so unequally taxed as to render what would be light in the aggregate, in some instances, grievous and difficult to pay. It seems hardly reasonable that the owners of real estate should be subjected to a tax of 1/2 to 2/3 per centum on the value of their property, and the rich capitalist left untouched. Yet this is the case, and especially with such real estate as, in addition to the public, county and poor tax, pays also a corporation tax. The evil is further aggravated by the unequal operation of the law regulating the assessment of lands. This subject has before been presented to the consideration of the Legislature; and, with great deference, it is conceived, cannot be too earnestly pressed upon their attention, both with a view to distributing more equally the burden of taxation, and as the means of increasing the public revenue to an amount equal to the current expenses of the government. A moderate poll tax of 20 or 25 cents, and one tenth of one per centum on the value of every species of property, with such discriminations as might be thought expedient, could not be complained of as high. Yet such a system, with a proper revision of the assessment law, would probably bring into the Treasury three times the amount of the present revenue.

In receiving of the State Bank the dividend of capital which was made in January last, a difference of opinion arose as to the amount to which the State was entitled; the dividend being fifty per cent. It was claimed, on the one hand, that the State ought to receive fifty dollars for every share of stock she owned in that institution, and for which she had paid. About 839 of the shares originally subscribed by the State, according to particular stipulations in the charter, have never been paid for. On these shares nothing was claimed, as nothing had ever been paid. On the other hand, it was contended that an amount sufficient to pay for all the shares subscribed, at one hundred dollars each, should be retained out of what was acknowledged to be due; thereby compelling the State to pay 100 dollars for stock, avowed by the Bank to be worth but 75. The amount claimed and withheld was \$41,953 03, though the real matter in dispute is just the difference between the nominal and real value of as many shares of stock as have not been paid for. The justice of the claim, it was thought after taking counsel, would warrant the expense of a law suit, and one has accordingly been instituted, and will stand for adjudication at the next term of the Supreme Court. In this suit it is also made a question, whether the Bank is entitled to the four per cent. interest on the deferred payment for stock, which it has heretofore received of the State.

The sum of six hundred and seventy-eight dollars and twenty-nine cents,

(678 29,) stated to have been received on a judgment against Alfred M. Slade, one of the sureties of Edward Griffin, former sheriff of Martin County, was received in part discharge only. For the balance of the judgment, the penalty incurred by the sheriff for failing to settle for the tax of 1832, Mr. Slade was permitted to give his bond, with good personal security, which bond is now on file in this office, and will be immediately collected, unless remitted by the Legislature.

The sum of seventy-nine dollars and nineteen cents, (\$79 19,) being composed of the sums stated to have been received of William M. Phosters and William H. Haywood, senr., has been placed to the credit of the judgment against John Haywood, Esquire. Those sums having been received on claims assigned to the State by his executors, and agreement to be so credited, were assigned by the Public Treasurer. The balance of that judgment yet unpaid, exclusive of interest, is \$17,740 40.

The following statement shows the debit of the Public Fund to the Literary Fund, at the periods stated, viz.

On the first day of December, 1832, the balance against the Public Fund was	\$14,183 00
1st January, 1833	84,547 00
1st Feb. "	66,016 71
1st March, "	12,988 00
1st April, "	12,745 00

On the 1st day of May the Literary Fund had been reimbursed, and a balance of \$24,250 21 stood to the credit of the Public Fund. Since that time, there has been no occasion to use the money of the former to answer demands on the latter.

The demand at this office for the redemption of Treasury notes, it will be seen by statement (K) accompanying this report, has been rapidly diminishing for two years. From that statement, and from their great scarcity in the country, the inference is fair, that the amount yet in circulation, after making proper allowance for what may be destroyed, cannot be very considerable—probably from twenty five to thirty-five thousand dollars.

The necessity for legislation on the subject of banks and a circulating medium, has been apparent to the Legislature for some years past, from their repeated efforts, at every session, to do something in relation to it. Their necessity and the difficulties in transacting the business of this office growing out of the particular state of the local currency in North Carolina, yet exist; and, in addition, the time has now arrived when it would be proper to make some other provision for the public deposits, if the charters of the present banks are not to be extended. With the State Bank the deposits have already ceased to be desirable, and are certainly no advantage to any bank which has not the privilege of doing business. It is then at least questionable whether the obligation of the banks to keep them, does not expire with their original charters on the 31st Dec. 1834. In order to meet the inconvenience therefore, of being unprovided with a place of safety for depositing of the public money, some action of the present Legislature would seem to be necessary.

The file marked (D) herewith transmitted, is referred to, for a more detailed statement of the net amount of the different branches of the ordinary revenue, and the cash received thereon; also the receipts from other sources not appropriated to particular funds, and payable into the Treasury, from the 1st November, 1832, to the 1st November, 1833.

A statement of the insolvencies allowed by the Comptroller in settling with the Sheriffs is shown in file (E.)

(F) exhibits the number of shares of Bank Stock owned by the State, and by the President and Directors of the Literary Fund, showing also the number on which the dividends have been appropriated to the several funds respectively. This statement varies from the one made last year only in the addition of four shares of State Bank Stock transferred to the State by the Governor as guardian ex-officio of James N. Forsyth, as directed by a resolution of the last General Assembly.

The bank exhibits received at this office since the last session of the General Assembly will be found in file marked (G.)

All which is respectfully submitted.

WILLIAM S. MHOON, Public Treasurer.

**TREASURER'S REPORT.**

TREASURY DEPARTMENT—18th Nov. 1833.

The Honorable the General Assembly of the State of North Carolina.

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following Report:

I. Of the Public or unappropriated Revenue and Expenditures.

The balance of cash remaining in the Public Treasury on the first day of Nov. 1831, was	\$33,022 99
The receipts during the ensuing fiscal year, ending on the 31st day of October, 1833, amounted to	94,500 43
	127,523 42
The disbursements during the same period amounted to	119,598 68 1/2
Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer, on the first day of November, 1832, as reported to the General Assembly of that year, and for which he is charged in the books of this office, to be	7,924 73 1/2
The receipts at the Treasury, from all sources of unappropriated revenue, during the last fiscal year, that is, from the 31st of October, 1832, to the 1st of November, 1833, amounted to one hundred and eighty eight thousand, eight hundred and nineteen dollars and ninety-seven cents, (\$188,819 97, ) viz.	
Cash received of the Sheriffs for public tax, being the ordinary revenue of 1832, payable into the Treasury on the 1st Oct. 1833, and not otherwise appropriated,	\$67,851 64
Ditto on account of additional returns of taxes, (see statement marked A, )	485 60
Ditto State Bank of North Carolina, for dividends of capital stock,	54,493 89
Ditto Bank of Newbern, ditto,	45,450 00
Ditto Bank of Cape Fear, tax of one per cent. on capital stock,	2,511 00
Ditto Bank of Newbern, ditto,	3,827 25
Ditto State Bank of North Carolina, for dividends of profit on 2764 shares of stock, at 2 per cent. for the half year ending in December, 1832,	5,528 00
Ditto Lewis Bond, Sheriff of Bertie, for judgment in Supreme Court against A. M. Slade, one of the sureties of the late Sheriff of Martin county,	678 29
Ditto John Sloan, late Sheriff of Mecklenburg, part of judgment against said Sloan and sureties, for tax of 1831,	1,050 51
Ditto sundry persons for sales of furniture at Government House, per resolution General Assembly, (statement B, )	100 82
Ditto Gov. Swain, as guardian, ex-officio, of James N. Forsyth, per resolution last General Assembly,	190 50
Ditto William M. Phosters, judgment against him on due bill assigned to the State by the Executors of former Public Treasurer,	29 10
Ditto William H. Haywood, senr., part of judgment Wake Sup. Court,	59 00
Ditto Bunscombe Taropike Company, for dividends on the stock owned by the State in said Company,	400 00
Ditto ditto,	150 00
Ditto the Executor of Mrs. E. A. Haywood, for rent of public lots in the city of Raleigh, rent of 1832,	10 00
Ditto on bonds for sales of property of the late John Haywood, Esq. Principal, \$1,209 00	
Interest, 253 55	
	1,462 55
Ditto John M. Rae, in full of judgment against him in Wake Superior Court, Principal, 3,000 00	
Interest from 1st Dec. last, 153 38	
	3,153 38
Ditto F. J. Haywood, for 2nd and 3rd bonds, Principal, 523 56	
Interest, 190 90	
	690 40
Ditto John Holloway, 4th bond for sales of land near Raleigh, Principal, 537 57	
Interest, 75 95	
	613 52
Ditto Charles Masly, 2nd bond for Machine tract of land, Principal, 408 00	
Interest, 42 43	
	450 43
	158,819 97
Which, with the balance stated above, show an aggregate amount of	196,744 70 1/2
The disbursements at the Treasury for the same period, that is, from the 31st October, 1832, to the 1st November, 1833, for which vouchers have been delivered to the Comptroller and by him allowed, amount to	188,867 46 1/2
Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable, on the first of November, 1833, to be	57,877 24

The disbursements for the year, as stated above and deducted, consist of the following items, viz.

General Assembly,	\$59,518 09
Rebuilding Capitol,	32,030 00
Treasury Notes burnt by Committee of Finance, session of 1832,	18,681 38 1/2
Judiciary,	29,448 00
State Bank of North Carolina, interest on the deferred payment for stock,	3,356 24
Executive Department,	2,300 00
Treasury Department,	2,000 00
Department of State,	1,169 50
Comptroller's Department,	1,000 00
Penalties for failing to comply with act of 1831, refunded per resolution of Gen. As'y,	3,600 00
Electoral Election,	1,371 02
Sheriffs for settling tax,	1,921 05
Public Printer,	900 00
Pensioners,	816 00
Congressional Elections,	519 94
Executors,	416 85
Adjutant General's Office,	200 00
Boys Banks,	60 42
Money burnt, issues of 1783 and 1785,	8 20
Contingencies,	7,459 77
	158,867 46 1/2

For a more detailed exhibit of the items which make up this expenditure, and of payments on account of "allowances or drafts made by the General Assembly, and warrants issued by the Governor," &c. as required by the 11th section of the act of 1827, the Comptroller's Statement, prepared for the use of the members of the present General Assembly, is respectfully referred to. The specification therein of the disbursements, is made from the vouchers received and paid for at the Treasury, and will be found to agree with the entries in the books of this Office.

The following statements of the moneys received and expended on account of the Literary and Internal Improvement Funds, are also submitted in further discharge of the duties required by the several acts of Assembly:

the balloting was as follows: Hill 53; Spain 4.

On motion of Mr. Martin, of Rockingham, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed to business.

**HOUSE OF COMMONS.**

A quorum being present, the names of the members were called over, when they exhibited their credentials, were qualified, and took their seats.

Mr. Courts moved that William Alexander, of Mecklenburg, be appointed Speaker, and Mr. Settle moved that James Wyche, of Granville, be added to the nomination. The House thereupon proceeded to ballot under the superintendence of Messrs. Courts and Settle, who, upon counting out the votes, reported that Wm. J. Alexander was duly elected. The Speaker was then conducted to the Chair by Mr. Courts; from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Guthrie, Charles Manly was appointed Clerk, and Edmund B. Freeman, Clerk Assistant.

On motion of Mr. Guthrie, Richard Roberts was appointed Doorkeeper, and John Cooper, Henry Nunnery, Joshua E. Lumsden and Thomas A. Massey were nominated for Assistant Doorkeeper. A balloting was then had under the superintendence of Messrs. Rand and Jordan; which resulted in the election of John Cooper, State of the balloting; Cooper 10; Nunnery 10; Massey 8; Lumsden & Scattering 2.

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**GENERAL ASSEMBLY.**

Monday, Nov. 18. SENATE.

A quorum being present, the Senators produced their credentials, were qualified, and took their seats.

Mr. Montgomery moved that William D. Moseley, the Senator from Lenoir, be appointed Speaker; which motion was unanimously agreed to. Whereupon, on motion of Mr. Skinner, of Perquimans, the Speaker was conducted to the Chair; from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Matthews, Samuel F. Patterson was appointed Principal Clerk, and William J. Cowan Clerk Assistant.

On motion of Mr. Vanhook, Thomas B. Wheeler was appointed Principal Doorkeeper.

Mr. Vanhook also moved that Green Hill be appointed Assistant Doorkeeper; when Mr. Howell moved that the name of Henry S. Spain be added to the nomination. Whereupon a balloting took place; which resulted in the election of Green Hill. The state of

A message from the House of Commons, proposing to ballot immediately for three Engraving Clerks, was stated that William Hall, John W. Covington, Thomas L. West, Alfred Lancaster, Thomas J. Ward, Thos. F. Jones, Henry S. Clark, Daniel Coleman, Charles Mock and William Hardy are in nomination; which proposition was agreed to, and a message returned, informing that House that the name of Thomas Matthews was added to the nomination. Messrs. Courts and Skinner of Perquimans were appointed to conduct the balloting of the part of the Senate. A message was received from the House of Commons, stating that Messrs. Massey and Guthrie are appointed superintendents of the balloting on their part.

A message from the other House proposing the appointment of a select committee, to wait on the Governor, and inform him of the organization of the Legislature, and state of