

of the State. A certain mode of determining the point would be to pass a law at once for taking the sense of the voters upon the question of change or no change. You will then know what public opinion is; but until something of that kind shall have been done, any action that is intended to be based upon the popular will must rest upon conjecture. This act may be passed by a majority of the Assembly. If the result of the popular vote should show either indifference or hostility to the change, none ought to be attempted by the General Assembly. If, on the other hand, it should exhibit a very decided popular feeling in favor of the alterations, or any of them, the moral effect of this popular vote might suffice to procure from our Legislature the requisite constitutional sanction to any desirable reform. You are better able than I am to foresee whether the large majorities of three-fifths of this Assembly, and two thirds of another are likely to concur in propositions of the kind without a previous vote of the people. No one, I presume, is anxious to force upon the people an alteration of their Constitution, without some convincing proof of their desire for it. Every intelligent mind must perceive that it is the interest of the State and a duty of patriotism to have the question settled and put to rest one way or the other. Until it shall be done, there will be political agitation and sectional discord. These will bring forth a multiplication of new propositions for altering the Constitution, and the people of North Carolina may be thrown into that perilous situation which is the "desire of change pretendeth the reformation," instead of that safe condition, wherein "reformation only draweth on a change."

It may be, however, that a constitutional majority of three fifths of the Assembly, coming as you do directly from among your constituents, know already the will of a majority of the people upon this subject. If public opinion be decidedly favorable to immediate action, and you feel convinced, without any previous vote of the people, that this demand for altering the Constitution is the demand of a majority of the people, then, of course, the necessity for an act to take the sense of the people will be superseded; and it is believed you ought to act directly and at once upon the question, according to the Constitution.

The Constitution has clothed you with power to respond to a known demand of the people for constitutional reform, either by calling a Convention of the people at once, or by enacting specific amendments, and submitting them, first, to the review and decision of your immediate successors in 1852, and after that, to the voters of the State, at the polls in 1853.

There are several interesting questions which will present themselves to your consideration, upon this view of the subject. I shall refer to them briefly, not with any design to forestall the judgment of others, nor for the mere purpose of putting forward in advance of your action my interpretation of the Constitution; but because your action will probably form a precedent to the future course of the State; and the consequences of a mistake might be very injurious to the Republic. Therefore, I would desire to have nothing done without careful investigation and calm deliberation. This is all I aim at.

The Constitution of 1835, we know, was framed and adopted upon principles of compromise. It was intended to adjust, upon equitable grounds, a sectional dispute and conflicting political opinions, which had distracted our State Councils for many years; and good faith requires an honest adherence to its true meaning, until it shall have been repealed or altered by the sovereign authority of the State, according to the compromise in our amended Constitution.

Now, it should be the pleasure of this Assembly, three fifths of all the members concurring, to call a convention of the people, a slight examination of the 1st section of the 4th Article of the Amendments will be sufficient to raise this question: Can the General Assembly impose any limits or restrictions upon a Convention called by them, under this Article? Is the power to call a Convention by the General Assembly, confined to the single office of calling it, or can the same Legislature limit and confine the powers of the Convention in the Act for calling it? As there are conflicting opinions upon this question out of the Assembly, it is probable they will exist in it. I do not think that this article necessarily excludes the right of calling a limited Convention by the concurrence of two thirds of the General Assembly, provided the act for calling the Convention contains a limitation upon its powers with proper sanctions and the same shall be ratified by the people, by a vote to be taken before their delegates shall be chosen, under the sanctions of a law enacted for the purpose. In such case, it seems to me, that the limit prescribed by the act would be imposed, not by the General Assembly, but by the constitutional sovereign authority of the State. Otherwise it cannot be doubted that a Convention called by the General Assembly (two thirds concurring) would be clothed with unlimited discretion over the Constitution. The General Assembly has power to call a Convention into being, but no power of themselves to prescribe a limit to its authority. I hazard little in saying that the people of North Carolina have not hitherto exhibited a strong desire for such an experiment as this upon their Government; and, therefore, it behooves their Representatives to look well to the mode they adopt for introducing reforms into the Constitution.

It should be the pleasure of this Assembly to avoid the instrumentality of a Convention altogether, you can, of yourselves, initiate an alteration of the Constitution, in virtue of the second section of the 4th article of amendments to the Constitution of 1835. To effect a reform by this mode of proceeding, it will be requisite that the alteration proposed, shall be sanctioned by a majority of three fifths of all the members of your body:—that the same shall be sanctioned by two thirds of the members of the Assembly of 1852; and afterwards confirmed by a majority of the people voting at the Polls. Confessedly our Constitution has thus been hedged in against hasty or frequent changes, and there will be no little difficulty in procuring an alteration of it. Ought not this consideration to operate powerfully upon the minds of those who sincerely desire "free suffrage," to prevent, if they can, its association with other propositions for amendments? Would it be either wise or proper to unite into one bill several and distinct propositions? If more than one, how many separate questions of the kind will you combine? The precedent to be set now, will proba-

bly determine the future practice, and may it not be asked, whether it will be fair dealing to combine two or more propositions into one act, and so compel the people to vote against what they desire, or else to vote for what they do not approve? It is, therefore, commended to your serious consideration, whether each alteration of the Constitution, when proposed, ought not to be presented by itself—uncoupled with an associate to do it harm, or an ally to help it through. It has been intimated by enlightened men of our State, that according to the true spirit and meaning of the Constitution, the power of the General Assembly to adopt a specific amendment, is confined to the case of a single amendment, and that it would be a violation of the 2nd section of the 4th article, for the Assembly to pass an act embracing in it more than one alteration of the Constitution. If this be so, the duty of acting upon each proposed alteration separately, and of enabling your successors, and, afterwards, the people, to do the same, is imperative.

The opinions which I have thus hinted at, upon this important subject, might be enforced and illustrated by many considerations which I have not introduced into this communication. I content myself with what has been said, believing as I do, that the Executive of North Carolina is properly excluded by the Constitution from the duty of taking part in altering the Organic Law. What has been said is barely intended to awaken your vigilance and to arrest public attention to the matter, rather than to discuss the matter of Constitutional reform. In my opinion, the manner of dealing with this subject is vastly important, and will prove to be much more than a question of mere form.

In connection with this subject, let me be indulged in a suggestion relating to the constitutional period for the installation of the Governor.

The Governor of this State is elected by the People biennially in August; but he does not go into Office before the 1st January succeeding. If the General Assembly met on the 1st of January, there would be nothing objectionable in this.—But that body, chosen by the People at the same time they elect the Governor, meet in November, and have nearly completed their session before the Governor comes into office. Moreover, the Governor goes out of office on the 1st day of January, but his successor is elected in August preceding, and therefore the Executive of North Carolina is never called upon to express his opinions or to communicate the policy of his administration, until he has been either re-elected or superseded by the choice of a competitor. This is not right and it ought to be rectified. Whenever a Governor shall be willing to conceal his policy and avoid the just responsibility of his station, he may be thus enabled to do so. This is unjust to the people. When he shall be ready and willing to develop his plans of administration, there is but little opportunity afforded for it under the existing state of things; and if he shall be a candidate for re-election, his enemies and traducers can pervert and misrepresent him to his constituents, without his being allowed a legitimate occasion to expose falsehood by a reference to his declared and published opinions. That is not just to the chief Executive of the State. Besides, there is a plain absurdity in this: that where the people change both their Executive and their Representatives at the same election in August, the one does not go into office until the others have nearly closed their session; and the two never consult together for the interest of the State. Contrary to the theory of our Government, the Governor, whose first election might have been intended to ensure the commendation of an important measure of State policy, has no fair opportunity to enforce it upon the Legislature, and his term of office may expire without his slightest participation in the matter.—This might be remedied by an act altering the time prescribed by law for the meeting of the General Assembly. It is respectfully submitted to your consideration, as a topic worthy of your notice. It is a political evil that ought to be corrected in some way.

#### REORGANIZATION OF PUBLIC OFFICES.

A thorough reform and re-organization of the several State departments is a subject that can be no longer postponed without detriment to the public service.

The office of the Secretary of State is a mere land office. Almost the sole duty of its head is to issue grants and to certify copies, except the occasional employments of making contracts for printing and distributing the laws, and for the purchase of stationery and fire wood. In other States, he is made, what is greatly needed here, the head of a Bureau of Statistics, and is required to collect from all parts of the State information upon various subjects essential to wise and wholesome legislation.

The Public Treasurer, instead being the keeper of the public money, to receive and to pay it out on vouchers first audited and allowed, is left to assume the responsibility of determining the validity of all claims on the Treasury which may be presented; while the office of Comptroller of public accounts, instead of being what its name imports, the office where claims upon the State are audited and allowed, and so certified to the Treasurer, is simply a depository for the Treasurer's vouchers and for a copy of his books.

It must be obvious to every one that a remodeling and reform is necessary in these departments. And I can make the suggestion with the greater freedom and without just impeachment of motive, as my official intercourse with the incumbents, has been in all instances of the most kind and unreserved character, and is now soon to terminate.

#### FINANCE AND STATE DEBTS.

Invested as you are with the preservation of the faith and the honor of the State, it will be your first great duty to examine carefully her financial condition. To learn her liabilities and her means, and to make promptly and boldly such provisions, as, while it may develop and increase her resources and afford aid and succor to the various industrial pursuits of her citizens, will at the same time establish her on a sure foundation to meet without let or hindrance the payment of her debts and the maintenance of her credit.

The reports of the Public Treasurer and Comptroller will, in due time, be laid before you, giving in detail the receipts and disbursements at the Treasury for the two preceding fiscal years. By these it will be seen that the receipts, under the

amended revenue laws for the year just closed, exclusive of the trust funds belonging to the Board of Literature and Lunatic Asylum; and the sums raised by loans, amount to about \$135,000; showing an increase, over the average annual amount received under the old system, of about \$2,000. The ordinary expenses of the State, may with sufficient precision for the present purpose, be stated to average \$75,000 per annum; and thus the present revenue basis may be estimated to produce an annual excess of receipts over the ordinary necessary disbursements, to be applied annually to the extinguishment of the State's debts, and liabilities, of \$60,000.

The present indebtedness and liabilities of the State may be stated to be,

1. By a guaranty of Bonds of the Raleigh and Gaston Railroad; the interest of which is payable semi-annually, and the principal after 1st January, 1850,	\$500,000
2. Do. Do interest payable semi-annually, and principal, by instalments of \$30,000, on 1st January, 1851, 1852, 1853, and the residue 1st January, 1854.	106,500
3. Balance due the Literary Fund for that amount, used by the Public Treasurer from time to time; interest payable annually, principal at the pleasure of the Government,	118,192
4. Bonds of the Public Treasurer, given to the President and Directors of the Literary Fund, for like amount transferred to the Public Treasury; interest payable annually, principal at the pleasure of the Government,	40,360
5. State Bonds, issued by Public Treasurer to pay the Banks, &c., by resolution of the last Assembly; interest payable semi-annually, principal after 10 years,	200,000
6. By endorsement of Wilmington and Raleigh Railroad Bonds by act of 1848—interest payable semi-annually, principal by instalments of \$50,000 on 1st January, 1850, 1851, 1852, 1853,	250,000
7. Stock in Fayetteville and Western Plank Road; interest payable semi-annually, principal after 20 years,	120,000
8. Stock in Deep River and Cape Fear Navigation Company; interest semi-annually, principal to be provided for,	80,000
9. For amount appropriated by act of 1848 for improving Neuse and Tar River; interest payable semi-annually, principal to be provided for,	65,000
10. For Stock in the "North Carolina Rail Road" by act of 1848; one fourth of which is to be paid when the work shall be commenced, and the remaining three fourths in equal instalments, at intervals of six months thereafter; interest payable semi-annually, principal after thirty years,	2,000,000
11. For money borrowed from the Bank of Cape Fear,	40,000

Thus it appears that the liabilities of the State, already existing or authorized, amount, in principal money, to \$3,520,052. And there will be required to pay the interest on this sum, with one instalment of principal before stated for the year 1851, the sum of \$149,000. And in like manner for the year 1852, \$207,000. In this calculation of interest, the State's liability on the Wilmington and Raleigh Rail Road bonds is not included; for as that company have heretofore paid promptly the interest on their bonds, their improved condition is a safe guaranty that they will continue to do so. This calculation is predicated upon the assumption, that the State will be called upon for the first instalment of her stock-subscription to the "North Carolina Rail Road" in the beginning of the ensuing year, and for the other instalments at intervals of six months, as allowed by the charter. And upon the further assumption, also, that the residue of the State's subscription for stock in the Fayetteville and Western Plank Road Company, in the Cape Fear and Deep River Navigation Company, and the appropriations for Neuse and Tar Rivers will be called for at an early day.

But we have seen that the surplus in the Treasury, after the payment of the regular demands, will be \$60,000; while the increased demand upon it for the year 1851, will be \$149,000; and for the year 1852, \$207,000; and, of course, that the State will require for the year 1851, over and above the whole amount that may be raised by the present revenue basis, the sum of \$89,000; and for 1852, the sum of \$148,000.—Or, it may be stated thus:

Amount required to pay State's liabilities and interest for 1851,	\$149,000
Add ordinary expenses for 1851,	55,000
Deduct probable receipts at the Treasury according to present revenue laws for 1851,	\$135,000
Deficit to be provided for 1851,	89,000
In like manner it may be shown that the deficit for 1852 will be	\$147,000

These results will be changed, to some extent, in favor of the Treasury balances, by the coming in of the deferred taxes imposed on sundry articles in the 7th section of the revenue act of the last session.

But no provision has yet been made for raising the money for the payment of the residue of the State's stock subscription to the Deep River and Cape Fear Navigation Company, of \$60,000, and this amount must be added to the wants of the Treasury.

To meet these demands, which can now be neither avoided or postponed without public dishonor, provision must be made by the General Assembly now in session. In addition to this requisition for interest, prompt steps should be taken for the establishing of a sinking fund for the gradual extinguishment of the principal of the State's debt, to avoid the insupportable pressure upon the people, if it be postponed till the principal shall fall due. The most urgent inquiry, however, at present, is, how are the semi-annual instalments of interest to be met? By creating new loans and borrowing money—thus increasing the debt by compounding principal and interest every six months? If the demand upon the Treasury were fortuitous and not likely to be repeated, such a plan might with some, be allowable. But here is a sum which must be raised for many consecutive years, and until some return shall be yielded from the profits of our public works. It is too plain for comment, that the temporizing policy of borrowing money to pay interest will be disastrous to the State, will impair her credit, and may reduce her, sooner or later, to the ignominious and dishonest condition of repudiation.

An absorbing crisis has arrived in the financial affairs of the State, which requires the energetic exercise of all the caution, wisdom and patriotism of the Representatives of the people.

I have felt it to be my indispensable duty to lay this important subject thus plainly before you. On you, and you, alone, rest the task and responsibility

of providing the ways and means for paying the debts, sustaining the faith and credit of the State, and for preserving unimpaired her character for plain dealing and honesty.

(Concluded to-morrow.)

## DAILY REGISTER.



Thursday Morning, Nov. 21.

### STATE LEGISLATURE.

#### SENATE.

Senate met according to adjournment. Wm. B. Shepard, J. H. Haughton and John Barnard, Senators elect, appeared and were qualified.

A message was received from the House of Commons, proposing to go into the election of Engrossing Clerk. Concurred in.

Mr. Bower nominated R. K. Bryant; Mr. Speight, James Thomas.

A message was received from the House of Commons, announcing Messrs. Wilson, of Perquimans, and Caldwell, of Rowan, a Committee on the part of the House to superintend the election of Engrossing Clerk, and that L. Graham was in nomination.

The Senate then proceeded to vote, as follows: Bryan 29; Thomas 11; Graham 4. No election.

On motion of Mr. Caldwell, of Burke, another message was sent to the House of Commons, proposing a second vote, and Messrs. Collins and Kelly appointed Superintendants. House concurred, and announced Messrs. Steele and McLean Committee of Superintendance.

Vote was again taken as follows: Bryan 24; Thomas 12; Graham 10. No election.

Mr. Bynum moved another message to the House, proposing to vote again, and added Augustus A. Burton to the nomination.

Message concurred in by the House, and the Senate proceeded to a third vote, which resulted as follows: Bryan 20; Thomas 8; Burton 14.

Mr. Cameron moved the appointment of a Committee to prepare and report rules of order, for the government of this Senate, during the present session, which was agreed to; and Messrs. Cameron, Courts, Joyner, Bower and Bynum, were appointed said Committee.

Mr. Cameron reported the same rules that governed the last session, with the addition of one appointing a Committee on Corporations.

Mr. Lane moved to appoint a joint select Committee on the part of both Houses to prepare and report rules of government.

A message was received from the House, transmitting the Governor's Message, with a proposition to print 10 copies for each member.

The proposition to print 10 copies for each member was agreed to. When, on motion, the Senate adjourned.

#### HOUSE OF COMMONS.

WEDNESDAY, NOV. 20.

The House was engaged during this sitting, in hearing the Rules of Order and the Governor's Message read, and in making several unsuccessful ballotings for Engrossing Clerk.

The following Standing Committees were announced:

On Claims,	Prop. and Griev.	Education.
Wilson,	G. Hayes,	D. Barnes,
McCleese,	Gordon,	Blow,
Hackney,	Stowe,	Pegram,
D. F. Caldwell,	McLean,	S. P. Hill,
W. McNeill,	Kelly,	Steele,
Newson,	Martin,	Clanton,
Brogden,	McDowell,	L. B. Sanders,
Waugh,	Jones,	A. G. Foster,
Dargan,	Drake,	Davidson,
Bogle,	J. Barnes,	Walton,
Farmer,	Winston,	Love,
Agriculture.	Int. Imp.	Pris. and Elec's
Sloan,	Rayner,	Siler,
McMillian,	Mizell,	Foard,
Dunlap,	Cotton,	Runkin,
Douthit,	Montgomery,	Ruffin,
Simmons,	Powers,	B. T. Williams,
Parham,	Pope,	Thornton,
Maultsby,	Jenkins,	Boykin,
Thornburg,	J. M. Leach,	Winstead,
Swanner,	Scott,	Brazier,
Bond,	Avery,	Stubbs,
	Fleming,	Cherry,

We are requested to state, that PHILIP S. WHITE, Esq., of Kentucky, will deliver Public Addresses on the subject of Temperance, in the Presbyterian Church of this City, on this (Thursday) evening, and also on to-morrow (Friday) evening, at early candle light. He will also address the People on the same subject, in the Town Hall, on Friday afternoon, at 3 o'clock. The Public generally, are invited to attend. Mr. White deservedly sustains the character of being one of the most effective popular speakers in America.

Haydn found Mrs. Billington one day sitting to Reynolds, the painter, who had taken her picture in the character of Cecilia listening to the celestial music, as she is usually drawn. Mrs. B. showed the picture to Haydn "It is like her," said he, "but there is a strange mistake." "What is that?" asked Reynolds, hastily. "You have painted her listening to the angels: you ought to have represented the angels listening to her." Mrs. B. sprang up and threw her arms round his neck.