

N. Carolina General Assembly.

The General Assembly of this State convened at Raleigh, on Monday, 25th ult. In the *Senate*, BARTLETT YANCEY, Esq. was re-elected Speaker; Benj. H. Covington, Principal Clerk; James W. Clark, Clerk Assistant; Thos. B. Wheeler, Principal Door-keeper; and Robert Ray, Assistant Door-keeper.

In the *House of Commons*, JOHN STANLY, Esq. was re-elected Speaker; Pleasant Henderson, Principal Clerk; Charles Manly, Clerk Assistant; John Lumsden, Door-keeper; and Richard Roberts, Assistant Door-keeper.

On *Tuesday*, the Governor's Message was received, and ordered to be printed.

On *Wednesday*, HUTCHINS G. BURTON was re-elected Governor of this State; JOHN HAYWOOD, Public Treasurer; WILLIAM HILL, Secretary of State; and JOSEPH HAWKINS, Comptroller—all without opposition.

GOVERNOR'S MESSAGE.

To the Honorable the General Assembly of North-Carolina:

GENTLEMEN,—Altho' we have continued, during the past year, in the uninterrupted enjoyment of all our civil and religious privileges; yet, the chastening hand of an all-wise Providence has borne heavily, on particular sections of our State. Whether the injury sustained by the late untoward seasons, is of magnitude sufficient, to merit your interference, is a question submitted entirely to your discretion.

Believing it universally admitted, that the existence of free Governments depends upon the virtue and intelligence of the great body of the people, and that these are also the sources of individual comfort and happiness, I shall not consume your time in repeating arguments so often adduced, to show the necessity of diffusing the benefits of education, among the poorer class of our fellow citizens. But permit me to call your attention to a clause in our State Constitution, which enforces the obligation of giving to this subject your serious consideration. It is this—"A school or schools shall be established by the Legislature of this State, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices. All useful learning shall be duly encouraged and promoted in one or more Universities." The latter branch of this constitutional injunction has long since been complied with, by your predecessors. We have an University in a prosperous condition, with competent funds. But, as to the former, and no less important branch, concerning Schools,—it is to be lamented, that from the formation of the Constitution, until the last session of the General Assembly, (a period of forty-nine years,) nothing whatever has been done. The last Legislature commenced the important work; but if that beginning is not well sustained and pursued, the present generation may pass away, before any thing effectual is accomplished. Many enlightened persons believe, that it is more difficult for an individual in ordinary circumstances, to obtain for his child, at this time, the common rudiments of education, than it was at the period when our Constitution was adopted. This increased difficulty originates, in part, from the increased demand which the exigencies of government have made upon the resources of individuals, and the enhancement of the necessities of subsistence. It appears, therefore, peculiarly just and proper, that the State should contribute somewhat to the diminution of that burden, which, in part, it has created. And while it exacts and expects obedience and support from the citizens to its laws and institutions, it should give them the opportunity to appreciate their privileges and

improve their condition. The least reflection will satisfy us, that reading, writing, and the common rules of arithmetic are highly essential to the healthy action of our government, founded, as it is, upon the supremacy, and executed by the agency of the people: And they unquestionably contribute more largely to the individual benefit and morality of the body of the people, than the branches of severe science usually taught in our established seminaries. Whilst upon this subject, I beg leave to remark, that the Constitution itself, in the section before recited, has not only imposed the obligation, but has also suggested an important mean for the execution of the injunction.

The benefits resulting from a well regulated and properly conducted system of Internal Improvements, in a country like ours, are too apparent, to require many remarks to prove their importance. Let us, for instance, confine ourselves to the limits of North-Carolina, and mark her situation at this time. We all know that in particular sections of the State, the greatest distress is at present apprehended, among the poorer class of our fellow citizens, from the deficiency of the various crops, springing from sources, which it is unnecessary to investigate. We also know, that in other sections, the usual productions were never more abundant. From the great variety of soil and climate, may not this state of things often occur? Let me ask then, what is the proper remedy for such evils? Can there be any other answer given than—"facilitate the intercourse between the different sections of the State." In other words, open your water courses, repair your old roads, and make new ones. Make them, what they should be, cheap and convenient mediums of social intercourse. Then the failure of crops in some few counties would not have the effect of thinning a population, already to much scattered and diminished. But the redundancy of some parts, might conveniently be drawn off, to fructify and supply less fortunate situations. There is every reason to believe, that at the present time, grain and other necessary articles would not command, more than their ordinary price, were it not for the great difficulty of transportation. Those who are, fortunately, the venders of produce this year, may be purchasers the next. It behooves the people of every part of the State, maturely to consider this subject. It is frankly admitted, that money has been, perhaps unnecessarily expended, at the commencement of this undertaking. But is not this, the fate of all human undertakings, without the benefit of experience? Is there an individual, who for the first time has opened a plantation or built him a house, who is not, at its close, convinced that he has committed many errors, and expended money uselessly? What then would be the result of the reasoning, which should gravely conclude, that these things, which add so much to our comfort and convenience, were useless, because errors might be committed? I do not advocate, far less wish, the public money to be unnecessarily expended, when it can be avoided. But a prudent, though unfortunate management, may be lamented, although it should not be blamed. When it is considered that there is already a fund created, (the Cherokee Lands,) and our fellow citizens will not probably be burdened with additional taxes, it is most respectfully submitted, whether a judicious system of Internal Improvements, should not be prosecuted. In connexion with this subject, it may be well to mention, that under the provisions of the several acts, prescribing the mode of surveying and selling the lands acquired by treaty from the Cherokee Indians, four sales at public auction have been had, and the most valuable lands disposed of. It is believed, however, that the lands remaining unsold, are of sufficient value, to be well worthy the attention of the Legislature. It is submitted to your discretion, to determine what disposition shall be made of them. It is obviously the interest of the State, and more immediately of the citizens of that section of the State, that they should forthwith be brought into market, since their value is continually

diminishing, by trespassers, who destroy the timber and wear out the soil, and who can scarcely be presumed to make good citizens or quiet neighbors. Whether it will be advisable to have the surveyed lands run out, and with the surveyed lands undisposed of, offered at public auction, or open an entry office under suitable regulations, are subjects which will properly claim your consideration. Before we take leave of this subject, you will pardon me for again calling your attention to the reclaiming of our swamp lands. It is believed to be a subject, in which the State is deeply interested. If the States have the power of regulating their own internal police, if they have the power of instituting precautions for the preservation of the health and lives of their citizens, can there be a doubt of the power to act upon this subject? What can stay the tide of emigration, now flowing to the west, but the improvement of our own State? There can be but little doubt, that the undertaking would not prove burdensome, but would rather directly and greatly enhance the present revenue, while it would augment the agricultural resources of the State, improve the health of our citizens, and relieve our territory from a melancholy blot on its geographical appearance. As to the particular works which have been carried on, during the past year, their progress, &c. will be detailed in another communication.

Some of our most enlightened fellow-citizens, are of opinion, that the Criminal Code is susceptible of improvement. This would be attained by leaving it discretionary with the proper jurisdictions, to substitute either the Tread Mill, or Work-House, instead of the present modes of punishment, for petty offences, by fine, imprisonment and stripes. The assertion can scarcely be doubted, that in the neighborhood of our towns and villages within the last few years, the commission of crimes is much more frequent than formerly. The present modes of punishment, especially by imprisonment, which is most generally inflicted, present feeble, very feeble checks to their multiplication, and tend but little either to an amendment of the culprit's morals or to produce a wholesome influence on other wrong-doers. At the same time, the general insolvency of such offenders heavily accumulates the charges of prosecutions upon the different counties. One of the present modes of punishment, that of whipping, especially, where meanness enters into the commission of the crime, I esteem a valuable feature in our Criminal Code. The propriety of extending it to some misdemeanors at present punishable by fine and imprisonment, particularly in the case of fraudulent trading with slaves, is respectfully submitted to your consideration. I doubt not that the use of the Tread Mill and Work-House; where such establishments were found practicable; and were well organized and conducted would contribute largely to the efficient administration of criminal justice, to the reformation of offenders, and sensibly diminish the charges of prosecution by the profits of the establishments. The present mode of compensating our prosecuting officers, appears to me objectionable. Is it not the policy and duty of every wise and liberal Government, as well to protect the innocent as to punish the guilty? Can it be right and just that the compensation of these gentlemen, should, in a great degree depend upon conviction. Is it not their interest to convict, whether the accused be innocent or guilty? And, however respectable, they are still but men, liable to all the weaknesses "which flesh is heir to," and capable of being influenced by all the considerations which influence humanity. Would it not be preferable, that they should enjoy fixed salaries, thus removing all temptation to persecution, and make their present fees payable to the County Trustees and State Treasury, as reimbursements? That there are other defects in our Judiciary system, cannot seriously be doubted, but whether they are of that description which require legislative interference, or such as are incident to all human institutions, you alone are competent to decide.

I herewith transmit you a communi-

cation from Vermont, enclosing a resolution of their General Assembly, for your concurrence. It is in substance, that slavery is an evil to be deprecated by a free and enlightened people; and, declaring that their General Assembly will concur in any measures, which may be adopted by the general government, for its abolition in the United States, that may be consistent with the rights of the people and the general harmony. This is an additional instance, indicating, that States, like individuals, may fall into the common error of believing, that they better understand, and with more skill and to greater advantage could manage the concerns of others, than they display in their own transactions. The reason is obvious: They take but a partial and imperfect view of another's affairs, without the advantage of being possessed of the whole ground. May not this be the situation of the non-slaveholding States, and can they not, without transcending "the modesty of nature," fairly presume, that this subject, in all its bearings, is fully understood in the South? It becomes every State and people, to be peculiarly alive to every circumstance, which may threaten their existence; and to provide every precaution, against any emergency to which they may be exposed. I repeat but a common truism, but one appreciated by every wise people,—"that peace is the time to prepare for war." From foreign force, or internal insurrection, we are indeed protected by constitutional provision. But it does not become us, to neglect our resources or overlook the peculiarity of our situation, in common with a few other States, arising from the diversity of our population. We do not entertain any feminine apprehensions of danger. But the frequent and misguided proceedings of individuals, societies and States, in other sections of our country, relative to this question, demand from us a sleepless vigilance. These unauthorised, unjustifiable interferences with so delicate a topic, is the more to be regretted, as they may induce the States concerned, from a due regard to their highest interest, to increase the severity of their policy towards this portion of their population; to curtail existing privileges and forbear future immunities, which humanity might suggest and prudence sanction. The history of this State will shew, that our laws have been gradually liberalized in their provisions, operating on this class of our community, and their domestic administration has been ameliorated in a corresponding degree. But if the relations subsisting between masters and slaves, are not to be left to the unbiassed operation of our own sympathies, justice and discretion; if inflammatory doctrines are to be scattered through our land, by foreign hands; it may well be doubted, whether our attention may not be more properly turned from the consideration of plans of amelioration, to a question of deeper magnitude—the preservation of ourselves and country, from insurrectionary movements, through an increased restriction, or at least, by a more vigilant exercise of our police. Under these impressions and opinions, I beg leave to recommend to the Legislature, a revision of the laws, relative to calling out the Militia to suppress insurrections, those for appointing and keeping patrols, and those in relation to the migration of free persons of colour into this State. The law for calling out the Militia, by the variety of its enactments, may lead to confusion, and the others referred to, although they may appear sufficient, are permitted in many parts of our country, to lie dormant and neglected. Whether the efficacy and activity of patrols would not be considerably promoted by an increase of privileges, established remuneration, higher penalties for neglect of duty; and whether the policy of our sister States, prohibiting the migration of free persons of colour within their boundaries, should not be met by counter-vailing enactments, if constitutional, are questions submitted entirely to your discretion.

In the month of July last, Frederick Nash, Esq. presented to the Executive, his resignation, as one of the Judges of the Superior Courts of Law, &c. In consequence thereof, the Council of State