

REPORT.

Of the the President of the Bank of the State, in reply to a resolution of Senate, of December 5, 1849.

COLUMBIA, December 7, 1849.

To the Honorable the Senate and House of Representatives:

I transmit herewith, for the information of the Legislature; copies of my two letters, of 3d and 5th May last, addressed to Joshua Bates, esq., called for by the resolution of the 5th inst.

In laying these letters before the two Houses it is proper that I should remark that the first was a private letter, and that both were written in reply to the requests contained in the letters of Messrs. Baring, Broth. & Co., of the 13th April, published in the annual report of the Bank for this year. The president and directors of the bank were, by virtue of the act of Legislature of June, 1838, made trustees to protect the rights, not only of the State, but of those creditors of the State who had loaned their money under its sanctions and pledges; and when one of the parties asked for information to enable him to place his case respectfully before the proper tribunals, I did not feel myself authorized to withhold what he had so clear a right to expect.

The letter of Messrs. Baring, Brothers & Co., indicated also a total misconception of our political system, when they intimated a determination to appeal to the courts of the country to prevent what they termed the 'sacrifice' of their security. It was, certainly, my duty to explain to them that such a proceeding was not open to them, and that their only course was to lay before the people of South Carolina, through their Governor and their Legislature, the views entertained by the other contracting party of the nature and extent of the contract they had made with them through their agent, Governor McDuffie, and to appeal to their sense of justice and honor for the preservation of their rights.

These letters formed no part of the negotiation for carrying out the resolutions of December, 1847, and were not, therefore, submitted with the correspondence exhibiting the progress and state of that transaction. All of which is respectfully submitted,

F. H. ELMORE, President.

CHARLESTON, 3d May, 1849.

To JOSHUA BATES, ESQ.

SIR: In my letter of yesterday I omitted, purposely, any reply to that part of the letter of Messrs. Baring, Brothers & Co., in which they ask me to give you my views and advice as to what I understand to refer to the course that should be adopted on your side in regard to the threatened withdrawal of the bank, as security for these bonds. I omitted it, because, pertaining to your course in another aspect of the business, it did not belong necessarily, to the negotiation, which is our object, and I, therefore, preferred it should be kept separate; and this course is the most advisable in consequence of the hostility existing in regard to the bank, and which would look on any suggestion, from me to you, with a feeling that would do injury to your interests.

Messrs. Baring, Brothers & Co. attach much value to the security of the bank on these bonds, and, of course, that the bank shall continue in its present shape, with a charter, until the debt is repaid or redeemed. They ask me to give you my views and advice, which I understand to refer to those measures which you should adopt to prevent the security being impaired or withdrawn.

I have seen no reasons to change my opinions in my letter of 15th January last, and I give it as my opinion that the whole matter should be brought to the view of our Governor, Whitmarsh B. Seabrook, that he might bring it before the Legislature and the public. While I see no reasons to change my opinions, there are one or two suggestions, in case you adopt this course, I would make as to the manner of its accomplishment. Our people are right minded, and are honestly disposed to fulfil every engagement of the State with fidelity and to the letter. If well informed as to their obligations and duty, they are not easily led astray; but they are jealous of everything that looks like foreign interference or influence, and there are those amongst us who have talent and ambition, and who have staked themselves on the issue against you and the bank, and that they will not fail to lay hold of everything that may enlist reason or prejudice in their warfare.

In preparing any proceeding for our Governor, you should bear this in mind, and avoid everything that would involve more than is necessary to your case; but you should not weaken your case for this; indeed, any other than a frank course might, as it might suggest the idea that you omitted to favor us. Our Governor is a high minded and honorable man, sensitive to everything that would tarnish the character of the State, and at the same time as jealous of any appearance of foreign interference or influence.

My idea of the course is this: A clear statement of the case, embracing the negotiation, the act of our Legislature, and

the agreement, should be submitted to at least two of the most eminent lawyers of our respective countries, one in each, for their opinions on the character of the transaction, the scope and bearing of the act, (June, 1838) and the obligation of that contract. These, when obtained, should be respectfully submitted to our Governor, accompanied by a letter, stating that the action has caused anxiety, what would be the effect of the measure indicated, or of any of equivalent character, to depreciate the bonds, and expressing your hope that no action of the State will be taken, which will impair the confidence, or security of these bonds, without the consent of the holders.

In regard to the counsel whose opinions would be most relied on, I would suggest the Hon. James L. Pettigru, of Charleston, for the one in the United States, whose opinion would be most influential. He was, for many years, Attorney General, and stands, without dispute, at the head of the bar of the State—is eminent for legal knowledge and integrity, and enjoys a higher legal confidence in South Carolina than any other man I could designate. If you should propose another American, and desire Mr. Webster, his opinion would doubtless carry more weight than any other lawyer's out of our State.

But both of these would leave your case incomplete, without an opinion from some eminent English lawyer, which would show the views entertained where the transaction was made, and where the character and credit of the State would be most affected.

Unless some such course as this is adopted to inform the public of the true state of the case, the probabilities are not weak or remote, that the construction of the contract, as you understand and insist on it, and as you consider important to the value of the bonds, (Letter of 13th April last,) will be construed away and disregarded.

Those who oppose the recharter of the bank, say, that there is no obligation to recharter it, because,

1st. You had the charter before you when you took the loan, and saw that it expired in 1856, and although they admit that we, a party, have it in our power to continue the bank until the bonds are paid, that we did not stipulate to do so.

2nd. That even if such is the contract, the Legislature of 1838 had no right nor power to bind its successors.

3d. That all the Legislature pledged were the 'unds' of the bank, and if these are still preserved for you, you have no right to complain.

And 4th. That the State is good for the money, and does not intend to fail in paying.

Very respectfully, your obedient servant.

F. H. ELMORE.

BANK OF THE STATE OF SOUTH CAROLINA. Charleston, May 5, 1849.

JOSHUA BATES, ESQ.

SIR: There is one observation in the letters of Messrs. Baring, Brothers & Co., of the 30th April, which it may not be amiss to discuss. Speaking of the value put on the security of the bank to the fire loan bonds, while they entertain no distrust of the will or ability of the State to pay, they add, 'We could not be justified in abandoning a security given solemnly by contract to the bond holders, unless an equivalent could be offered to, and accepted by them—we should feel it a duty to offer every opposition which the laws of the State, or the constitution of the federal government, permit, to the sacrifice of such a security for the bonds now in circulation.' The security is the bank, and if it is not rechartered, that expires with the charter, in 1856, two years before the first, and twelve years before the last of your bonds fall due. The security is the bank and its profits. If it is not rechartered, there is no bank and no profits. The idea of your respected firm seems to be, that this 'sacrifice' may be successfully opposed in the courts of the State or of the United States. If that is the idea, it is altogether an error.

No court can make the State a party—no decree can reach her—and she is not amenable to any tribunals but her own Legislature, and the public opinion of the people. To attempt, therefore, any measure of redress, in or through a court, either of the State or the United States, would end in a failure, and only serve to irritate and prejudice the State against you.

And here the nature and value of this security may be considered. The value of the security is measured not only by the extent of the fund pledged, but by its nature, illustrated in the fact, that while you could not sue a State in case of default, you would have a perfect right to sue the bank, and, upon obtaining judgment, to enforce it by execution. Now, if the State withdraws the bank, you have lost this remedy—and that you and Gen. McDuffie canvassed, and gave full weight to these considerations, he bears witness, in reply to certain inquiries which I addressed to him in November, 1843, which you will find in the volume I send herewith, at page 573.

The true course appears to me is the one I indicated heretofore—the case appears to me to be one of plain obligation

on the part of the state, and if insisted on by the other party in the contract, cannot be disregarded. It is very true, as contended by some amongst us, that when you made that contract with Gen. McDuffie, you knew the charter of the bank would expire in 1856, two years before the first, and twelve years before the last re-payment of the loan. But is also seen by the fire loan act, that the bank and its profits were pledged until 1868, and you knew that those who made that pledge were fully authorized to extend the charter and make the security good in form, as they offered it in substance, by extending the charter. And when they authorized the offer, and Gen. McDuffie appeared as their agent in London, with the act in his hand, and the commission of the State, under its broad seal, you were fully justified in making a contract based on the understanding and faith of a State, that the bank would be could be continued, and its capital and profits held solemnly bound for the loan until its final redemption in 1868.

Having full power and ability to make good all the Legislature offered in the fire loan act, and all that the agent of the State, Gen. McDuffie, bound her for in the contract, there is no excuse for refusing to do so, if you insist upon it.

That you may have all the documents which we have published before you, and see in what manner this point has been treated before our Legislature, I send you a copy of our bank compilation. The fire loan act is at page 40, and special reports at pages 565, 6, and 651.

Very respectfully, your ob't. servant.

F. H. ELMORE,

"NINE CHEERS FOR OLD ZIM!"

OR BREAKING DOWN THE SYSTEM.

In a remote county of Pennsylvania the scene is laid. The time was the year 1842, when party spirit rose to 102 deg. in the shade in every hamlet the length and breadth of Uncle Sam's glorious domain. The respective political parties met in convention at Bugsburg (the county seat), and made their nominations for county officers. As there were many aspirants for the few nominations, it follows as a matter of course that there were some bitter disappointments—to no one more so than to 'old Zim,' who was confident of getting a nomination for Sheriff. Zimmerman, or 'old Zim,' as he was familiarly called, was a miserly old codger, who was well to do in the world, yet he had an almighty thirst for office, and he was up at every convention for a nomination for something, from 'time whereof the memory of man runneth not to the contrary.' He was reputed wealthy—that is, he owned a farm, and had money, but he never showed the color of it, except he unfortunately got on a spree, then he would sow it broadcast—but that was only a biennial occurrence.

A few evenings after the nominations above named a knot of the dissatisfied and disaffected were congregated at the Blackhorse Tavern, discussing the merits and demerits of the fortunate nominees.

'Gentlemen,' said old Zim, 'merit and long service to the party is no recommendation in this county. The wire-workers and schemers have it all their own way.'

'Ay,' responded one of the bar-room loafers, 'they does the pickin' out and they expects us to do the wotin.'

'But, gentlemen,' continued Zim, 'they will fetch up against a snag or a sawyer one of these days. Yes, gentlemen, by the eternal, I'll upset their applecart and spill all their peaches. I'll see whether it's the people, or a set of broken down political hacks as makes the county nominations. By Judas, I'll break down the system—I'll run as a volunteer candidate for sheriff, and if I don't lay 'em out, then my name ain't Zimmerman, that's all.'

This determination was received with favor by the crowd, and Zim sealed it by spending a 'half' for red-eye.

Full soon he was in the field, announced through a card in both papers to his fellow citizens, pledging himself to discharge the duties of the office with impartiality—in case he was elected.

Right lustily did old Zim go to work, and things appeared to go on swimmingly. He canvassed the county, and the people were profuse in their promises of doing their best for him. In one of his peregrinations he met Wattles, the nominee of Zim's party, who was also on an electioneering tour.

'Ha! Wattles,' said he, 'my fine fellow, I'm sorry to see you allow yourself to be the tool of the unholy and corrupt cabal—I say I am sorry to see you sacrificed, but you're bound to be beat. I'll show them that the freemen of this county will not bear dictation; so, my friend, if you wish to save yourself from the disgrace of a defeat, you had better resign in my favor.'

Wattles expressed his conviction that he should feel very much used up in such an event, but at the same time he had made up his mind to stand the hazard of the die.

Election day at length came, and my worthy friend, armed with a hat full of tickets, stationed himself on the ground of his own precinct, and commenced dealing out his tickets, and urging his claims in the strongest kind of a way: miser as he was, he made his friends swim in Monon-

gahela long before the polls were closed.

The election over, evening came on apace, and the eager expectants gathered in the bar-rooms to await the counting of the votes, and the returns to come in from the different townships. Old Zim was flourishing about, treating the crowd, expressing his full confidence in the people and the success of his effort to 'break down the system.'

Seated in a remote corner were a number of wags, in low but earnest conversation, and any one who might have concluded to see them would at once have concluded that something was to follow. The consultation soon broke up, and the plot began in about fifteen minutes to develop itself. The clatter of a horse's hoofs were heard on the frozen ground—a solitary horseman rode up to the door, and flinging the reins over a post, rushed into the bar-room, where he was soon raised on a table, and silence commanded.

'Here,' said he, drawing a strip of paper from his pocket, 'are the returns from Lower Buffalo township—Wattles 50, Macgregor 40, Zimmerman 100—majority for Zimmerman, 110!'

'Nine cheers for old Zim!'

'Huzza! huzza! huzza!'

'Gentlemen,' said old Zim, taking off his hat—'I'm obliged to you for this expression of your—that is to say, let us take a horn all round.'

Of course the crowd acquiesced in this proposition, and the welkin rang with loud huzzas. But hark!—scarcely had the eager crowd imbibed before another horseman came galloping up to the inn. 'Beegum township one hundred majority for Zimmerman!'

'Nine cheers for old Zim!'

'Hip, hip, hurrah!'

Again did old Zim attempt to speak, but his feelings overcame him—and he ended by inviting the company to just call for whatever they wanted. Again the glasses jingled as the excited multitude wedged themselves towards the bar—and again was heard the clatter of a horse's hoofs.

'Dublin township, one hundred and thirty majority for Zimmerman!'

'Nine cheers for old Zim!'

'Hip, hip, hurrah!'

The excited candidate was wild with joy and excitement, and he again invited the party up to drink.

Another horseman came!—another and still another—each one bringing an overwhelming majority for old Zim from the township he represented. Alas! that it should be the same horse, who performed the feat of a quarter race every hour that night, and that it should be the same mad wag under various disguises that brought old Zim the glorious news. The column, as footed up, gave Zim a cool thousand majority. Didn't he rave and pitch? Well, he did! Didn't he spend a cool thirty?—the landlord's till groaned under the weight of old Zim's deposits.

'Gentlemen,' said old Zim, 'my heart is full [his head wasn't anything else,] and I can only say that the glory of this contest belongs to you; but I feel a [brick in your hat, said a wag,] pride that I have been the humble instrument of breaking down the system.' [Nine cheers.]

Thus matters progressed until those who were completely 'sowed up' were laid out, and the remainder found their way home—some charitable friends of the Sheriff elect totting him on a shutter to his domicile.

Early in the morning, the village wags, with throbbing temples, met at the tavern to take 'a hair from the dog that bit them,' as well as to laugh over the 'saw' played on old Zim; but scarcely had they commenced worship before in stalks the old gentleman, still under the delusion that he had carried the day—nay more, he insisted on spending a V by way of a morning whet. The wags were determined to keep it up as long as possible, and again drank and congratulated him on his success. In the midst of the 'noise and confusion,' in bounded an inky printer's devil, who deposited an extra on the table, containing the return. Eagerly did old Zim seize it and hover over it but a minute. The conclusion of it is all sufficient for the reader. It read as follows:

'By the above it will be seen that Democracy has again triumphed, as Wattles' (Dem.) majority over Tibbets (Whig) is one hundred and fifty. Zimmerman, volunteer, had three votes in Beegum, two in Dublin, one in the Lower Buffalo, and one in this borough, (supposed to be cast by himself,) making a total of seven votes.'

The extra dropped from Zim's hand; he raised up his hands, moved towards the door, then looking around full at the gaping crowd, and rushing from the bar-room, he was never again heard of in Bugsburg.—Spirit of the Times.

CITATION.

F. N. Garvin having applied to me for letters of Administration on the Estate of Eli Fitzgerald, late of Pickens District deceased. The Kindred and Creditors are cited to appear before me on the 24th instant, to show cause if any they can, why said Administration should not be granted.

Given under my hand and seal 10th day of December, 1849.

W. D. STEELE, O. P. D.

2 ins.

SOMETHING NEW

GREAT BARGAINS AT

Bachelor's Retreat.

I am now opening at this place a hand some assortment of Fall and Winter Goods, consisting in part of Cloths, Cassimere, Tweeds (all wool) Kentucky jeans, a fine assortment of late style Vestings, A great variety of winter goods for Ladies' wear. Fancy Prints, of new patterns, at 5 cents per yard and upwards. Muslins, Cambrics, Ginghams, A large assortment of well selected Shawls, Blankets, Shirtings, Hats, Caps, Bonnets, Boots, Shoes, Saddles, Bridles, Crockery, Hardware, Medicines, Sugar, Coffee, Salt, Nails, Bagging, Rope and Twine; as well as all other articles usually kept in a country store, all of which I will dispose of on the best terms.

I will always be pleased to shew my Goods to those who favor me with a call, free of charge.

W. J. NEVILL,

Bachelor's Retreat, S. C.

No. 3d 1849 tf

[B. F. PERRY.] [E. M. KEITH.]

PERRY & KEITH,

Attorneys at Law.

WILL Practice in the Courts of Law and Equity for Pickens District.

OFFICE, PICKENS C. H., S. C.

October 1, 1849. t2f2

JAMES V. TRIMMIE,

ATTORNEY AT LAW,

SPARTANBURG, C. H., S. C.

WILL practice in the Courts of Union,

Spartanburg and Greenville.

All business committed to his care will receive

prompt and faithful attention.

REFERENCES:

HON. D. WALLACE, Union, S. C.

T. O. P. VERNON, C. E. S. D., Spartanburg, S. C.

May 18, 1849 1-4f

Dr. J. N. Lawrence.

WILL attend punctually to all calls in the line of his profession. Unless absent on professional business, he may be found at his Office, or his private residence in the Village. He also, has on hand a general assortment of medicines which he will furnish to customers at reduced prices.

Pickens C. H., S. C. }

May 18, 1849. } 1. 4

DR. J. W. EARLE,

TENDERS his Professional Services to the citizens of Pickens Village and the District. He can always be found at his Office, or at the residence of MAJ. W. L. KERR, unless professionally engaged.

He has received a fresh assortment of Drugs and Medicines, which he will sell low.

Pickens C. H., July 28, 1849. 11

SOUTH CAROLINA.

IN THE COMMON PLEAS

PICKENS DISTRICT.

Henry Whitmire, } Dec. in Attachment

vs. } E. M. Keith

John Bishop. } Piffs Att'y.

The Plaintiff having this day filed his declaration in my office, and the defendant having neither wife nor attorney known to be in this State,—On motion; It is ordered, that the defendant do appear, and plead or demur to the said declaration, within a year and a day from this date, or Judgment will be entered by default.

W. L. KEITH, c. c. r.

Clerk's Office, }

May 10, 1849. } 1

THE

Pickens Academy.

APPLICATIONS will be received by the Board of Trustees until the first Monday in December next, for a competent Teacher to take charge of the Academy at this Village. At that time a selection will be made; undoubted credentials will be required.

E. M. KEITH, Sec'y and Tres.

Board of Trus.

Pickens, C. H., S. C., Oct. 27, 1849. tf.

Letters.

Remaining in the Post Office at Pickens C. H., Quarter ending 30th Sept., 1849, which is not taken out within three months will be sent to the Post-Office Department as dead letters

George Barnes	Joel Moody
John Booth	John Owens
James Baren	Foster Perry
James Cannon	Sarah Ann Rankins
John Couch	John Reid
Gen. J. W. Cantey	R. C. Register
Daguerrean Artist	Wm. Rowland
Garner Evans	Aaron Roberson
Wm. A. Edwards	Committee of Safety
Hardy J. Fennel	James R. Smith
Geo. G. Gambrell	Matthew Vickry
Wm. Howard	James Wells
Jesse Jones	Robt. Wilson
C. G. McGregor	Samuel Wilson
Dr. R. Maxwell	John B. Young

P. ALEXANDER, P. M.

Oct. 6, 1849.

NOTICE.

All Persons having demands against the Estate of Sheriff Haynes, deceased, will hand them in legally attested. Those indebted must make payment.

W. D. STEELE,

Noa. 17th

Clerk & Admr,

if