

STATE LEGISLATURE.

HOUSE OF REPRESENTATIVES.

Thursday, December 3.

The following resolution, submitted by Mr. Mitchell, was considered and disagreed to, viz. Resolved, that it is the opinion of this house, that the office of elector for president and vice-president, is a disqualifying office, and if held by any member of this house, will vacate his seat.

Pursuant to notice, Mr. Farrow introduced a bill to reduce the salaries of certain public officers therein mentioned, which was read a first time, and ordered to a second reading to-morrow.

A bill to impose further restrictions on the emancipation of slaves in this state, was read a first time, and ordered to a second reading to-morrow; and ordered to be committed to the military committee.

Mr. Toomer, from the committee, appointed to enquire into the measures necessary to be adopted, the better to promote the health of the representatives chamber, reported; ordered for consideration to-morrow.

The House then proceeded to the order of the day. The report of the judiciary committee on several petitions, praying that jurors and constables be allowed compensation for their services, at the several courts of this state, recommending that the prayer of petitioners be granted, was read; on which a desultory though interesting debate arose between Messrs. Yancey, Hayne, Lance, Daniel, Stephens, Farrow and Simmons in the affirmative, and Mr. Huger in the negative. It was urged in favor of the report, that jurors were compelled to attend at a great inconvenience as to time, distance and expense, the courts to which they were summoned: that the service was unequally imposed on men, some having to serve much oftener than others. On the other hand, it was maintained, that to serve as a juror was a privilege to a free people: that there were duties incumbent on individuals of a government, which they ought to discharge voluntarily: that if jurors were allowed compensation, militia men might properly claim it: that it would be necessary to tax the people to pay the jurors—the amount required to pay jurors and constables being great, the tax imposed for the purpose must be in proportion. In reply it was said, that the privilege was one which many sought to avoid: that to say the militia men should be compensated for services if jurors were, was not affirming that either ought not to receive pay: that militia duty however was equally imposed, but service on juries was not so: that when militia were called to do duty by detachments, they were then compensated, because the service was unequally exacted: that the tax necessary to pay jurors was already imposed, and it was only necessary to appropriate the odious poll tax for that purpose: that the greater the tax required for the means of compensating jurors, the greater the necessity of appropriating it. The report was concurred in—ays, 3—(Huger, Ford, and Seabrook.)

The following resolution, submitted by Mr. Yancey, was ordered to lie on the table; Resolved that the compensation to jurymen and constables, ought to be raised by a tax on each district and parish, for their own juries, and that the committee of ways and means, be instructed to make provision therefor.

The following bills were read a first time, and ordered to a second reading to-morrow, viz: a bill to prohibit the issuing bills or negotiable notes under the denomination of one dollar, and for other purposes therein mentioned; and a bill to prohibit the introduction of slaves into this state, from any of the United States, and for other purposes therein mentioned.

Mr. Speaker read from the chair, addressed to him, from John Bioren, and Wm. J. Duane, of Philadelphia, and R. C. Weightman, of Washington City, proposals to furnish this state with the laws of the United States, which they are about to publish; referred to the committee on the judiciary.—Adjourned.

Wednesday, December 4.

Mr. Mills introduced a bill to authorize the commissioners of roads to assess and collect taxes, according to the general principles of taxation, and for other purposes therein mentioned, which was read a first time, and referred to the committee on roads.

Pursuant to notice, Mr. Downs introduced a bill to explain and amend the second section of an act, entitled an act for settling the titles of the inhabitants of this state to their possessions in their estates within the same, and for limitations of actions, and for avoiding law suits; which was read a first time, and referred to the committee on the judiciary.

Mr. Pinckney introduced a bill for the relief of female debtors, and for other purposes therein mentioned, which was read a first time, and referred to the committee on the judiciary.

Mr. Hayne gave notice, that he would, on tomorrow, ask leave to introduce a bill to increase the salary of the governor of this state. Mr. H. introduced a bill to alter and amend an act entitled, an act to limit the term of service of certain officers who have heretofore held their offices during good behaviour, and for other purposes therein mentioned, passed the 17th of December 1812, so as to exempt certain officers therein mentioned, and who were in office at the time of the passage of the said act, and who held their offices during good behaviour, from the operation of the said act; which was read a first time, and referred to the committee on the judiciary.

A communication was received from his excellency the governor, by the secretary of state, accompanied by communications from the executives of several of the states, conveying their decision on several propositions to amend the constitution of the United States. Also, the report of the building committee of the South-Carolina College; together with the accounts of the commissary general of issues; and an account of the disbursement of that part of the

contingent fund expended the present year—which were severally read and referred.

Pursuant to notice, Mr. Hayne introduced a bill to relieve the judges from the necessity of giving separate opinions in appeal cases, and to provide for the publication of such opinions for the information of the people; which was read a first time, and ordered to be committed to the committee on the judiciary. Also, a bill to quiet the title of the citizens of this state to their lands; which was read a first time, and committed to the committee on the judiciary.

The bill altering the judiciary system, and establishing a distinct court of appeals, was read a first time, and ordered for a second reading to-morrow.

The house then proceeded to the consideration of the following resolution from the senate, viz. Resolved, that the governor be, and he is hereby authorized to place the public arms in the several arsenals in this state, in the hands of the militia, under such regulations and restrictions as he in his judgment may think best calculated for the safe keeping of the same, and the encouragement of military discipline.

A motion was made to disagree to that resolution, for the purpose of acceding to a report of the military committee on the same subject, but in direct opposition to the resolution from the Senate, and carried nem. con. Mr. Farrow moved to reconsider the vote, which was agreed to. Messrs. Farrow, O'Neal, Downs and Glascock advocated the adoption of the resolution from the Senate, on the grounds that the governor would doubtless require good security for the re-delivery of the arms when called for; that it was necessary for militia to be ready armed to act on emergencies that might occur, because these had been threatened; that many men were too poor to furnish themselves with arms, as required by existing laws; that militia, by a familiarity with the use of muskets, would be more ready to act efficiently, than when called suddenly from the use of a rifle or shot-gun to depend on the fire of musketry; that militia would be more careful of the public arms than the public arsenal keepers, because they would know their hopes of defence from foreign oppression would rest on these same weapons. Messrs. Hayne, Yancey, Bull, Kennedy, James Campbell and Martin opposed the resolution from the Senate, because it was impossible that any obligation the governor could impose on militia men from eighteen to twenty-one years of age could prevent a misapplication or disposition of the arms they might receive; that the carelessness of men receiving public property on loan, was proverbially known; that in five years one third of the arms let out could not be collected if called for, and half of what was returned would be unfit for use; that the frequent change of residence among members of beat companies would tend greatly to the loss of public property, for when men removed they would take their arms with them, and the recovery would be accidental; that it was necessary to have a military depot, a rallying point for militia on emergent occasions, which points would best be at a deposit for public stores; that men employed and paid by the state (as arsenal keepers) to preserve the arms, would more likely attend to that duty than those who had no pecuniary reward for the service; finally, that there were not more than arms sufficient for one sixth part of the militia of the state, and that being unable to supply the whole, it would be counted unfair to serve a part, when the balance must supply themselves. The question on agreeing to the resolution from the Senate was taken by yeas and nays and lost—47 to 62.

AYES—Messrs. Alexander, Bell, Bourke, Brady, S. Cannon, R. Campbell, Cunningham, Curry, Cureton, DeLoach, Dawkins, Dodd, Downs, Farrow, Ford, Garrison, Glascock, Glenn, Griffin, Gregg, Harley, Hammet, Jones, Jenkins, Lawton, Miller, C. Mitchell, M'Gill, M'Millan, M'Michael, Odum, O'Neal, Peay, Pearson, Rawles, Reardon, Reid, Robertson, Ross, Roberts, Salmon, Swygert, Smyth, Sims, Thomas, Walker, Word.

NOES—Thomas Bennet, Esq. Speaker.—Messrs. Arthur, Benbow, Bryan, Bull, Butler, E. Cannon, J. Carr, T. Carr, J. Clement, Cogdell, Darby, Dargon, Doyley, Dwight, Easley, Evans, Gaillard, Godard, C. Griffin, Hayne, Jorman, Keith, Kennedy, Kirksey, Lance, S. Lee, W. Lee, Martin, Mason, A. Miller, Mills, Morris, Morgan, Nesbit, Noble, Palmer, Perrin, Pnekney, Po-nett, Pope, Ravenel, Rhodes, Richardson, Rogers, Rowell, Savage, W. Seabrook, W. B. Seabrook, Simmons, Spann, Stephens, Stark, Toomer, TreScott, Witherspoon, Wilkinson, Wilson, Yancey, Youngblood.

Mr. Huger, from the committee of ways and means, introduced a resolution appropriating the lands lately acquired from the Cherokee Indians as a permanent fund for the support of the free schools of the state, and extending the jurisdictional authority of Pendleton district, over the tract of country thus appropriated.

Thursday, December 5.

The report of the judiciary committee on a bill making the treasurer of the upper division ex officio cashier of the branch bank of the State of South-Carolina, was called up. Mr. Farrow, to assert constitutional scruples, read the 10th article on the subject of treasurer.—Treasurer and cashier are synonymous, business being so that one officer executes both duties, except in Charleston. Where there are any distinct duties, it was provided that the treasurer ex officio be the cashier, or vice versa. The present treasurer now acts as cashier, and ably and conveniently discharges the duties of both offices. A cashier should be a permanent officer, as should the treasurer, who is now to be exchanged, without blame or error, every four years. Being of the same character, and having similar duties, to perform, the office of cashier and treasurer may be very properly united in one person. The pay of two thousand dollars to the treasurer, and eighteen hundred dollars to the cashier, makes a sum of 3800 dollars expended for discharging the appropriate duties of one office. A part of this money might be saved, and appropriated to improvement of internal navigation.

Mr. Yancey explained the difficulties which seemed to embarrass the gentleman, by reading the 6th article of the constitution, which article virtually declares the bill now before house wholly unconstitutional. The treasurer is re-

quired by the constitution to be elected every 4 years, by joint ballot of the legislature. An alteration must first be made in the constitution before the object of the bill can be effected.—The cashier of the bank is a servant of the president and directors of that institution, while the treasurer is a constitutional officer of the state. It was extravagant to suppose that constitutional articles should be made accommodat- ing to occasional circumstances.

Mr. Martin disclaimed any wish to enter fully into a debate on the subject, but would ask if any man would be willing to discharge the duties of both offices for the salary of one alone? Economy appeared to be the object of the gentleman who supported the bill, but it was absurd to suppose the policy of it would meet the concurrence of the house, or of the members of the office.

Mr. Farrow insisted that the duties of the two offices of treasurer and cashier are precisely alike. The treasurer's office was now vacant.—Why supply it when there is no necessity for the services of an additional officer? But honest and capable men will accept and discharge the duties of both offices for two thousand dollars. Like leeches, incumbents adhere to office, and 2000 dollars will induce any one to accept the two offices, if united. The constitution requires an election by joint ballot, but when the officer was not required, there was no need to elect him. Economy should be regarded; although he would not scrupulously weigh pay against service.

The report of the committee was agreed to— ayes 116, nays 1, (Mr. Farrow.)

A bill authorising the president and directors of the bank of the State of South-Carolina to call in bonds due to the paper medium loan office, and establishing a branch of the bank at Georgetown, passed a second reading, and was ordered to the Senate.

Friday, December 6.

The House proceeded to the consideration of the following report, viz.—The committee on Claims, to whom was referred the petition of Francis Tisdell, praying compensation for an injury received by his slave while working on the public road, respectfully report, that on reading the petition and the vouchers accompanying the same, your committee are of opinion that compensation should be allowed: they therefore recommend that the sum of two hundred and thirty-three dollars and twenty-five cents be paid to the petitioner. The question on agreeing to the report, after an interesting debate, (which shall be given hereafter,) was decided—ays 56, noes 58.

On motion of Mr. Richardson, the House resolved itself into a committee of the whole, Gen. Huger in the chair, on the bill to alter the third section of the tenth article of the constitution. The bill having been read, [second reading.]

Mr. POINTSETT, (of Charleston,) said, as he was prepared to vote on this question, contrary to what had been deemed by some of his colleagues the interest of their constituents, he begged leave to offer to this committee the reasons which had determined him to advocate this measure.

Standing on this floor, (said Mr. P.) as a representative from Charleston, I trust, sir, that in all questions merely local, or all questions where her interests are exclusively concerned, I shall advocate them not only with the zeal which my duty calls upon me to exert in her behalf, but with all the warmth which a devoted attachment to her welfare inspires. But, sir, the question now before this committee, involves a general principle of legislation, and concerns the general good of the state, and I feel it my sacred duty on such occasions to suppress all local feelings, to act as a Carolinian, and to advocate a measure which appears to me calculated to promote the general good of the state.

The Constitution is supposed to be a system of general principles, and all details are therefore inconsistent with its object. The arrangements of the Courts; the time and place of their sitting must depend upon the increase and diminution of the population, wealth and commerce, and ought therefore to be left to legislative enactments. This article of the constitution is therefore founded in error. The constitution of Great-Britain, which, however corrupt in practice, has in theory been always our guide, contains no such provision. That of the United States and most of our sister states have left the arrangements of the Courts subject to the enactment of the legislature. That of Louisiana, which in this part of its constitution more nearly resembles that of South-Carolina, fixes the time and place of the sittings of the Courts; but even the framers of the constitution of Louisiana have left it in the power of the legislature to alter this arrangement every five years.

In the state of South-Carolina this restriction has already produced serious evils. I am not a lawyer and cannot speak from my own knowledge, but it has been proved to my satisfaction by gentlemen well versed in that profession, that great and serious evils have resulted from the present arrangement.—Lawyers and Judges concur in this statement. It has been stated that this is a privilege of Charleston; one secured to us by the constitution, and one we should not therefore yield. Formerly, sir, there was only one Court in the state, and that one in Charleston; afterwards Courts were erected in Georgetown, Camden, Ninety-Six, &c. &c. Still these were not Courts of original jurisdiction; but subordinate to that in Charleston. Population increasing and commerce extending into the interior, these County Courts were put upon a footing with that in Charleston. Still the Court of Appeals was holden in Charleston, until 1790, when it was divided between Charleston and Columbia. Surely it was not the intention to deprive Charleston of any privilege by these successive removals of the Courts. No, sir, they were for the common good, and not to confer a special privilege on these towns. Reason, necessity and the common weal required this course.

It has been supposed that great evils result to the merchants of Charleston removal of the Constitutional Court from city to Columbia, if ever it be thought easy to remove it. I do not pretend to say to convenience the lawyers of Charleston suffer by this removal; but, sir, I am for the merchants will sustain no serious injury. It may be asserted, without any disguise, those gentlemen, that if important cause be tried in Columbia, here they will plead them. It has been supposed, and I with truth, that the lawyers in Charleston better informed in insurance cases and n title-law. It is probable that those of the prior are better acquainted with land cases. They will mutually communicate their ledge—they will improve each other—a school of law will be created, and the generally benefitted. The most important, however, will be that another link chain which binds the inhabitants of the and those of the mountains, will be created the meeting of men possessed of extensive fluence throughout the state.

The good effects of the establishment College have been already felt in destroying petty jealousies which existed between different sections of the country. The youths educated at that College will again meet here; all discord will be eradicated; the inhabitants at least will see that there interest, is the satisfaction of the inhabitants of the mountain prejudices and jealousies will cease, and efforts be directed towards the general good of the state. This, sir, is a consummation daily to be wished, and will be cheaply purchased by the sacrifice of a right secured to us by article of the constitution which has proved founded in error.

Mr. RICHARDSON said, as the bill been postponed at his instance, he would expect to give the reasons which would influence his vote. He declared himself unprejudiced the scrupulous veneration some gentlemen for the Constitution of our State, instrument though formed in wisdom might defective; for the fairest and most stupendous works of human structure, are like their fallible, and like them must one day mould the dust. No, sir, said Mr. R. I approve sentiment that the Constitution should not approached without the utmost caution and liberation; but when its alteration become necessary for the removal of an existing evil shall be amongst the first to advocate it. does that necessity exist in the present case I conceive not, and therefore, however limited may be my influence over the opinions of members, I feel it my duty to use my efforts, to "preserve, protect and defend the stitution of the State."

What are the professed objects of this Gentlemen say, to alleviate the laborious duty of the judges, and to enable them to discharge those duties better. I do contend that it can be effected without touching the constitution. By what means is it proposed to obviate the inconveniences complained of? By the time and place of holding the Constitutional Courts to the discretion of the Legislature. constitution already empowers the Legislature to fix the time; and if circumstances should any period, render it necessary or expedient that the Courts should sit altogether at Charleston or at Columbia, I do not think the Constitution would stand in the way. The framers of this instrument could not mean to require judges to sit at Charleston, in case, as gentlemen have ingeniously supposed, that city should be visited by the plague, demolished by a tidal wave, or swallowed by an earthquake. Be the judges, if they chuse, may hear and determine all the cases at Columbia, provided afterwards meet at Charleston; the constitution only requires them to go to Charleston without compelling them to decide a single there. We have been told that the period which the courts are held, prevent the judges from performing their duties in a proper manner; that their minds are debilitated and health impaired by incessant labor. Can reasonable thinking man for a moment be that the minds of those wise and learned men, who are chosen for their strength of mind, as for their legal knowledge, can completely wearied and exhausted by the labor of five or six weeks, as to be disabled from deciding causes which have been already argued, argued and decided in the circuit court I conceive not.

Much stress has been laid on the influential regional prejudices. Let us not be told country and low-country jealousies. For own part, I totally disclaim them, and too exalted an opinion of the members of honorable body, to believe they will suffer themselves to be swayed by local feelings, when general good is in question. Sir, the general interest of the state require it. Constitutional Court be held altogether Charleston, or altogether in Columbia. I do this, the Constitution must be altered when the same object can be effected otherwise, I ask, is the necessity for making alteration? Will it do any good? If men can convince me that there exists a necessity for the passage of this bill, I will vote. But while there remains other means by which to remedy the evils complained of, I consent to it.

[The above is but an imperfect sketch of Mr. Richardson's observations, he having stood at in distant distance from the Reporter.]

Mr. J. L. WILSON, Mr. Chairman, bound by the duties which I owe to those present, to give the reasons of my vote on this bill now before the committee. As the opinion of the public has been called to this in the manner pointed out by law for the violation of the Constitution, and consideration has already occupied our attention, be as concise as possible in giving the reasons which influence me in voting against amendment.

Two questions are presented for our