

SENATE

Thursday, December 10th, 1829.

The journal of yesterday having been read, Mr. President laid before the senate a report of the comptroller-general, in relation to the taxes of Camden, in obedience to the resolution of yesterday; ordered to lie on the table.

Mr. Glover, from the committee of accounts, submitted a report on the contingent accounts against the lower division of the treasury; also a report on the account of J. C. Fay, printer at Georgetown; ordered for consideration to-morrow.

On motion of Mr. Fergus, leave was granted him to withdraw the petition of James Jones.

The report of the joint committee upon the memorial of Henry Shultz, was then taken up for consideration; and the memorialist as heard at the bar of the senate in support of his memorial.

On motion of Mr. Wilson, the report was re-committed.

Mr. Richardson submitted reports on the several petitions of Daniel Gillespie and Mary West.

Mr. J. S. Deas submitted reports on the several petitions of John Dunovant, John Peay, and James B. Pickett, Walker and Thompson, and Wilson Nesbitt; all ordered for consideration to-morrow.

Mr. Black presented the petition of Daniel Beem, and Mr. Sloan that of Benjamin Bowen; both for pensions; and both referred to the committee on pensions.

A message was received from the house of representatives, announcing that, by invitation from that house, the Rev. Mr. Renne would deliver a discourse on the deaths of messrs. Nixon and M'Comb, late members of that house, in their chamber, on Sunday next.

A resolution from the house of representatives, directing the committee on the legislative library, to procure and have bound for the use of the legislature, six complete sets of the acts of assembly, subsequent to the year 1804; was concurred in, and ordered to be returned.

A message was received from the house of representatives, informing that they declined to give leave to the senate to amend the second resolution in the report in relation to the claims of this State on the federal government, by striking out "one thousand," for the purpose of inserting in lieu thereof "five hundred," as requested by the message of the senate, which message was ordered to be laid on the table.

The following bills, from the house of representatives, were read a first time, and ordered to a second reading to-morrow:—A bill to alter and amend the law against usury; and a bill to punish the receivers of stolen goods.

A favorable report on the petition of the delegation from Prince George, Winyaw, and All Saints, praying compensation to the owner, and manumission of a slave, who discovered an intended insurrection in Georgetown, was agreed to, and ordered to be sent to the house of representatives.

The resolutions, offered by Mr. Wilson, in relation to the re-chartering of the U. S. States bank, were taken up.

On motion of Mr. Wilson, the resolutions were divided, and the following being passed thereof, was considered and agreed to:—Resolved, that the committee on finance be intrusted to inquire and report upon the propriety of the establishment of a national bank, (purely so,) and to suggest the best means of doing so, if, in their opinion, it be practicable.

On motion of Mr. Wilson, the order for the consideration of the other resolutions, was discharged; and they were made the special order for to-morrow, and ordered to be printed.

On motion of Mr. Glover, leave was given him to withdraw the resolution as to the expediency of suspending the law for electing representatives in congress.

A resolution, submitted by Mr. Patterson on yesterday, appointing additional commissioners of public buildings for Barnwell district, was agreed to, and ordered to be sent to the house of representatives.

Favorable reports on the several petitions of Wm. D. Collins, John Burket, Wm. Hogan, John Dawkins, Wm. Harris, and Prescott Bush, were agreed to, and ordered to be sent to the house of representatives.

The question on agreeing to the resolution, was taken by ayes and noes, as follows:—

AYES—Messrs. Henry Deas, president—Messrs. Davis, J. S. Deas, Ervin, Evans, Flagg, Gregg, Hampton, Moore, Pegues, Verdier and Wilson.—11

NOES—Messrs. Benbow, Black, Clendenen, Colvin, Connor, Dadd, Glover, Graham, Grayson, Griffin, Grimke, Haig, Hart, I'On, Jerman, Johnston, Koger, Lehre, Patterson, Pope, Rice, Richardson, Sloan, Smart, Smith, Stewart, Stone and Witherspoon.—29

So the resolution was disagreed to.

A bill to dispose of the escheated estate of Elizabeth Harcastle, was read a second time, and ordered to be sent to the house of representatives.

A bill concerning runaway slaves, was ordered to a second reading to-morrow, and to be printed.

Mr. Deas presented the report of the commissioners of free schools for St. George, Dorchester, &c. &c. referred to the committee on schools.—Adjourned.

HOUSE OF REPRESENTATIVES

Thursday, December 10.

The house met according to adjournment. Mr. Stark submitted a resolution inviting the senate to attend a discourse to be delivered in the hall of the house of representatives, on Sunday next, by the Rev. Mr. Renne, on the deaths of Col. H. G. Nixon, and Maj. John M'Comb.

Mr. Townsend, from the committee on internal improvement, made reports on the petitions of John Dunovant, William Nesbit, John Peay, and Joseph B. Pickett.

Mr. Axson, from the committee on claims, made reports on the petitions of Jeremiah Jones and James M'Elwee—and Mr. Ferguson, from the military committee made a report on a resolution instructing them to inquire into the condition of the public arms deposited in the state house; all ordered for consideration to-morrow.

Mr. Axson, from the committee on claims to whom was referred the petition of John Peay, made a report appointing commissioners to ascertain the injury done to his lands by a road, &c. which was agreed to, and ordered to the Senate for concurrence.

Mr. Moye, from the committee appointed to count the votes for a reading clerk, reported Mr. John Deansuro as having been elected to that office.

Read a first time, and ordered to a second reading on to-morrow, the following bills from the senate, viz:—A bill to dispose of the escheated estate of Elizabeth Harcastle.

A bill to incorporate certain societies.

A bill to authorize sheriffs to make titles to property sold by their predecessors in office.

A bill to amend the law in certain particulars.

Mr. Ferguson, from the military committee, to whom was referred a resolution instructing them to inquire into the practice of voting by proxy in elections for brigadier and Major-generals, reported a bill, concerning the election of certain military officers; which was read a first time and ordered for a second reading to-morrow.

Mr. W. Thompson submitted a resolution that all the powers of the superintendent of public works, in relation to the Saluda mountain road, be transferred to Hardee Gilreath, Spartan Goodlett, Arthur Barrett, William Thurston, Thomas Beason, Thomas Blythe and B. F. Perry; and that the said commissioners be authorized and directed to lease the road at public outcry for the term of three years, taking bond and security that it be kept in good repair, and that it be the duty of the commissioners above named regularly to inspect the condition of the road, with power of opening the gates whenever, in their opinion, the road is not in good order, and that the said commissioners pay into the treasury, the funds received from the said road, and make an annual report to the legislature.

A bill to repeal the first and second sections of the tenth article of the constitution of this state was, on motion of Mr. W. Thompson, postponed until the 1st day of January next.

Read a first time, a bill to regulate the fees of the officers of the courts of law and equity in this state, &c. ordered for a special reading to-morrow.

Mr. Wardlaw submitted another project of a bill for regulating the fees of officers in the courts of law and equity, being in the nature of a report from the minority of the committee on the fee bill; which was ordered to be printed.

A bill from the senate, entitled, a bill concerning appeals from the courts of ordinary was ordered to lie on the table.

A bill to alter the practice of the courts of ordinary was laid on the table and ordered to be printed.

Mr. Toomer, from the judiciary committee, to whom was referred the petition of the delegation of Prince George, Winyaw, reported a bill to authorize the purchase and manumission of certain slaves; read the bill a first time and ordered for a second reading to-morrow.

Mr. Gregg called up the report of the committee of the whole which had been laid on the table on yesterday, when Mr. W. Thompson made a motion to substitute the following resolutions in lieu of the resolution reported by the committee of the whole, viz:—

Resolved, that it is expedient to transfer the chancery jurisdictions of this state to the circuit judges of the court of law, and that the chancellors be transferred to that bench.

Resolved, that the common law and chancery jurisdictions remain separate and that the forms of practice and the principles of decision in each jurisdiction remain as at present; and on the question to agree thereto, the yeas and nays were required and are as follows, viz:—

YEAS—B. F. Dunkin esq. speaker—Messrs. B. G. Allison, Bauskett, Barksdale, Barber, Bowers, Crook, Cobb, Caldwell, Cook, Carothers, Duncan, Dugan, Eaves, Friday, Galphin, Graham, Gause, Hagood, Herbert, J. Hunter Jones, Irby, J. O. Lewis, J. W. Lewis, Lowry, Myer, Moye, M'Donald, Mellard, Murdock, Pope, Presly, Reid, Stark, I. Smith, Stroble, W. Thompson, and Watson.—40

NOES—Messrs. Alken, Ashe, Axson, Arthur, R. F. W. Allison, Bull, Butler, Bacon, Coggeshall, Craig, Cole, Cunningham, Cooper, Dwight, Elliott, Ferguson, Frost, Gilliam, Gregg, Glover, Gee, Gourdin, Grice, Hibbin, G. R. Hunter, Hayne, Holmes, Hill, Hemingway, Key, Legare, Mintzing, Matthews, Muldrow, M'Connell, M'Kenna, M'Conn, M'Willie, Murray, Odom, Pringle, Preston, Peay, Player, Pinckney, Pou, Patterson, Palmer, O. S. Rees, Schmidt, Simkins, R. B. Smith, J. M. Smith, W. Smith, Seabrook, Simons, Sheridan, Shaw, Singleton, A. W. Thompson, Toomer, Townsend, Whitner, Wardlaw, T. Walker, G. Walker, and Woods.—69

The question being decided in the negative, the resolutions were not adopted.

Mr. Simkins then made a motion to affix the following resolution to the resolution reported by the committee of the whole, viz:—

Resolved, that the most effectual remedy, and productive of the least dangerous change for the evil of the present arrangement of the chancery system, is, to provide such chancellor or chancellors as may be necessary; and that two courts of equity in each year be held at each court house where such courts are now held but once a year.

And on the question to agree thereto the yeas and nays were required and are as follows, viz:—

YEAS—Messrs. Ashe, Axson, R. F. W. Allison, Bull, Coggeshall, Cole, Cunningham, Dwight, Deansuro, Elliott, Ferguson, Frost, Gilliam, Gregg, Gee, Gourdin, Hibbin, Hayne, Holmes, Hill, Hemingway, Legare, Mintzing, Myer, Matthews, M'Connell, M'Kenna, M'Conn, Mellard, Murdock, Odom, Pope, Parks, Presly, Preston, Peay, Pinckney, Pou, Patterson, O. S. Rees, Rees, Reid, Stark, I. Smith, W. Smith, Seabrook, Sheridan, Stroble, Shaw, Singleton, W. Thompson, Townsend, Whitner, Wardlaw, Watson, T. Walker, G. Walker, and Woods.—72

The question being decided in the negative, the resolution was not adopted.

The house then agreed to the report of the committee of the whole, as follows, viz:—

The committee of the whole, to whom was referred certain resolutions relating to the chancery system of this state, report, that they have had the subject referred to them under consideration, and beg leave to recommend to the house, the adoption of the following resolution.

Resolved that it is expedient to enlarge the powers of the commissioners, so as to expedite the preparation of cases for trial in the court of chancery and to diminish the expense thereof; ordered that the resolution be referred to the judiciary committee.

Mr. Gregg, from the judiciary committee to whom was referred a bill requiring the owners of boats and other water craft, navigating the waters of this state to keep white patrons, and a bill regulating the practice of the courts of law respecting physicians bills and accounts, reported, and recommended that it was inexpedient to legislate upon those subjects.

Read a second time, a bill concerning fish traps; and a bill to release the title of the state in certain escheated property, to Catherine Bibby and Nancy Collins; ordered to the senate.

A bill to incorporate the village of Barnwell, was laid on the table.

The senate having concurred in, returned a resolution directing the Comptroller-General to settle with the Charleston bridge company; and a resolution directing the committee on the legislative library to procure and have bound certain acts of the legislature.

The house suspended the orders of the day, to prevent Mr. Levy, from the committee on public buildings, to make reports on the petitions of the commissioners of public buildings for Spotsborough—the report of G. Chapman, keeper of the state house, and on the presentation from Kershaw district, October term, 1829; all ordered for consideration to-morrow.

Mr. R. F. W. Allison, from the special committee, to whom was referred the report in relation to the patrol law, reported.

A bill to amend and alter an act passed on the 18th day of December, 1819, entitled an act to provide for the more effectual performance of patrol duty; read the bill a first time, ordered for a second reading to-morrow.

Mr. Player has leave to withdraw a petition of Wm. and James M'Creight, relative to their reversal of a writ.

Mr. Player submitted a resolution instructing the committee on claims to inquire into the expediency of compensating Jacobus; ordered for consideration to-morrow.

Mr. Stroble presented the report of the commissioners of free schools for St. George, Dorchester; referred to the committee on education.—Adjourned.

SENATE

Friday, Dec 11, 1829.

The journal of yesterday having been read, Mr. Grimke, from the joint committee on the petition of the South Carolina canal and rail road company, reported a bill to load the credit of the state to S. C. canal and rail road company and for other purposes; which was read a first time, and made the special order for to-morrow after the reading of the journals; and it was ordered that Alexander Black be then heard at the bar of the senate, in support of the petition on which the bill was reported.

On motion of Mr. Davis the report of the vestry of the episcopal church of St. James, goos creek, on the disbursement of the Ludlum school fund, was taken up, and referred to the committee on education.

On motion of Mr. Patterson, a resolution was passed, that the committee on claims be instructed to inquire into the claims due to David Shiple, late member of this state, at the time of his death, and the propriety of paying such claims to his legal representatives.

Mr. J. S. Deas submitted the report of the committee on internal improvement, upon the petition of Wm. M'Creight and James M'Creight, administrators of A. Dawson; ordered for consideration to-morrow.

Mr. Grimke, from the joint committee on the legislative library, made a report in relation to the maps of Missouri and New Jersey; which was agreed to, and ordered to be sent to the house of representatives.

Mr. Grimke also submitted a report on the several petitions of the Edisto baptist church, the Etaw baptist church, and Peter Ludlow, declarant in expedient to legislate thereon, and commending that the petitioners have leave to withdraw their petitions; which report was considered and agreed to.

On motion of Mr. Connor, the following report was taken up and considered:—The committee on pensions, to whom was recommended the petition of Simeon Perry, praying for a pension, report that they have considered the same, and are of opinion that the case cannot be granted without an innovation and violation of the laws and resolutions of the legislature of this state, from the 11th of March, 1784, to the December resolution, of 1826.

The question on agreeing to the report, was taken by ayes and noes, as follows:—

AYES—Hon. Henry Deas, president—Messrs. Benbow, Black, Clendenen, Colvin, J. S. Deas, Dadd, Dubose, Flagg, Glover, Haig, I'On, Jerman, Johnston, Joyner, Koger, Pegues, Rice, Richardson, Smart, Stewart, Stone, Verdier, Witherspoon.—24

NOES—Messrs. Connor, Davis, Ervin, Evans, Graham, Grayson, Gregg, Griffin, Grimke, Hampton, Hart, Lehre, Moore, Paterson, Pope, Sloan, Smith.—17

So the said report was agreed to.

On motion of Mr. Hart, leave was granted him to withdraw the petition of Geo. Oswald.

Mr. J. S. Deas submitted a report on the petition of Wm. Owens; ordered for consideration to-morrow.

Mr. J. S. Deas reported a bill concerning the public works; which was read a first time, and ordered to a second reading to-morrow, and to be printed.

Mr. Verdier submitted a resolution respecting the propriety of collecting and securing the debts due to the bank; referred to the committee on banks.

Mr. Grimke, from the joint committee on the legislative library, to which had been referred the report of the comptroller general, secretary of state, and treasurer of the upper division in relation to books and papers in their office, not connected therewith, submitted a report recommending the manner in which the said books and papers should be disposed of or arranged; which report was agreed to, and ordered to be sent to the house of representatives.

The senate then joined the house of representatives in successive ballotings for a judge of the court of common pleas and sessions, a register of mesne conveyances for Georgetown district, and a commissioner in equity for Kershaw district.

On motion of Mr. Patterson, leave of absence after today, was given to Mr. Pope.

On motion of Mr. Grimke, the message of yesterday, from the house of representatives, refusing leave to amend the report of the special committee of that house, on so much of the governor's message No. 1, and comptroller-general's report, as relates to the claims of this state on the United States, was taken up.

Mr. Wilson moved that the senate adhere to their message requesting amendment—on which motion the yeas and noes were taken as follows:—

AYES—Messrs. Benbow, Black, Colvin, Davis, Dubose, Flagg, Graham, Grayson, Johnston, Joyner, Pegues, Pope, Stewart, Verdier, Wilson, and Witherspoon.—17

NOES—Hon. Henry Deas, president—Messrs. Connor, J. S. Deas, Dadd, Evans, Glover, Griffin, Grimke, Hampton, Hart, I'On, Jerman, Johnston, Koger, Lehre, Patterson, Pegues, Richardson, Rice, Richardson, Sloan, Smart, Smith, and Stone.—32

So the said motion, was rejected.

The report, from the house of representatives, was then, on motion of Mr. Grimke, concurred in, and ordered to be returned.

Mr. Verdier presented the petition of Walker and Thompson, for payment of a certain contract; referred to the committee on internal improvement—and Mr. Stone presented the memorial of the commissioners of public buildings for Georgetown, referred to the committee on public buildings.

A bill to punish the receivers of stolen goods, was taken up for a second reading, and referred to the judiciary committee.

A bill to alter and amend the law against usury, was read a second time—when Mr. J. S. Deas moved that the further consideration thereof be postponed to the 1st day of January next—and that motion the yeas and noes were demanded and taken, as follows:—

Deas, President—Messrs. Benbow, Black, Colvin, Davis, J. S. Deas, Dadd, Evans, Glover, Griffin, Grimke, Hampton, Hart, I'On, Jerman, Johnston, Koger, Lehre, Patterson, Pegues, Rice, Richardson, Sloan, Smart, Smith, Stewart, Stone, Verdier, Witherspoon.—24

NOES—Messrs. Connor, Dadd, Grayson, Griffin, Joyner, Rice, Richardson, Sloan, and Stone.—10

So the bill was postponed to the first day of January next.

A report on the account of F. C. Fay recommending that the said account be referred to the comptroller general, to be by him reported on at the next session, was agreed to and ordered to be sent to the house of representatives—as was also a favorable report on the petition of Wilson Nesbitt—also a report on contingent accounts against the lower division of the treasury—also favorable reports on the several petitions of John Dunovant, admr. of G. W. Connor, John Peay and James B. Pickett, Daniel Gillespie, and Mary West.

An unfavorable report on the petition of Walker and Thompson, was considered and agreed to.

A bill concerning runaway slaves, was read a second time, and ordered to be sent to the house of representatives.

Mr. President laid before the senate, a communication from B. F. Whitner, superintendent of public works, explanatory of a part of the comptroller general's report relative to his overdraw of his salary; ordered to be laid on the table.

Mr. Wilson submitted the report of the committee on finance, upon the expediency and plan of a national bank; ordered for consideration to-morrow, and to be printed.

intendant of public works to count less or more within each of the districts where any such works may be situated, the charge and management thereof with the same powers and duties as now appertain to the office of superintendent with a view to the abolishing of that office; and Mr. Levy's resolution requiring the comptroller general to use all legal measures to recover the balances due to this state by past and present tax collectors, sheriffs and coroners, except in cases in which the said comptroller shall be satisfied that a recovery is impossible, either by the insolvency of the parties and their securities, or otherwise, which were considered and agreed to, and ordered to be sent to the house of representatives.

The senate attended and voted with the house for a judge of the courts of common pleas and sessions.

The senate sent to the house for concurrence a report of the library committee on the governor's message in relation to the maps of Missouri and New Jersey; referred to the committee on legislative library.

The senate attended and voted with the house for register of mesne conveyance for Georgetown district, and immediately after for commissioner in equity for Kershaw district.

Mr. John Hunter, from the committee appointed to count the votes for a judge of the courts of common pleas and sessions, reported Josiah J. Evans as having been elected to that office.

Mr. M'Kenna called up a resolution, requiring the committee appointed to examine the bank of the state of South Carolina to afford certain information, which was disagreed to, and the following resolution adopted, viz:—

Resolved, That the committee appointed on the part of this house to examine into the affairs of the bank of the state be called upon to state to this house whether they have carefully and thoroughly, as allowed by law, investigated the management of that bank—whether they are satisfied that the general affairs of that bank are safe and well conducted—that the amounts due by the president, directors and other officers, whether as drawers or indorsers, are moderate and well secured, and that they report the aggregate amount due by the directors and officers, and how much of the doubtful or bad debts are debts of directors or other officers; and should there be any doubt of the solvency or insufficient security furnished by any of the officers of that bank, that such doubt be imparted confidentially to the committee appointed to nominate suitable candidates for president and directors, when those officers are about to be elected.

Resolutions, requiring the committee appointed to examine the branch bank at Columbia to afford information; and directing the Comptroller General to report at the next session, a project for a land tax founded on the actual value of lands; with a report of the special committee on the petition of the town council of Georgetown to be reimbursed expenses for protection; were all laid on the table.

The senate having concurred in, returned a report of the special committee to whom was referred that part of the Governor's message, relating to the claims of this State upon the United States.

The senate sent to this house for concurrence, reports of the Comptroller General; Secretary of State; and Treasurers, in relation to books in their offices; of the committee on accounts, on contingent accounts against the lower division; of T. C. Fay; and on the petition of Wilson Nesbitt; ordered for consideration to-morrow.

The speaker laid before the house, a communication from B. F. Whitner, superintendent of public works, in relation to his salary; ordered to lie on the table.

The senate sent to this house for concurrence, reports on the petitions of John Dunovant, admr., and guardian, John Peay and James B. Pickett, Daniel Gillespie and Mary West; ordered for consideration to-morrow.

The house considered and agreed to favorable reports on the report of the committee of ways and means; on the annual report of the Comptroller General, on the finances of the state, and recommending a reduction of the taxes; and on the petitions of Wm. Richardson, James Martin, Richard Wilbanks, James Brown, Jesse Grant, James M'Cracken, Martha M'Clure, James Goodson, Robert West, John Parker, John Bright, Thomas L. Shaw, Arthur Davis, Meridith Hunnicut and Bannister Owens, George Murphy, James S. Guignard, Wm. Farmer, George Oswald, G. E. W. Foster, E. W. and A. S. Johnston; sundry citizens of Greenville district, for an additional place of election; sundry citizens of Laurens, for the same purpose; commissioners of free schools for St. Andrews and Marion, and the memorial of the town council of Columbia; and to unfavorable reports on the petitions of Robert Atson, Berry Beasley, James McMeans, James M'Can, John Holly, Burt Moore, Willis Whitaker, Swepson Cox, Randolph Sewell, G. P. Frierson, A. B. M'Whorter, M. Lahorde; sundry citizens of Lexington district, relative to a road, and sundry citizens of Chester district, praying an additional beat company.

Reports of the Kershaw delegation, on so much of the Governor's message, No. 2, as relates to the fire in Camden; the memorial of the medical society of South Carolina, and the medical board of Columbia, were laid on the table.

A favorable report on the petition of James W. Harris, late sheriff of York district, was disagreed to.

The house considered and agreed to a resolution instructing the superintendent of public works, to report to the next Legislature, the expediency of relieving the inhabitants of St. Andrews parish from the inconvenience arising from the interruption of the public road by the opening of Elliotts Cut, and ordered the same to the senate for concurrence.

The house considered and agreed to a resolution, instructing the committee on pensions to enquire into the expediency of altering the law authorising the payment of annuities on the production of certain vouchers.

The committee appointed to count the votes for commissioner in equity, for Kershaw, reported Wm. J. Grant as having been duly elected to that office.

The committee appointed to count the votes for Register of mesne conveyance for Georgetown district; reported.

Mr. G. R. Hunter, has leave to withdraw the petition of Wm. Johnston and Mr. Craig, the petition of James James.

Adjourned.