

REPORT.

The Special Committee to whom was referred the Message of his Excellency, the Governor, transmitted communications received by him from George B. Mathew, Esq; her Britannic Majesty's Consul for the States of North and South Carolina relative to the law of this State, to prevent free negroes and other persons of color from entering into it, have had the same under consideration, and ask leave respectfully to submit the following Report:

The grounds of complaint suggested by her Majesty's Consul, against the law in question, are substantially as follows:

1st. That it takes from under the protection of the British flag, and imprisons in the common jails until the vessels in which they come are ready to depart: a class of her Majesty's subjects entering into the ports of South Carolina under the security of the treaty of commerce between her Majesty and the United States, in pursuit of lawful commerce or in distress, thereby violating one of the provisions of the treaty, which is the supreme law of the land.

2d. That it bears with peculiar hardship and inequality upon her Majesty's West India Colonies, which mainly depend for their supplies of lumber, provisions and other material articles, upon their trade with the United States, which is carried on in small vessels, chiefly manned by colored crews, and for which the ports of North and South Carolina are especially suitable.

3d. That it conflicts with the general principle of international law, that police or municipal regulations, co-existent with treaties should extend to foreigners the same restrictions, and no more, which are applied to natives, or subjects of the same class or calling.

The first article of the treaty declares, that "There shall be between the territories of the United States of America, and all the territories of her Britannic Majesty, in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty, freely and securely, to come with their ships and cargoes to all such places, ports and rivers, in the territories aforesaid, to which other foreigners are permitted to come, and to remain and reside in any part of the said territories respectively; also to hire and occupy houses and ware-houses, for the purposes of their commerce; and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively."

This is, no doubt, the provision of the treaty with which our law is supposed to be at variance. Such general language as is here used has never been, nor can it be, justly understood to deprive the contracting parties of the right to exclude, from their respective territories, any class of persons who might be burdensome to the public, or dangerous to the health or to the peace, good order and security of the community. Laws to provide against the ingress of persons laboring under contagious or infectious diseases, or coming from places where such diseases prevail, and laws for the exclusion of foreign papers and convicts, and persons of vicious character, are almost universal and are not deemed inconsistent with the most liberal treaties of reciprocal commerce. Our law against the entrance of free persons of color into the State falls strictly within the principle of these exceptions. Of the degree of necessity for the enactment of such laws, and their fitness for the purposes for which they were intended, each government must judge for itself. In this as in all other matters concerning the execution of treaties, the contracting parties are bound to the observance of good faith. If, under the pretext of excluding a dangerous class of persons, one party should exclude a material portion of the subjects of the other, usually employed in commerce and navigation, so as seriously to obstruct or embarrass the intercourse which the treaty was intended to sanction and secure, this would be a fraud upon the treaty, and might justly be complained of as such. But no such objection can be made to the law in question. It is certainly very far from being unreasonable or surprising that free persons of color, coming from abroad into this State, should be deemed a dangerous class of persons, and dealt with accordingly. And they constitute so inconsiderable a portion of the subjects of the British empire, that their exclusion cannot occasion any serious inconvenience to the commerce carried on in British vessels with the ports of South Carolina. Nor can it be said, with a due regard to the proper sense of the words, that persons of this class, coming into our ports in British vessels, are taken from under the protection of the British flag. On the high seas, which are common to all nations, and not subject to the jurisdiction of any one, a ship and the persons on board of her are under the protection of the nation to which she belongs, and the national flag is the emblem of this protecting power. But there is no principle of international law which carries the authority of one nation represented by its flag within the territorial limits of another. Foreign ships and their crews in the ports of South Carolina are, therefore, not under the protection of their own national flag, but subject to the authority and under the protection of our laws.

To so much of the communications of her Majesty's Consul as relates to the British West India Colonies in particular, it is a sufficient answer that they are not embraced in the treaty with which our law is supposed to conflict; or the treaty provides only for a reciprocal liberty of commerce "between the territories of the United States of America and all the territories of her Britannic Majesty in Europe."

The complaint that British subjects or the class to which the law in question relates, are put upon a different footing from persons of the same class, natives and subjects of this State, is entirely without foundation, and could only have arisen from inattention to the provisions of the law. In truth, all free colored persons of the negro race, whether foreigners or natives, and whether they come in foreign or domestic vessels, are subjected to precisely the same rules; so that a free person of color, born and brought up in this State, and only

lately resident here, coming in a vessel owned by citizens of the State, would receive the same treatment as if he were a native subject of Great Britain, and came in a British vessel.

If the prevention of free persons of color from entering into this State operates in any degree as an impediment to the commerce of British vessels with our ports, it can only be by very slightly diminishing the number of competitors for employment in the service of such vessels, and thereby proportionally enhancing the cost of the service. But as the same prohibition extends to all other vessels, its effect must be the same upon our whole import and export trade. A thorough analysis would therefore probably show that the whole, or nearly the whole, of the burden, whatever it may be, is borne by ourselves. But at all events it cannot be questioned that we bear at least an equal share of it.

The law which we are invited to surrender, was originally introduced soon after the detection and suppression of an insurrectionary movement, devised and set on foot by a free negro who had been for some time in the habit of leaving the State, and returning to it at pleasure, and whose frequent excursions were proved to be connected with his bloody designs. The law has existed for nearly thirty years, and during that time no similar conspiracy has occurred. How far it has contributed to this result we cannot pretend to estimate. But we know that the experience of our predecessors led them to adopt it, and there is certainly nothing in our experience to induce us to abandon it.

It was originally enacted and has been continued solely and exclusively with a view to our own internal order and security, and without the remotest intention to trespass upon the rights or obstruct the commerce of any other people. If it has served in any degree to preserve the peace and welfare of the State, it is certainly of great importance to us, and ought not to be abandoned on account of any slight inconvenience it may occasion to others. Indeed, there is too much reason to believe that the murmurs and complaints against it which come to us from abroad are prompted much less by inconveniences actually felt than by a spirit of unfriendliness to our institutions. The committee are very far from intending to impute any such spirit to her Majesty's Government, or the gentleman who represents them here. They are undoubtedly actuated by no other motive than an honorable zeal to watch over and protect the rights of British subjects wherever they are supposed to be infringed. But it may be safely assumed that such overtures as the one now under consideration are not made by the Executive Government unless at the instance of other persons brought to bear upon them through the usual channels. And when one member of the popular branch of the British Legislature is seen actively engaged in the work of exciting the people of some of the States, with which we are politically connected, against our property and social order, it cannot be deemed extravagant or offensive to surmise that there may be individuals in that body quite capable of endeavoring to make the Government of their own country subservient to the same hostile designs. Nor is it at all improbable that such movements should be instigated and encouraged by our enemies on this side of the Atlantic.

It is now for the first time that the opinion of Mr. Wirt, while attorney General of the United States, cited by her Majesty's Consul, has been brought to the view of the Legislature. In 1824 it was with the correspondence which led to it communicated by Mr. John Q. Adams, then Secretary of State, to the Governor of this State, who laid it before the Legislature; and they then, after mature consideration, expressly dissented from and repudiated it. That opinion proceeds entirely upon the assumption that by delegating to the Federal Government the power to regulate commerce and to make treaties, the several States divested themselves of the right to exclude from their respective territories such persons as might be deemed dangerous to the security and welfare of their people. It appears to the Committee that such an interpretation of the Federal compact is not demanded by its purposes nor justified by its terms, and is utterly inconsistent with the safety and even the distinct sovereignty of the State.

This view of the Constitution is strongly supported by the opinion of the Chief Justice of the United States judicially in a cause which received the fullest consideration, and expressed in the following unequivocal language: "I think it very clear, both upon principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person or class or description of persons, whom it may deem dangerous or injurious to the interests and welfare of its citizens; and that the State has the exclusive right to determine in its sound discretion whether the danger does or does not exist, free from the control of the General Government." "No treaty or act of Congress has been produced, which gives, or attempts to give, to all aliens the right to land in a State." "I cannot believe that it was ever intended to vest in Congress by the general words in relation to the regulation of commerce this overwhelming power over the States; for if the treaty stipulation before referred to can receive the construction given to it in the argument, and has that commanding power claimed for it over the States, then the emancipated slaves of the West Indies have at this hour the absolute right to reside in, hire houses, and trade throughout the Southern States, in spite of any State law to the contrary, inevitably producing the most serious discontent, and ultimately leading to the most painful consequences. It will hardly be said that such a power was granted to the General Government in the confidence that it would not be abused. The Statesmen of that day were too wise and too well read in the lessons of history, and of their own times, to confer unnecessary authority under such delusion. And I cannot imagine any power more unnecessary to the General Government, and at the same time more dangerous and full of peril to the States."

The Committee submit for the consideration of the Senate the following resolutions:

Resolved, That in the opinion of this Legislature the law of this State to prevent free negroes and other persons of color from entering into the same, does not conflict with the treaty of commerce between Great Britain and the United States, nor with the Constitution of the United States, nor any law made in pursuance thereof.

Resolved, That it is inexpedient to repeal or alter the said law.

Resolved, That his Excellency the Governor, be requested, in communicating the foregoing resolutions to her Britannic Majesty's Government, through her Consul, to assure them that the law to which exception has been taken was passed and is maintained in no spirit of unfriendliness to the British nation, nor from any desire to embarrass their commerce, or to offend their just pride but because it is deemed important to the internal peace and security of the state; and also to assure them, in response to the intimation, that our adherence to the obnoxious regulation may lead to heavier imposition upon the importation of our products into the British dominions; that the people of this State are firmly attached to the principles of free trade, and fully appreciate the pre-eminent importance of an unrestricted commerce with the subjects of her Britannic Majesty. But highly as they value this most important branch of their trade, they value still more highly the exercise of their own untrammelled judgment in the selection of the necessary and proper means for securing their own safety and welfare, not inconsistent with a due regard to the rights of others. If they are compelled to choose between a commercial interest, and an essential attribute of independent sovereignty, they will hesitatingly prefer the latter; and they believe that their choice will command the approbation and sympathy of the Government and people of Great Britain. A. MAZYCK, Chairman.

LIST OF ACTS AND RESOLUTIONS.

Passed by the General Assembly of South Carolina, at the Session of 1851.

LIST OF ACTS IN THE SENATE.

- 1. An act to permit Cunningham H. S. McLenaghan and George Hopkinson, aliens, to apply for admission to practice in the courts of law and equity in this State.
2. An act to fix the time for the meeting of the Convention elected under the authority of an act entitled "an act to provide for the appointment of deputies to a Southern Congress, and to call a convention of the people of this State," passed in the year of our Lord one thousand eight hundred and fifty.
3. An act to charter the Pendleton Railroad Company.
4. An act to abolish brigade encampments.
5. An act to incorporate the Florida Steam Packet Company.
6. An act to incorporate the Calhoun Loan and Building Association.
7. An act to incorporate the Charleston Building and Loan Association.
8. An act to empower the Town Council of the town of Cheraw to sell or otherwise dispose of certain streets and parts of streets in said town.
9. An act to incorporate certain societies and companies, and to renew and amend certain charters heretofore granted.
10. An act to provide for the grant of reciprocal privileges to citizens of South Carolina and of Georgia in relation to the building of bridges over the Savannah river.
11. An act to vest the right and title of the State in and to certain escheated property in certain persons therein named.
12. An act to incorporate the Northeastern Railroad Company.
13. An act to amend the charter of the South Carolina Annual Conference.
14. An act to authorize and empower the Commissioners of Cross Roads of Charleston Neck to cancel and deliver up to the Washington Fire Engine Company a certain note and mortgage held by them against the said company.
15. An act to vest in the South Carolina Railroad Company the title to certain lots in the town of Columbia.
16. An act to provide by law for the compensation of physicians for post mortem examinations.
17. An act to amend the law in relation to managers of elections.
18. An act to establish and incorporate a bank in the town of Winnaboro.
19. An act to authorize and empower the Commissioners of Cross Roads of Charleston Neck to deliver up to the Marion Fire Engine Company a certain bond and mortgage.
20. An act to increase the amount of property exempt from levy and sale.
21. An act to authorize the formation of a volunteer company of artillery within the limits of the Independent Battalion.
22. An act to amend an act for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estates of intestates, and for other purposes therein mentioned.
23. An act to alter and amend the law in relation to the operation of benefit of clergy.
24. An act to raise supplies for the year commencing in October, one thousand eight hundred and fifty one.
25. An act to make appropriations for the year commencing in October, one thousand eight hundred and fifty one.
26. An act to establish certain roads, bridges and ferries, and to amend the law in relation to commissioners of roads in certain particulars.
27. An act to incorporate the South Carolina building and Loan Association.
28. An act to incorporate the White Water Falls Turpike Company.
29. An act to alter and amend the charter of the King's Mountain Rail Road Company.
30. An act to incorporate the Charleston Floating Dry Dock and Marine Railway Company.
31. An act to suspend the election of members of Congress from this State, until the number of Representatives to which this State shall be entitled under the last census shall be ascertained.
32. An act to divide Beat Company No. 7,

attached to the 16th Regiment of Infantry of South Carolina Militia into two Companies, and for other purposes.

33. An act to incorporate the Wofford College.

34. An act to punish placing obstructions on Railroad tracks and for other purposes.

35. An act to afford aid in constructing the King's Mountain Railroad.

36. An act to alter the times for holding the Courts of General Sessions and Common Pleas of the Districts of Barnwell, Beaufort, Colleton, Charleston and Orangeburg.

37. An act to amend the charter of the village of Abbeville.

38. An act to alter and amend the 11th section of an act entitled an act to incorporate certain societies and companies, and to receive and amend certain charters heretofore granted, passed on the 20th of December, in the year of our Lord, one thousand eight hundred and fifty.

A bill to alter and amend the Constitution so as to change the name of the election District of Saxe Gothia to that of Lexington, and to extend the boundaries to its present judicial limits.

CAMDEN.

TUESDAY EVENING, DECEMBER 19, 1851.

Our Market.

The cotton market has been active since our last, with an advance in prices. We quote at 6 to 8 1/2.

The first instalment to be paid on shares in the Plankroad is \$1 instead of 5 as heretofore advertised.

Juvenile Concert.

It will be seen by an advertisement in another column, that the large and interesting Singing Class, under the direction of Mr. Kemmerer, will give a Concert in the Temperance Hall, on Tuesday Evening, Dec. 23d. All who wish to witness over a hundred well trained singers unite in singing 30 new and interesting pieces, will do well to be present.

Fire and Loss of Life.

We learn that the Gin House of Mr. John Thompson, of Beaver Creek, in this District, with twenty bales of cotton was destroyed by fire on Monday last, and that a negro boy employed in the Gin House was burned to death. The origin of the fire as far as we can learn, was accidental, and was occasioned either by sparks from a fire near the gin house, or taken into the packing room in the boy's clothing and communicated to the loose cotton. We regret this unfortunate visitation which has caused the loss of human life as well as property. A lesson is taught us that too much care cannot be taken in keeping this useful as well as destructive element within bounds.

Death of Dr. Edwin Dargan.

We learn that Dr. Edwin Dargan died very suddenly at his residence in Darlington District on the morning of the 11th inst. The night previous he complained of not feeling very well, at the time of going to bed. About 12 o'clock, he experienced great pain in his head, and a messenger was despatched for a physician, but before medical aid could be obtained he expired.

Dr. Dargan was a gentleman highly esteemed by a large circle of friends and acquaintances. His death will be severely felt, and universally deplored by the community in which he lived, a useful and worthy citizen. How forcibly are we taught daily, nay, almost hourly, the sad, but certain lesson that "in the midst of life we are in death." We are so often called upon to part with those we love. Recently in our own District, we have had to mourn the death of many good citizens, who have been gathered to the graves of their fathers, and have journeyed to that bourne from whence none have ever yet returned.

Democratic Review.

In our last we acknowledged only the reception of the December number. The usual matters of interest, contained in this valuable Magazine, each month, are worth the attention of all readers, whether of the Democratic or any other school of politics. As a political organ, we do not acknowledge its teachings as our guide. Whilst we may commend its miscellaneous reading matter and the statistical information which it frequently contains, there is much against which we must protest. It is a thorough Union organ, and the time and talents of its able Editor, are largely engaged in the service of the glorious Union (?). This perhaps may not be considered so much of an objection after all, for we have in our own Legislative Halls, men of the same stamp—in our own sunny South—at our very doors, the same political teachings. How strange would it seem then, for a Northern paper, to advocate our cause, when such a large majority of our own are against us. We of course have allusion to the South generally, and not Carolina only. In the present number there is a capital review of "The History of Duelling, etc.," a work issued by the London Press, the author of which is J. G. Millingen, M. D. F. R. S. This unchristian practice is placed, we think, upon its proper footing when regarded as a "Moral Criminality" and "Wonderful Absurdity." The Reviewer thinks it may be traced to the barbarism of our Germanic origin. And it has been in vain that law, whether proceeding from despotic thrones or popular parliaments, has decreed against it the last and worst terrors of punishment which it can attach to the highest crimes against nature and society—stamping it on almost every statute book as murder.

It has been in vain that the universal reason of men has pronounced against it, in every other mode of expression but that of action, as a bad, bloody, and brutal barbarism. All in vain! There it has stood, undestroyed, unharmed—a great prevailing, practical fact—a living and strong reality, smiling at the superficial and frothy impotence of their attempts to put it down. Much as we may suppose a big black rock, in the midst of

the waves, to smile in contempt upon all the yesty fury with which they have been for centuries lashing its base.

Would that good institutions among men were as tenacious of their existence, against the surrounding pressure of bad influences, as vice versa we see it of the bad, thus vainly assailed by all the arrayed antagonism of right, reason and religion."

A portrait of the Hon. Wm. H. Polk, embellishes the present number, with a short biographical sketch of his life. He is a brother of the late President, and Charge d'Affairs to Naples, commencing with the latter part of Mr. Tyler's administration.

CARAJAL'S POSITION.—The Houston Telegraph says that at the last accounts, Carajal had resumed offensive operations, and had pushed his outposts near Matamoras. He had stationed detachments on all the great roads leading from Matamoras, and thus prevents any goods from being sent to the interior. Gen. Avalos had received a few reinforcements, but was unable or afraid to act on the offensive. Carajal holds possession of Reynosa, Camargo, Mier, and all the towns on the Rio Grande below Laredo.

BENEFITS OF RAILROADS.—Six years ago the place where Atlanta, Georgia, is now standing was an unbroken wilderness. Now there is a city of four thousand inhabitants. All this is attributable to the Georgia Railroads, and what Railroads have done for Atlanta, a system of Plank roads might accomplish for Camden.

THE COMPROMISE.—A convention of all persons opposed to the Compromise measures is to be held in Illinois on the 22d of January, to nominate a ticket for State Officers.

AT A DISCOUNT.—A Memphis (Tenn.) paper states that South Carolina bank notes, of which a large portion of their circulating medium is composed, are at a discount of one per cent, and from the large quantity among them and the distance of the place of redemption, they would not be surprised at a further decline.

IMPORTANT MOVEMENT.—The New York Times publishes a letter which states that the large body of emigrants who recently left California for the Sandwich Islands intend establishing a Republican Government there. To this end a constitution had been formed in San Francisco prior to their departure, containing a clause providing for the introduction of slavery. The Times says its correspondent is a gentleman of experience and judgment—an old Californian, mingling in and possessing the confidence of the communities of San Francisco, as well as Sacramento, and likely to be in the confidence of parties to the movement in question.

THE S. CAROLINA CONFERENCE.

Of the Methodist Episcopal Church, which met at Georgetown, S. C. on the 10th instant, Bishop Andrews presiding, have made the following appointments for the ensuing year:

- CHARLESTON DISTRICT.—C. BETTS, P. E. Charleston.—W. M. Wightman Editor Southern Christian Advocate; Charles Taylor and Benjamin Jenkins, Missionaries to China, Cumberland, Whiteford Smith; Trinity, W. A. McSwain; Bethel, C. H. Pritchard; St. James, J. R. Pickett, Black Swamp.—A. M. Christberg, E. J. Pennington. Savannah River Mission.—C. McLeod, W. A. Clark. Walterboro.—P. G. Bowman, A. P. Martin, Combahee & Ashpoo.—J. R. Coburn, A. H. Hannon. Round O Mission.—P. A. M. Williams. Okatee Mission.—to be supplied. Orangeburg.—W. H. Flemming, O. A. Darby, Bernwell W. Crook, F. A. Mood. Cypress.—W. P. Mouzon, W. B. Curry. Graniteville & Alken.—H. M. Mood. Pon Pon Mission.—W. C. Kirkland. Cooper River.—M. L. Banks, J. D. W. Crook. Cooper River Mission.—D. J. Simmons. Beaufort & Prince Williams Mission.—G. W. Moore, W. Hutto. Edisto, Ichossee & Fenwick Mission.—Charles Wilson, H. A. Bass. St. Andrew's Mission.—To be supplied.

- COCKERBURY DISTRICT.—SAMUEL LEARD, P. E. Cokesbury.—R. J. Boyd, one to be supplied. Edgfield.—S. H. Browne, G. W. Joy. Pendleton.—A. B. McGillivray, A. H. Lester. Pickens.—H. Ervin. Cedar Rock.—A. L. Smith. Greenville.—C. O. Lamotte. Greenville Circuit.—Samuel Townsend. Union.—W. A. Gamewell, one to be supplied. Laurens.—A. W. Walker. Newberry.—C. Murchison, W. E. Boone. Mount Tryon Mission.—D. D. Byers. Cokesbury School.—J. W. Wightman. COLUMBIA DISTRICT.—S. W. CAPERS, P. E. Columbia.—Washington street, H. A. C. Walker; Marion street, J. T. Wightman. Congaree Mission.—Nicholas Talley. Lexington.—J. W. J. Harris, J. T. Kilgo. Columbia Ct. L. A. Johnson. Winnaboro.—Wm. Martin, R. P. Franks. Lancaster.—D. W. Seale. Camden.—H. C. Parsons. Darlington.—J. H. Porter, O. A. Clreitzberg. Santeeville.—A. M. Foster. Santeeville Circuit.—A. McCorquodale, W. M. Mood.

- Santee.—J. W. North. Wateree Mission.—D. G. McDaniel, A. J. Cauten. Upper Santee Mission.—A. P. Avant. St. Matthews Mission.—Williamson Smith. GEORGETOWN DISTRICT.—D. DERRICK, P. E. Georgetown.—James Stacy. Santee Mission.—One to be supplied, W. M. Lee. Conwayboro.—Joseph Parker. Black River.—W. C. Clarke. Black Mingo Mission.—Frederick Rush. Black River and Pee Dee Mission.—Wm. Carson, W. W. Jones. Marion.—M. A. McKibben, D. McDonald. Bennettsville.—J. H. Zimmerman. Cheraw.—Thomas Mitchell.