THE SEMI-WEEKLY JOURNAL.

FRIDAY MORNING, NOVEMBER 26, 1852. THO. J. WARREN, Editor.

Our Cotton Market.

The continued unfavorable news from Europe has had the effect of depressing our Cotton market, and a decline in prices has taken place. We quote extremes at 71 to 81.

Later from Europe

The steamer Hermann arrived at New-York on Wednesday last, bringing four days later news from Europe. The lower qualities of Cotton had declined in Liverpool i to id. Sales of the last two days 8,000

The Message.

and the design of the control of the

By the exclusion of everything else, we are enabled to lay this document before our readers. We have no time or room for comment, but bespeak for it an attentive perusal. It will be found a plain, sensible document-just such as might have been expected from our excellent Chief Magistrate.

The Legislature.

The proceedings of the two first days of the session have been received, but possess very little of interest. We shall keep our readers advised of the proceedings, during the remainder of the session.

GOVEROR'S MESSAGE.

COLUMBIA, Nov. 23, 1852. Gentlemen of the Senate

and House of Representatives :

Another year has rolled round, and brought the day when, as Representatives of the people, you have assembled together to deliberate upon the affairs of the Commonwealth. And before I proceed to treat of the subjects which, for the good of our State, I may deem proper to bring to your attention, permit me earnestly to request that you will join me in rendering heartfelt thanks and praise to Almighty God, for the many and undeserved mercies bestowed upon us as a people during the past year. Although some portion of our State has trembled beneath the scourge of the "Pestilence which walketh in darkness and wasteth by noonday," yet we have cause for thankfulness that we have been permitted to enjoy, in other portions, more than a usu al degree of health; and although we have been called upon to mourn the devastation and ruin which marked the tracks of the late disastrous and unprecedented flood, yet wherever its desolating effects were not felt, a rich and abundant harvest will reward the labor of the husbandman.

Terrible has been the blow to the prosperity of our State by the destruction of crops and bridges on our water-courses, and as deeply as we sympathize with those of our fellow-citizens who have suffered, yet we are bound to bow submissively to the afflicting rod of our Heavenly Father, and render to Him the homage of grateful hearts for whatever mercies He has seen fit, in His wisdom and goodness, to vouchsafe to us, His dependant

It gives me pleasure to inform you that the ame flourishing conditioned for my fast Ainth Message, still continues. The South Carolina College, under the judicious and energetic management of its able President, is still progressing in its onward course of usefulness. To the already able and efficient corps of Professors, has been added during the past year the services of Dr. Reynolds, whose high character, devoted piety, and elegant erudition, amply qualify for the exalted station to which he has been called, and which he has thus far filled with honor to himself, and usefulness to the Institution.

The Military Academies still give evidence of during monuments of the wisdom and munificence of the State; in establishing so enlightened a plen of elemosynary education. The students at the Citadel were suspended during a part of the past summer and fall, in consequence of the prevalence of yellow fever; but in future steps will be taken to prevent the disbanding of the Corps by encamping in some healthy region, in case this epidemic should again visit the city.— The addition to the Arsenal, ordered by the last Legislature, is completed, and, with the former building, will be of sufficient capacity to accommodate all the Fourth Class, (say from ninety to one hundred.)

The last Legislature authorized the Trustees of the South Carolina College to build a Chapel provided they did not call upon it for more than \$10,000. This building, so much needed, has been contracted for by the Trustees at \$22,000, and will be of sufficient size to accommodate 1600 persons. The Trustees have paid \$4,000, (the first instalment,) out of the Tutition Fund, and have contracted to pay \$10,000 after the adjournment of the Legislature, and the balance when the building is completed. You will perceive from this statement that the Legislature will be only called upon for the sum which it authorised the Trustees to use. As no appropriation was made for this purpose and as the Trustees acting under the authority given them by the Legislature, have contracted for the payment of that sum after your adjournment, I recommend that at the present Session you make an appropriation to meet this call.

Before I leave the subject of these your cher-

ished Institutions of learning the one which has given to your history some of its brightest names, and the other, which, although but in its infancy, begins to show its practical utility, by giving to the State the services of well educated gentlemen, who, but for its munificence, might have grovelled for ever in obscurity-permit me earnestly to invoke for them a continuance of your

care and liberality.

I have endeavored, during the past summer, to inform myself thoroughly upon the subject of our Free School System, but from the want of interest generally manifested, I have been able to collect but little information. There seems to be a general belief that it works badly, except in large cities, Conducted as they are in the country, I do not hesitate to pronounce it an almost useless expenditure of the public fund; yet I am far from being willing to recommend a discontinuance of the appropriatior. The object of ex-tending the blessings of education to the poor is too just and noble a one to be abandoned. In some of the older States, more densely populated than our own, beneficial results have been pilaton, p. 661.

seen from it. I am sure the system could be so altered and improved as to work well with us .-But to do this, it would require a thorough knowledge of the subject; and it appears to me that the only way in which you could obtain that knowledge, would be to authorize the Governor to appoint a suitable and competent person to travel over the State for a year, and notice the manner of its operations, point out its defects, and suggest improvements. To do this, it must be made the specific duty of some one to collect this information, pay him for it, and require a strict performance of it at his hands. I feel certain of the propriety of this recommendation, inasmuch as I am sustained in it by high authority. One of my predecessors called upon all the Commissioners of Free Schools to make reports of the condition of them in their respective Districts, and to suggest such alterations and improvements as they deemed necessary. These reports were placed in the hands of Dr. Thornwell and Bishop Elliott, who, after a careful examination of them, recommended the plan which

The Bank of the State, according to a Report made to me by its President, is in a highly prosperous condition. The capital is \$100,000 more than last year.

The capital in use may be set down at \$3,450,000 Deduct Fire Loan Bonds 298,500

3,152,500 309,405 The profits are Deduct Interest on Fire Loan Bonds 29,680

Leaves which is about 9 per cent on its capital.

The Charter of this Bank expires in 1856. The short time it has to run renders it proper that you should consider the question of its re charter at this Session. I think there are many reasons why it should be re-chartered. This Institution has proved itself to be highly useful, and safe as a fiscal agent of the State, and has aided materially in sustaining our people during the severe monetary crisis through which we have passed. As all human institutions are imperfect, no doubt but some instances of mismanagement have occurred in the conduct of its affairs. I be lieve the only mismanagements that has been complained of is an over indulgence of some of its debtors. I have not been able to learn, however, that the Bank has sustained any losses from this cause. In some instances a long indulgence has secured the final payment of the debt, and at the same time enabled the creditor to secure a competence to his family, when the sudden calling in of the debts would have resulted in heavy losses to the Bank, and brought ruin and bankruptcy upon the debtor.

It is much more creditable to the management of this Institution that it should have erred in this particular than that it should have proved a relentless creditor, by forcing sales of property at a ruinous sacrifice. If any real abuses do exist, they ought most certainly to be reformed. The existence of them in a system is no proof that they are incident to it, or that the system itself is a bad one.

The Charters of many of the private Banks are about to expire; and in all probability application will be made thought or the policy of them. Banking system, were the question of its introduction amongst us for the first time made, one thing is certain, it has so completely interwoven itself into all our habits of business, that to abandon it now would greatly embarrass the commercial interest, and probably bring ruin on the country. It perhaps would be wise to re-charter them all, yet some check ought to be placed upon them. I know of no other better than a strong

Another argument in favor of its recharter, is the amount of taxes it saves to our citizens. increasing usefulness, and bid fair to stand as en- During the past year, as I have already stated, its profits have amounted to \$279,725, which, of course, has relieved our people of that amount of taxation. But above all other reasons why you should renew its Charter, the fact that the honor of the State is pledged to it should have greater influence with you than anything else. When the Fire Loan Bonds were negotiated in England by Ex-Governor McDuffie, the profits of the Bank were pledged as a security for the payment.* Thus it would appear that a refusal to re-charter this Bank, at least until these bonds are liquidated, would involve a violation of the pledges, affeet the credit, and tarnish the honor of the State. which every Carolmian should regard as sacred as his own.

Without making a positive recommendation on this subject, I suggest to you the propriety of considering at this time whether it would not be wise, under existing circumstances, to increase the capital of the Bank of the State. The great increase of all kinds of business, caused by our Railroads, calls for additional Banking Capital. Some of the large manufacturing establishments which have recently sprung up amongst us, have been greatly embarrassed during the past summer for the want of Bank accommodation. In fact, the complaint is very general on this subject. No doubt this state of things will produce applications for charters for more Banks. Now, as the Banking system has proved so highly pro fitable, would it not be wise to appropriate a large portion of it to the State, and thus in a measure free our people from taxation.

But a still stronger reason for an increase, is to give it the power of acting as a check upon the private Banks. They are certainly much to be dreaded, if left entirely uncontrolled. When the condition of the country is prosperous, the temp tation to expand their currency, and thus increase their profits is almost irresistible. Such expansions cause all kinds of property to assume a fic-titious value, and the whole country run riot in the wildest speculations. Scenes of great distress always follow such periods as these, and is generally hastened and rendered still more terrible by the sudden calling in of the debts, and the contraction of the currency. In fact the value of the property is almost entirely at the mercy of those who control the currency of the country. An expansion always runs it far beond its value, and and a contraction far below. Even the price of our great staple can be affected by the Banks refusing to lend money freely, and thus seriously injure the planter.

There should be some check upon this im-

mense, this fearful power.

See Mr. McDuffie's letter to Col. Elmore, Bank Com

I know that great fears are entertained as to he political power which a strong Bank of the State would wield-but these are rather imaginary than real, if you will reflect that it will be entirely under the control of the Legislature .-Its officers are elected annually, and of course could be removed if found exertingly any influence at variance with the true interests of the people. All the arguments which go to establish our fears that a corrupting influence might be ex ercised upon the politics of the country, would equally apply to private Banks. It there is any real danger of such influences from moneyed monopolies, it is far better that they should be under the control the State. The Bank of the State is directly responsible to the Legislature, while the private Banks are perfectly independent of it, from the time they receive their charters, until

If you, in your wisdom, should deem it inexedient to increase the capital of the Bank of the State, so as to give it the controlling influence, prudence requires that you should grant no charter to any private Bank with a capital of sufficient size to give such influence to it. No Bank should be chartered with a capital beyond a million of dollars.

The Lumantic Asylum, that charitable Institu-

tion so creditable to the humanity of the State, demands your special care and attention. Justice requires that I should again report to you not only the admirable order of its arrangement but the devoted attention of its officers to the delicate and laborious duties they are called upon

During the past year forty-four (44) new patients have been received, thirty of whom are pay patients, and twenty-eight of those heretofore under treatment have been dimissed, either entirely cured or greatly benefitted. The buildings are now not only full but crowded. I was particularly struck with the want of room in the enclosed grounds. They are altogether too much confined either for the comfort of the patients, or the degree of exercise which might conduce to their final cure. The improvements of the age have shown that the original buildings was improperly constructed, but the additions which are hereafter made can be done in accordance with those improvements which will greatly remedy

If the Legislature will grant a further approriation, it is proposed to enclose with a wall four acres of the lands belonging to the Asylum on the east side of it, and erect suitable buildings to accommodate the female patients. For this purpose the Regents, Physicians and Super intendent ask an appropriation of thirty thousand dollars. This will enable them better to provide for the reception of pay patients, which will greatly relieve the State of the the burthen of the Institution, perhaps to a sufficient extent even to re-emburse it for the amount of the appropriation, as for the want of such accommodations, many who are able and willing to pay highest, are carried to other Institutions. must feel it to be the duty of a State to provide for that unfortunate class of our fellow-creatures who have been deprived of reason. Yet none can feel that duty with the degree of intensity which their helpless and deplorable situation detact with them. I am sure, if you all could be eye witnesses to their sufferings, you would feel yourselves called upon by every consideration of humanity and christianity, to place within their reach all the means that science has discovered for their cure, and to make your Institution not merely a prison house, but really an Asylum .-Those who have watched this Institution with a paternal care, and have no interest apart from its good, who have carefully considered its wants, ask this appropriation at your hands. I trust

you will not re use it. A memorial from the Directors of the South Carolina Institute is herewith transmitted, to which I invite your attention. This Institute, established for the encouragement of all the industrial pursuits of the country, was incorporated by an act of the Legislature in 1850. One fair was held previous to its incorporation, and two since that time, which have given a most gratifying evidence of its success in promoting the great object for which it was established .-When we reflect how far behind our State has been in the great race of the improvement of the mechanic arts, this exhibition of mechanical skill and ingenuity which the fairs of this Institute have developed, must be a source of pride and satisfaction to every one who has the real interests of his country at heart. They have clearly shown that there was no want of talent or energy on the part of our mechanics, but that it only quired some stimulant of this kind to spring into life. These exhibitions are common to all those States which have been most remarkable for their improvements in the mechanic arts, and have received the particular patronage of their Legislatures.

This Institution has been established by the private enterprise of its founders, to effect a great public good; and while it reflects credit upon their public spirit, deserves your patronage .-Since it was founded, the articles offered for ex hibition have been so numerous that no hall can be found of sufficient capacity to contain them. The necessity of building another has induced them to call upon you for aid to construct it. By giving this aid, you adopt the most enlightened plan of encouraging all the industrial pur-suits of the country; but more particularly the mechanic arts, which have heretofore been too much neglected. Encourage your own mechans, by bringing the results of their talent and nterprise into notice, and it will be seen that our State will rival any other in useful improvements. Neglect them, and you will find that they will seek some more favored region, where their skill will be appreciated and rewarded

The Attorney General, at my request, has lrawn up a report on the subject of Prisons and Prison Discipline, to which he has added a report on the Criminal law. As it contains much valuable information, and many important suggestions, I herewith transmit, and invite your at-

Without pretending to enter fully upon the ubject, I will state a few reasons to show there ought to be a change in the management of prisons, and also in the manner of executions.

There is no preparation made for the separation of the different classes of prisoners. The youth who for the first time has been convicted of some small offence, and upon whom the punishment of imprisonment might have so saluta- transmitted.

ry an effect as to bring about his reformation, if eft alone to the workings of his own conscience, is confined with the hardened felon, and, of course, subjected to his pernicious influence. The debtor, who is perhaps more unfortunate than criminal, is herded with the felon and murderer. Good sense, as well as justice and good taste, revolt at this state of things.

A change ought to be made in the manner of Executions. All public executions are demoralizing to the community, and fail to produce the effect upon it they were intended to produce. A morbid curiosity collects thousands together to witness them, and when the criminal is brought forth for execution, the natural sympathies of the crowd convert him into a hero or martyr .-Thus, much more of pity than terror is inspired by the exhibition. Or where, by frequent recurrence, they become familiar, from some strange perversity of human nature, a vulgar taste is inspired for them, which is revolting to witness. It is a familiar fact, that during the Reign of Terror in France, when the streets of Paris were flowing with the blood of innocent victims, the populace actually clamored for more executions, when each individual was not sure but that his head would be the next to be brought to the guillotine. If it is intended to strike terror to he heart of the multitude, by witnessing executions, the very publicity of them defeats this end. Much more terror would be inspired by the knowledge, that at the tolling of a bell, or some other signal, a human being, within the narrow compass of his cell, was launced into eternity, unsustained in his last dark moments by the sympathies of a surrounding multitude.

If the punishment of whipping is to be continued, that, too, were better done in private, I doubt exceedingly, however, the propriety of this mode of punishment under any circum-tances, Reformation of the culprit (one of the important ends of punishment) is seldom or ever effected by it. If one spark of good, upon which a hope of reformation can be built, is left in his heart, it is entirely extinguished by the degradation of a public whipping. If he is already hardened in crime, and lost to all sense of shame, no other effect is produced upon him beyond the physical pain inflicted by the lash. I think that the general feeling of our people is decidedly opposed to this mode of punishment; so much so, that it is exceedingly difficult for the Executive to resist the earnest appeals and powerful influences brought to bear upon him either to remit or

But I will not trespass on your time by puruing the subject further. I merely wish to draw your attention to it. This subject, together with the revisal of our whole Criminal Code. requires a more careful examination than you would probably be able to give it during a short session of the Legislature. I therefore recommend that you appoint, or authorise the Governor to appoint, a Commission, consisting of the Attorney General and the Solicitors, or some other competent persons, to take the whole subject of our Criminal Law, Prisons and Prison Discipline, under consideration, and report to the next Legislature such changes as may be expedient or necessary. In this manner, all the facts and statistics necessary to form a correct judgment on the subject, will be brought before you by those who are most familiar with them.

By a joint resolution of the last General As embly, I was requested to communicate with the Governor of Georgia on the subject of the obstructions to commerce and intercourse be tween the two States, and to take such other steps as would lead to a full exposition and unlerstanding of the rights of all parties concerned and to a frank and friendly settlement of the ceived as yet no direct reply from Governor Cobb. My letter to him, together with the correspondence between the Attorney General and the Executive Secretary of Georgia-the statement of the Attorney General, and the result of his legal investigations of the case embodied in the orm of a Report, are all herewith transmit-

I think it however, proper to state, that the question of the boundaries between the two States has lost much of its interest at present, since an arrangement has been made by the President of the South Carolina Railroad Company with the city authorities of Augusta, by which a free passage across the Savannah River is secured

I feel it my duty to call your attention to cer in proceedings which have grown out of the enorcement of that law of our State, which remires the Sheriff of Charleston to seize and im aison colored Seamen who are brought to that port. You will remember that the British Consul addressed a communication to the Legislature in December 1850 on the subject of a modification of this law. A Committee was appointed by the House and Senate to report upon it at the next session of the Legislature. These Committes reported adverse to any modification. On the 24th of March, 1852, Manuel Percira was imprisoned in accordance with the law alluded to. The vessel in which he sailed was driven into the port of Charleston in distress. This was looked upon as a favorable case upon which to make an issue, as so strong an element of sympthy was connected with it. Accordingly, a mo-tion was made before Judge Withers for a Writ of "Habeas Corpus," which was refused by him. These proceedings were instituted by the British Consul, it is said, under instructions from his Government, to test the constitutionally of the Act. I think it here proper to state, that Pereira was at perfect liberty to depart at any moment that he could get a vessel to transport him beyond the limits of the Sate. In truth, in consideration of the fact that his coming into the State was involuntary, the Sheriff of Charleston whith his characteristic kindness, procured for him a place in a ship about to sail for Liverpool. Early in April Pereira was actually released and on his way to the ship, having himself signed the shipping articles, when, by interposition of the British Consul he was again consigned to the custody of the Sheriff. A few days after this the British Consul insisted no longer on his detention, but voluntarily paid his passage to New tanooga road connects it with Nashville. A road York. This statement of Mr. Yates, together is also about to be made between Nashville and with the letter of the British Consul, are herewith | Cairo. Thus you will perceive, that if the Blue

While these proceedings were pending the Sheriff of Charleston had my instructions not to give up the prisoner, even if a writ of Habeas Corpus had been granted. I considered that the "Act of 1844" entitled "An Act more effectually to prevent negroes and other persons of color from entering into the State, and for other purposes," made it my duty to do so. On the 19th of May, Reuben Roberts, a color-

ed seaman, a native of Nassau, arrived in the steamer Clyde, from Baracoa. The Sheriff of Charleston, in conformity with the laws of the State, which has been in force since 1823; arrested and lodged him in the district jail, where he was detained until the 26th of May when the Clyde being ready to sail Roberts was put on board, and sailed the same day.

On the 9th of June a Writ in Trespass, for Assault and False Imprisonment, from the Federal Court, was served upon Sheriff Yates, laying the damage at \$4000.

The Act of 1844, I take it, was intended to prevent all interference on the part of any power on the face of the earth with the execution of this police regulation, which is so essential to the peace and safety of our community. Had the Le islature which passed it ever dreamed that the Sheriff was to be subjected to the annoyance of being dragged before the Federal Court for doing his duty under a law of the State I am sure it would have provided for his protection. As no such provision has been made for so unexpected a contingency. I recommend that you so amend this Act of 1844, that it may meet any case that may arise.

It is certainly wrong to tolerate this interference with the laws enacted for the protection of our institution. In the general distribution of power between the Federal and State Governments, the right to make their own police regu-lations was clearly reserved to the States. In fact, it is nothing more nor less than the right of self-preservation—a right which is above all Constitutions, and above all laws, and one which never was, nor never will be, abandoned by a people who are worthy to be free. It is a right which has never yet been attempted to be denied to any people, except to us.

The complaint against this law is very strange, and the attempt to bring us in conflict with the General Government on account of it, is still more remarkable, when, so far from its being at variance with laws of the U.S. it is only requiring the State authorities to enforce an act of Congress approved February 28th, 1803, entitled an Act to prevent the importation of certain persons into certain States, where by the laws thereof their importation is prohibited .- (See 2d Story's Laws U. S., page 886.) By referring to this Act, you will see that the plaintiff in the action alluded to, was prohibited by it from entering into this State. I deem it unnecessary, however, to enter fully into the argument. If any doubt should be entertained by you, as to its constitutionality, I beg leave to refer to the able opinion of the Hon. J. McPherson Berrien, delivered at the time he was Attorney General of the United States, which I herewith send you.

On the subject of the modification of this law, I am free to say, that when Her B. Majesty's Government, through its Consul, made a respectful request to our Legislature to that effect, I was anxious that it should be made. It was with pleasure that I transmitted his first communication to the last Legislature. I would have made a recommendation of its modification a special point in my first Message, but that I thought it indelicate to do so, as the matter was already before the legislature, and committees had been appointed to report upon it. Another reason for the neglect of this recommendation was the then whole matter" On the 6th of May I addressed excited state of party politics, which might have a letter to His Excellency Governor Cobb, in accordance with the spirit of the said joint resolution, and requested the Attorney General to look ted in the premises, I would even now recominto the matter, and report to me what were the legal rights of the parties concerned. I have re Captains of vessels to confine their colored sea-Captains of vessels to confine their colored seamen to their vessels, and to prevent their landing under heavy penalties, for while I think the State has a perfect right to pass whatever laws on this subject it may deem necessary for its, safety, yet the spirit of the age requires, that while they should be so formed as to be adequate to our protection, they should be at the same time as little offensive as possible to other nations, with whom we have friendly relations.

> But since an attempt has been made to defy our laws, and bring us in conflict with the Federal Government, on a subject upon which we are so justly sensitive, our own self-respect demands that we should not abate one jot or tittle of that law, which was enacted to protect us from the influence of ignorant incendiaries. It gives me pleasure to inform you that the

Railroads of our State are rapidly progressing. The Columbia and Charlotte Railroad, and the

King's Mountain Road, are completed. Although heavy damages were sustained by the Greenville Railroad from the late freshet, they will soon be repaired, and under the energetic management of its President and Directors, will ere long be completed. The Manchester Road is also progressing rapidly. Already do we see the potent effects of these Reads in developing the resources of the State, and springing into life the energies of the people. The prosperity which follows in their track is no longer problematical, Living witnesses of it are all around us. Yet this gran system, which is to bring wealth and prosperity to us, and energize into action resources which were heretofore dormant, has just begun. If we would realize their full effects, they must be extended, until the rich commerce of the mighty valleys of the West is poured into Charleston. This can easily be effected, by pursuing a liberal and enlightened policy towards them—a policy worthy of the age in which we live. The golden opportunity to command this trade is within our reach. Charters have been granted by the several States through which it will pass for the Blue Ridge Road, which is to cross the Rabun Gap, and extend through Clayton and Franklin to Calhoun, where it will intersect the Knoxville and Dalton Road. Through Knoxville a communication will be opened with Cincinnatti, (as a Charter has been granted by Tennessee for a Road to the Kentucky line, and a Company is formed in Kentucky to carry it on to Cincinnati.) A road is now in progress to connect Calhoun with Chattanooga. From Chattanooga to Memphis, a road has already been built, and the Chat-tanooga road connects it with Nashville. A road

Ridge road is built, commencing at Anderson