

Legislative Proceedings, 1838.

SENATE, Monday, May 28, 1838.

Agreeably to a Proclamation of His Excellency, the Governor, the Senate met—the Hon. P. Noble, President, took the chair, and called the Senate to order.

The President announced the death of Hon. T. Poole.

On motion of Mr. Bauskett,

Resolved, That in testimony of respect to the memory of the Hon. T. Poole, late Senator from Spartanburg, the Senate wear the usual mourning for thirty days.

A message was sent to the House, informing them that the Senate had formed a quorum, and proceeded to business.

On motion of Mr. Caughman, a committee was appointed to wait on the Governor, and inform him that the Senate has formed a quorum and proceeded to business, and were ready to receive communications from him.

Messrs. Caughman, Rhett and Smart were appointed the committee.

Mr. Caughman, from the committee, reported that they had performed their duty, and that he would send in a communication immediately.

Received the Governor's Message, which having been read, on motion of Mr. Patterson,

Resolved, That it be referred, together with accompanying documents, to a special Joint Committee, and a message be sent to the House of Representatives, requesting them to appoint a committee to meet the committee of the Senate on that subject, and that it be printed with accompanying documents.

Messrs. Patterson, Bauskett, Gregg, Henegan, Dunovant, Scott, Massey, Norris, and Higgins, were appointed the committee.

A message was sent to the House accordingly.

Mr. Hamilton submitted a Resolution, that this Legislature will consider no measures of general legislation excepting such as may be specially incidental with the object of the present call—laid on the table.

A message was received from the House, that they had formed a quorum and proceeded to business.

Mr. Bennett presented the petitions of certain persons, for an Act of incorporation of the New Union Insurance Company; of the Grand Lodge of South Carolina, praying for the extension of the time allowed them for drawing a Lottery.

Also, a memorial of the City Council of Charleston praying enactments to secure the said City from injuries by fire, and shewing the necessity of so amending the Act of 1809, which relates to the apportionment of Aldermen for the several Wards, as to require that such apportionment be made every ten years, instead of seven years, as now required by law.

Mr. Hamilton presented the Memorial of sundry citizens of Charleston, praying that the Tax be repealed on agencies of Foreign Insurance Companies, and that other Insurance Companies be chartered.

All referred to special Joint Committee, and ordered to be printed.

Mr. Bennett presented the petition of the Trustees of the First Universalist Church of Charleston, praying an amendment of their Charter, and for other purposes—referred to special Joint Committee.

Mr. Hamilton gave notice, that he would on to-morrow, ask leave to introduce a bill to amend the Charter of the Charleston Insurance and Trust Company.

Mr. Pinckney gave notice, that he would on to-morrow, ask leave to introduce a bill to incorporate the Pendleton Manufacturing Company.

On motion of Mr. Patterson, ordered, that when the Senate adjourn, it do stand adjourned to to-morrow 12 o'clock.

Adjourned.

HOUSE OF REPRESENTATIVES, Monday, May 28, 1838.

In compliance with the call of His Excellency, the Governor, the House met at 12 o'clock this day, the Speaker in the chair, and a quorum present.

The clerk called the roll, and read the journal of proceedings on the last day of the last session.

A message was received from the Senate, with the information that they had met, formed a quorum, and proceeded to business.

On motion of Mr. Davie, a similar message on the part of the House was returned to the Senate.

On motion of Mr. J. Douglass, a committee was appointed to wait on his Excellency, the Governor, and inform him that the House had assembled, and were ready to receive any communication from him.

Messrs. J. Douglass, Edwards and Adams, composed the committee.

On motion of Mr. Desaussure,

Resolved, That Mr. E. J. Arthur, a reporter for the Southern Patriot of Charleston, be allowed a seat upon the floor of the House, and that the messenger assign him a place.

A message from his Excellency, the Governor, was received, and read by Mr. Cheves his private secretary.

A message was received from the Senate, informing the House that they had referred the Governor's Message to a special committee, and requesting the House to appoint a similar committee to meet that of the Senate.

On motion of Mr. Davie, the suggestion was agreed to—the committee to consist of fifteen members. The following named gentlemen were appointed, viz:

Messrs. Davie, Elmore, Memminger, Petigru, S. Fair, Rhett, H. H. Thomson, McDowell, Harlee, Patterson, Jones, A. W. Thomson, Laborde, Broyles, Witherspoon.

Memorials were presented,

By Mr. Memminger, from the City Council of Charleston, praying enactments to secure the city from fire—referred to the special joint committee.

By Mr. Seymour, from the City Council of Charleston, praying an amendment of the Act of 1809, so that the Representation in the City Council may be apportioned every ten years instead of seven—referred to the judiciary committee.

By Mr. Bowers, from sundry citizens of Barnwell and Edgefield, praying the establishment of a branch of the Bank of the State at the Town of Aiken—referred to the committee of ways and means.

By Mr. Yeadon, from the Grand Lodge of Ancient Free Masons of South Carolina, praying leave to raise a sum of money by a lottery for the purpose of erecting a Masonic Hall—referred to the committee on incorporations.

Petitions were presented,

By Mr. J. W. Toomer, from certain persons for the incorporation of the New Union Insurance Company—referred to the committee on Incorporations.

By Mr. Petigru, from sundry citizens of Charleston, for the repeal of laws against foreign Insurance Companies—referred to the committee of Ways and Means.

By Mr. Seymour, from the first Universalist Church of Charleston, praying an amendment of their charter, and for other purposes—referred to the committee on Incorporations.

Mr. Boyce, on leave, introduced a bill to amend the charter of the Charleston Insurance and Trust Company, which was read a first time and ordered to be read again to-morrow.

On motion of Mr. Elmore,

Resolved, That Robert G. Mills, Superintendent of Public Works, one of the Directors in the Louisville, Cincinnati and Charleston Rail Road Company, and a Commissioner on the part of the State, representing her interests in said Company, have leave of absence to attend the meeting of the Directors of said Company, in the City of Lexington, Kentucky, on the fourth Monday in August next, and the meeting of the Stockholders, on the third Monday in September following; at Ashville, N. C.—Resolution ordered to the Senate.

On motion of Mr. Adams,

Resolved, That this House will consider no matter foreign to the especial object of the Session.

Mr. J. W. Toomer, from the committee of Incorporations, to which had been referred the memorial of the Ancient Free Masons of South Carolina, reported a bill to authorize the Grand Lodge of Ancient Free Masons of South Carolina, to raise a sum by lottery for erecting a Masonic Hall in Charleston; and on the question of giving the bill a first reading, Mr. Davie enquired whether it did not conflict with the resolution of Mr. Adams, just adopted by the House. Mr. Yendon explained the object of the bill, and advocated its reading and passage. Mr. Adams moved to lay it on the table. Mr. Rhett spoke briefly in favor of considering the bill, it was then by order of the House, read a first time and ordered to a second reading to-morrow.

Mr. J. W. Toomer, from the same committee, to which had been referred the memorial of certain persons praying the incorporation of the New Union Insurance Company, reported a bill for that purpose, which on motion of Mr. Davie, was laid on the table, while he moved a reconsideration of the resolution submitted by Mr. Adams, which motion prevailed, and the question recurred on the passage of the resolution, when after a few remarks by Mr. Pettigru for, and by Mr. Rhett and Mr. Colcock against it, the resolution was withdrawn by Mr. Adams.

A bill to incorporate the New Union Insurance Company, was read a first time and ordered to a second reading to-morrow, and to be printed.

Mr. Symmes obtained leave and introduced a bill to incorporate the Pendleton Manufacturing Company; which received a first reading, and was ordered to be read again to-morrow.

Mr. DeSaussure presented the account of A. S. Johnson for publishing the Statutes at Large; referred to the committee on Claims.

Mr. Pettigru, from the Judiciary Committee, to which had been referred the memorial of the City Council of Charleston, praying an amendment of the Act of 1809, in relation to the apportionment of Aldermen, reported a bill to amend an Act directing the Representation in the City Council to be apportioned every seven years; bill read once, ordered to a second reading to-morrow.

On motion of Mr. Myers, adjourned to 11 o'clock to-morrow.

SENATE, *Tuesday, May 29, 1838.*

The Senate met pursuant to adjournment.

Received a message from the Governor, covering a note from Dr. Thomas Cooper, accompanying a copy of the 3rd vol. Statutes at Large—referred to judiciary committee.

Mr. Bennett presented the memorial of many of the proprietors of lots in the west ward part of the City of Charleston, protesting against the provisions of a late ordinance of the City Council of Charleston, which prohibits the erection of buildings of wood within the precinct—referred to special joint committee.

Mr. Patterson presented the petition of sundry citizens of Barnwell and Edgefield districts praying for the establishment of a branch of the Bank of the State of South Carolina in the Town of Aiken—referred to the committee on finance.

Mr. Gregg presented the account of A. S. Johnson for publishing the Statutes at Large—referred to the committee on claims.

Mr. Patterson, from the special committee, submitted reports on the memorial of sundry citizens of Charleston, praying that the tax be repealed on the agency of foreign insurance companies, and that other insurance companies be rechartered; and on the memorial of the City Council of Charleston, shewing the necessity of so amending the Act of 1809, which relates to the apportionment of Aldermen for the several wards, as to require that such apportionment be made every ten instead of every seven years—laid on the table.

Mr. Patterson, from the special committee, asked and was discharged from the further consideration of the petition of the Grand Lodge of South Carolina, praying further extension of the time allowed them for drawing a lottery; and the petition of the trustees of the first Universalist Church of Charleston, praying for an amendment of their charter and for other purposes, and they were laid on the table.

Pursuant to notice, the following bills were introduced :

By Mr. Pinckney, a bill to incorporate the Pendleton Manufacturing Company.

By Mr. Hamilton, a bill to amend the charter of the Charleston Insurance and Trust Company.

Both read the first time and ordered for a second reading to-morrow.

The special joint committee to which was referred the Governor's Message and the memorial of the City Council of Charleston, praying enactments to secure the said City from injuries by fire, reported a bill for rebuilding the City of Charleston, which received a first reading and was ordered for a second reading to-morrow.

The House sent for concurrence a resolution granting leave of absence to the Superintendent of Public Works—concurred in and ordered to be returned.

Adjourned to 12 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, Tuesday, May 29, 1838.

The House met at 11 o'clock, A. M.

The Clerk read the Journal of the day previous.

Mr. Seymour presented the memorial of certain residents and proprietors of lots in the city of Charleston, lying to the westward of St. Philips, Archdale, Friend and Legare streets, protesting against the recent ordinance prohibiting the erection of wooden buildings in any part of the corporate limits of the said city.

Mr. Bowers offered the following resolutions, which were agreed to and ordered to the Senate for concurrence.

Resolved, That an election ground be established at Pole Cat Pond, Barnwell district, and that Drayton Wade, A. McCain and Wm. Woodward be appointed managers.

Resolved, That James G. Wilson, be appointed a Justice of the Quorum for Barnwell district.

Mr. Toomer, from the committee on Incorporations, to which had been referred the petition of the First Universalist Church in Charleston, reported a bill to amend the charter of the First Universalist Church in Charleston, and for other purposes—bill read first time, to be read again to-morrow.

The Speaker called the attention of the House to a Message from his Excellency the Governor, transmitting the third volume of the Statutes at Large, and a communication from Dr. Cooper—referred to the Judiciary committee.

Mr. Davie, from the committee of Ways and Means, reported a bill to make certain appropriations, which was read a first time, and ordered for a second reading to-morrow.

Mr. Garvin, on leave, introduced a bill to repeal the 32d section of an Act entitled "An Act to establish certain roads, bridges, and ferries," passed on the 20th December, 1837—the bill received a first reading, and was ordered for a second to-morrow.

Mr. Symmes called up a bill to incorporate the Pendleton Manufacturing Company, and it was on motion, referred to the committee on Incorporations.

Mr. Davie, from the special joint committee on the Governor's Message, reported "a bill for rebuilding the City of Charleston;"—read the first time, ordered to a second reading to-morrow and to be printed and made the special order of the day for to-morrow at 11 o'clock, A. M.

Mr. J. W. Toomer, from the committee on Incorporations, to which had been referred a bill to incorporate the Pendleton Manufacturing Company, reported the same without amendment.

On motion of Mr. Davie, the bill was laid on the table, and ordered to be printed.

This bill was afterwards called up by Mr. Frost, and recommitted to the committee on Incorporations.

The House then proceeded to the orders of the day.

A Bill to amend the charter of the Charleston Insurance and Trust Company, was referred to the Committee on Incorporations.

A Bill to authorize the Grand Lodge of Ancient Free Masons to raise a sum of money by Lottery, for erecting a Masonic Hall in Charleston, reported by the Committee on Incorporations, was read a second time, clause by clause. Mr. Davie moved its postponement to the first day of January next. Mr. Yeadon called for

the reading of the memorial, which Mr. Adams objecting to, was ordered by the House when a few remarks being made by Mr. Petigru, the motion for postponing was carried in the affirmative.

A Bill to incorporate the New Union Insurance Company, reported by the committee on Incorporations, was taken up for a second reading. Mr. J. W. Toomer explained the objects and advocated the passage of the bill. Mr. H. H. Thompson moved to strikeout the first clause—motion negatived. Some progress was made in the reading of the bill and various amendments were proposed, which gave rise to a discussion between Messrs. J. W. Toomer, H. H. Thompson, Caldwell, Davis, A. W. Thompson, Desaussure, Memminger, Boyce and Frost, when the bill was on motion motion of Mr. Adams postponed to the fourth Monday in November next.

A Bill to amend the Act directing the representation in the City Council to be apportioned every seven years, was read a second time and ordered to the Senate for concurrence.

The Senate returned with their concurrence a resolution granting leave of absence from the State to R. G. Mills, Superintendent of Public Works.

Mr. Colcock offered the following resolution :

Resolved, That the Legislature will adjourn its present session on Friday next. Considered, agreed to and ordered to the Senate for concurrence.

Adjourned to 11 o'clock to-morrow.

SENATE, Wednesday, May 30, 1836.

The Senate met pursuant to adjournment, and proceeded to business.

Mr. DeTreville from the Committee on Claims, submitted a report on the account of A. S. Johnston, for publishing the 3rd volume of the Statutes at Large—laid on the table.

Resolutions were received from the House, concurred in and returned :

For adjournment on Friday next ; appointing a Justice of the Quorum for Barnwell ; and establishing an election ground in Barnwell district.

A Bill to amend the Act directing the representation in the City Council to be apportioned every seven years, was read the first time, and ordered for a second reading to-morrow.

Mr. Patterson, from the special committee, asked and was discharged from the further consideration of the memorial of many proprietors of lots in the Western part of the city of Charleston, and of the petition of certain persons praying the incorporation of the New Union Insurance Company, and they were laid on the table.

A bill to amend the Charter of the Charleston Insurance and Trust Company was read a second time, and sent to the House.

A bill for rebuilding the city of Charleston, was taken up for a second reading and laid on the table.

A bill from the House, entitled "a bill for rebuilding the city of Charleston," was read a first time, and the 12th, 13th and 14th sections, ordered to be printed.

Received a message from his Excellency the Governor, on the Florida Claims, which being read, was referred to a Special Committee of Messrs. DeTreville, Mims and Gourdin ; and a message sent to the House, proposing that they appoint a similar Committee to meet that of the Senate on the subject.

The Senate took a recess till 6 o'clock.

EVENING SESSION, Wednesday May 30, 1836.

A bill to make certain appropriations, which had received two readings in the House, was taken up, read a first time, and ordered to be read again to-morrow.

Adjourned to 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, Wednesday, May 30, 1836.

The House met pursuant to adjournment and the Clerk read the journal of the previous day.

Mr. Powe offered the following resolution, which after a few remarks by him was adopted by the House :

Resolved, That the members of this House have learned with regret the death of John Middleton, Esq. late a member of this House, and as a mark of respect for his memory will wear crape on the left arm for the usual period.

Mr. Davie asked leave, on the part of the committee of ways and means, to be discharged from the further consideration of the memorial of citizens of Barnwell and Edgafield, praying the establishment of a branch of the Bank of the State of South Carolina in the town of Aiken—leave granted and the memorial laid on the table.

Mr. Davie submitted the following preamble and resolution, and moved that they be laid on the table, printed, and made the special order of the day for to-morrow at 12 o'clock. The motion having been briefly advocated by Mr. Davie and opposed by Mr. A. W. Thompson, was agreed to :

Whereas, we have lately mixed with our constituents, and believe that they are decidedly in favor of the Sub-Treasury system, and approve of the resolutions passed last session of the Legislature ; which resolutions declare it expedient to separate the federal revenues from banks and banking operations, and dangerous and unconstitutional to incorporate a National Bank.

Resolved, That we earnestly request our Senators and Representatives in Congress, to vote for the bill to establish the Independent Treasury, with the special provision.

Mr. Gavin called up a bill to repeal the 32d section of the road law, passed at last session, and it was referred to the committee on roads, bridges and ferries.

Mr. J. W. Toomer, from the committee on incorporations, submitted reports on the bills to incorporate the Pendleton Manufacturing Company, and the bill to amend the charter of the Charleston Insurance and Trust Company—considered, agreed to, and the bills laid on the table.

The special order of the day, the bill for re-building the City of Charleston, was taken up, read a second time clause by clause and amended in various particulars ; after a discussion, which was participated in by Messrs. Davie, Harlee, Rhett, Arnold, A. W. Thompson, Petigru, Elmore, Adams, J. D. Allen and Memminger, on the question of ordering the bill to be sent to the Senate, Mr. Jones called for the yeas and nays, which were ordered by the House, and were as follows :

YEAS—D. L. Wardlaw, Speaker, Adams, J. M. Allen, J. D. Allen, Alston, Belin, Bowers, Boyce, Broyles, Buchanan, Buford, Bull, Carr, Coachman, Colcock, Davie, Desaussure, D. Douglass, J. Douglass, Edmundston, Edwards, Ellis, Elmore, Ervin, Fripp, Frost, Gavin, Gibbon, Gibson, Gillain, Goodwyn, Harlee, Henderson, Huger, Huggins, Huist, Jamison, Jenkins, Ker, Laborde, Levy, Long, McDowell, M'Lauchlin, M'Pherson, Maxwell, Memminger, Mills, J. Moore, M. A. Moore, Myers, J. Palmer, S. J. Palmer, Patterson, B. Perry, Petigru, Philips, Porcher, Rainey, Rhett, Ripley, Seymour, Strobbart, Spann, Symmes, A. W. Thomson, Tompkins, J. Toomer, J. W. Toomer, Tyler, Watson, Whitley, Woods, Yeadon—74.

NAVES—Arnold, Arthur, Barry, Barton, Berry, Boozer, Brockman, Caldwell, Crawford, Crockett, Evins, J. Fair, S. Fair, Garvin, Glenn, Hoy, Irby, Jeter, Jones, Kern, Moffett, Murray, Neel, Powe, Reed, Richardson, H. H. Thomson, Wither-
spoon, Young—30.

The Speaker presented to the House a message from his Excellency the Governor, in relation to certain claims of the Florida Volunteers—referred, on motion of Mr. Elmore, to the special committee on Florida claims : also, a communication from the Superintendent of Public Works, which was on Mr. Philips' motion referred to the committee on Internal Improvements.

Resolutions were returned by the Senate with their concurrence, fixing the day of adjournment, and appointing a justice of the quorum and managers of elections for Barnwell.

A bill from the Senate to amend the charter of the Charleston Insurance and Trust Company, which had been there twice read, received its first reading in the House, and on motion of Mr. Boyce was ordered for a second reading to-morrow.

Mr. Myers offered the following resolution.

Resolved, That Mr. James E. Nott, be appointed a Manager of Elections at Monticello, in Fairfield district, in place of D. E. Penly, who has removed from the district—agreed to, and ordered to the Senate for concurrence.

Mr. Boyce presented a memorial from a meeting of the citizens of Charleston, praying that the City Council of Charleston may be permitted to institute a system of mutual insurance in the said city; and in connexion with the subject, the following resolution, which was agreed to, and the memorial laid on the table.

Resolved, That as the subject matter of the said memorial involves the consideration of the general subject of insurance, and the policy which should hereafter be pursued in relation to that subject, it is important that the subject should be brought fully before the Representatives of the people: It is ordered, that the memorial from a meeting of the citizens of Charleston, be printed for the use of the members, and that the consideration thereof and final action upon it, be laid over until the next regular meeting of the Legislature.

On motion of Mr. Philips, ordered, that when the House adjourn, it will meet at 12 o'clock to-morrow.

On motion of Mr. Adams,

Resolved, That Minervaville shall be discontinued as a place of election for Richland district.

On motion of Mr. Powe,

Resolved, That Hugh Craig, be appointed a Justice of the Quorum, and Daniel Campbell, a Justice of the Peace, for Chesterfield District.

On motion of Mr. Spann,

Resolved, That Samuel Cooper, be appointed a manager of elections at Swimming Pans, Claremont county, in place of Minor McCoy, removed.

On motion of Mr. M. A. Moore,

Resolved, That John Gibbs, of Union district, be appointed a Justice of the Quorum, in place of Hiram Gibbs, removed.

Resolutions ordered to the Senate for concurrence.

Mr. Davis called up a bill to make certain appropriations, which was read a second time, and ordered to the Senate.

Mr. Rhett, from the committee on claims, made a report on the account of A. S. Johnston, for printing the Statutes at Large—agreed to.

On motion of Mr. Boyce, a reconsideration of the report of the committee on incorporations, on a bill to amend the charter of the Charleston Insurance Company was ordered, and the House having been addressed by Messrs. Boyce, Toomer, Elmore and Petigru, the report was agreed to, and the bill laid on the table.

A message was received from the Senate stating that the Governor's message in relation to Florida claims, had been referred to a special committee, and proposing that a committee of the House do confer with that of the Senate on the matter—concurred in, and ordered that the special committee to which the subject has already been referred, do meet that of the Senate.

Adjourned.

SENATE, Thursday, May 31, 1838.

The Senate met pursuant to adjournment.

Mr. Higgins from the Committee on Finance, reported a Bill to make certain appropriations with amendments, which were agreed to, and the Bill amended accordingly—read a second time, and returned to the House.

Mr. Glover gave notice, that on the third reading of the Bill, he would offer certain amendments.

Mr. Glover presented the accounts of B. Hart, S. Weir and W. Cunningham—referred to the Committee on Accounts.

On motion of Mr. Bryant,

Resolved, That John I. Poyas, be appointed a Justice of the Quorum for the parish of St. Thomas and St. Dennis—ordered to the House.

The House sent for concurrence.

Resolutions to appoint a Justice of the Quorum for Union district: a Justice of the Quorum, and a Justice of the Peace for Chesterfield: a manager of elections for Claremont, and to discontinue a place of election for Richland, and appointing managers of elections for Fairfield—concurred in and ordered to be returned.

A Bill for rebuilding the city of Charleston, was taken up for a second reading.

Mr. Bryant move to strike out part of the 8th clause—the yeas and nays were ordered on this motion, and were—

YEAS—Messrs. Bryan, DeTreville, Henegan and Scott.—4.

NAYS—Hon. P. Noble, President, Messrs. R. F. W. Alston, T. P. Alston, Bauskett, Beatty, Bennett, Cannon, Caughman, Chesnut, Dubose, Dugan, Dunovant, Ellerbee, Evans, Frampton, Gregg, Glover, Hamilton, Higgins, Jenkins, Lawton, Lewis, Littlejohn, Massey, Mims, Norris, Patterson, Peay, Pinckney, Rhett, Sheridan, Stone, Smart, White and Wilson.—35.

So the same was not stricken out.

On the question of returning the Bill to the House, the yeas and nays were ordered, and were—

YEAS—Hon. P. Noble, President, Messrs. R. F. W. Alston, T. P. Alston, Bauskett, Beatty, Bennett, Bryan, Cannon, DeTreville, Dunovant, Evans, Frampton, Gregg, Gourdin, Hamilton, Henegan, Jenkins, Lawton, Lewis, Littlejohn, Massey, Mims, Patterson, Peay, Pinckney, Rhett, Scott, Sheridan, Smart, White, and Wilson.—31.

NAYS—Messrs. Caughman, Chesnut, Dubose, Dugan, Ellerbee, Glover, Higgins, Norris, Stone.—9.

So the Bill was read a second time, and returned to the House.

A Bill to amend the Act directing the representation in the City Council to be apportioned every seven years, was read a second time, and ordered to be returned to the House.

Mr. Beatty asked and obtained leave of absence after to-day, for Mr. Littlejohn. Senate had a recess till 6 o'clock.

EVENING SESSION, Thursday, May 31, 1838.

Mr. Glover from the Committee on Accounts, submitted reports on accounts of S. Weir and Wm. Cunningham—ordered for consideration to-morrow.

The House sent for concurrence.

Resolutions to separate the revenue of the United States from the Banks,—made the special order for 8 o'clock.

Resolutions to separate the revenue of the United States from the Banks, offered in the Senate, were laid on the table.

The special order was taken up.

On adopting the first Resolution, the yeas and nays were taken, and were—

YEAS—Hon. P. Noble, President, Messrs. R. F. W. Alston, T. P. Alston, Bauskett, Beatty, Bennett, Bryan, Cannon, Caughman, Chesnut, DeTreville, Dubose, Dunovant, Evans, Frampton, Gregg, Glover, Gourdin, Henegan, Higgins, Jenkins, Lawton, Lewis, Littlejohn, Massey, Mims, Norris, Patterson, Peay, Pinckney, Rhett, Scott, Sheridan, Stone, Smart, White and Wilson.—37.

NAYS—Messrs. Dugan, and Ellerbee.—2.

So the first resolution was concurred in.

Mr. Hamilton moved to postpone the further consideration of the other Resolutions to the 1st of January next; on this motion the yeas and nays were ordered, and were as follows:

YEAS—Messrs. Dugan, Ellerbee, Hamilton.—3.

NAYS—Hon. P. Noble, President, Messrs. R. F. W. Alston, Bauskett, Beatty, Bennett, Bryan, Cannon, Caughman, Chesnut, DeTreville, Dubose, Dunovant, Evans, Frampton, Gregg, Glover, Gourdin, Henegan, Higgins, Jenkins, Lawton, Lewis, Littlejohn, Massey, Mims, Norris, Patterson, Peay, Pinckney, Rhett, Sheridan, Stone, Smart, White, Wilson.—36.

So the Resolutions were not postponed.

Mr. Bauskett moved to strike out the latter part of the second Resolution, and called for the yeas and nays, which were ordered, and taken as follows:

YEAS—Messrs. Bauskett, Bennett, Dugan, Ellerbee, Gregg, Lewis, Peay.—7.

NAYS—Hon. Patrick Noble, President, Messrs. R. F. W. Alston, Beatty, Bryan, Cannon, Caughman, Chesnut, DeTreville, Dubose, Dunovant, Evans, Frampton, Glover, Gourdin, Henegan, Higgins, Jenkins, Lawton, Littlejohn, Massey, Mims, Norris, Patterson, Pinckney, Rhett, Scott, Sheridan, Stone, Smart, White, Wilson.—31.

The Resolutions were then adopted.

Mr. Dugan presented a protest signed by himself and Mr. Hamilton. Ordered to be entered on the Journals of the Senate.

May 31, 1838.

The undersigned dissent from the vote of the Senate on the preamble and resolutions respecting the Sub-Treasury bill, and those members in Congress, who have refused to vote for the same:

Because, 1st.—The only reasons assigned for that resolution are the supposed anxiety of the people of the State for the success of that measure, and their approbation of the resolutions of last winter, whereas in fact, it is believed, that the favor which those resolutions have found, proceeds much more from the indifference of the people, than from any interest which they feel in the subject.

2nd. Because the commendatory observations contained in the said resolutions, though substituted for, may be very easily construed to have the force of instructions. But the practice of instructing members of Congress, whether Senators or Representatives, has never been sanctioned by the public opinion of South Carolina, nor adopted by her Legislature;—and the doctrine itself, if not altogether fallacious, as by the better opinion it is held to be, is confessedly exposed to so many and such strong objections, that nothing short of an evident necessity could justify the members of the Senate in resorting to an expedient as much at variance with the uniform course which this State has hitherto pursued.

3rd. Because the end proposed by the said resolutions can be no other than to compel some of the South Carolina delegation to vote for the Sub-Treasury, in opposition to their own deliberate judgment of the inexpediency, impropriety and danger of that measure. But inasmuch, as a very great majority of the people of the United States, have expressed their condemnation of the Sub-Treasury policy, the real tendency and effect of those resolutions are to fasten upon the country a new and questionable measure, against the sense of a great majority of the people of the United States, by the votes of representatives voting against their own convictions.

For these reasons, and because all attempts to overawe and control that freedom of mind with which a representative should execute his trust, according to the best of his judgment and ability, are unconstitutional, and dangerous in the highest degree to the stability of republican governments, we, members of the Senate, whose names are hereunto annexed, record our dissent, and protest against these proceedings being drawn into a precedent.

THOMAS DUGAN,
JAMES HAMILTON.

Mr. Bennett obtained leave of absence for Mr. Hamilton.
Adjourned to 9 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, Thursday, May 31, 1838.

The House met pursuant to adjournment and the Clerk read the Journal of the previous day.

Mr. Ervin asked and obtained leave to withdraw the petition of J. Truett, praying payment for a horse lost while carrying a prisoner from the jail of one district to that of another, with the accompanying documents.

Mr. Boyce presented the petition of sundry citizens of Charleston opposed to the memorial of other citizens of Charleston, and to the bill for a system of Mutual Insurance in said city—laid on the table and ordered to be printed.

The Speaker presented the account of Wm. Cunningham, for Stationary furnished to the house—referred to the committee of Claims.

The Senate returned with their concurrence a report of the committee on Claims, on the account of A. S. Johnston.

On motion of Mr. Davie, the House proceeded to the special order of the day, and took up the preamble and resolution on the Independent Treasury and National Bank. Mr. Davie and Mr. Rhett offered amendments to the preamble and resolution, which were adopted; Mr. Petru moved to lay them on the table; a long and animated debate ensued, Messrs. Adams, Potigru, A. W. Thomson, J. W. Toomer and Myers, speaking in favor of, and Mr. Davie, and Mr. H. H. Thomson against the motion. Mr. Davie then withdrew the preamble and resolution and offered the following resolutions as a substitute.

1. *Resolved*, That in the opinion of this Legislature, the Resolutions adopted at the last session, recommending the separation of the Government from the Banks, and the eventual collection and disbursement of the public money of the United States, in the constitutional currency, have received the approbation of the people of this State.

2. *Resolved*, That in the opinion of this Legislature, the policy indicated by these resolutions, is essential to the best interests of the country; and that any public servant who refuses to promote the same, pursues a course injurious to the welfare and prosperity of the State.

3. *Resolved*, That the presiding officers of this Legislature, be requested to transmit copies of these resolutions to the Senators and Representatives of this State in the Congress of the United States.

Mr. Adams moved to strike out the above resolutions, and insert the following.

Whereas the Legislature has recently expressed its opinions respecting the proposed Sub-Treasury policy, and the constitutionality and expediency of a National Bank, wherein it was distinctly affirmed that no interference was designed with a difference of opinion on the part of any member of Congress from South Carolina; and whereas this session has been called for a specific purpose of internal policy.

Resolved, therefore, That it is inexpedient at this time to re-affirm our opinions on these subjects.

The debate was continued by Messrs. Davie, Rhett, Memminger, in favor of the Resolutions of Mr. Davie, and Mr. Adams and Mr. Petigru against them.

Mr. Yeadon moved to strike out of the 2d resolutions, all after the word "country;" this motion was opposed by Mr. Rhett, and supported by Mr. Yeadon and Mr. Harlee, the yeas and nays being called for, were ordered and were as follows:

YEAS—Messrs. Adams, Arnold, DeSaussure, Edmonston, Gavin, Goodwyn, Harlee, Irby, Jones, Kern, McLaughlin, Mills, Myers, Petigru, Phillips, Porcher, Strobbart, A. W. Thomson, J. Toomer, J. W. Toomer, Yeadon.—21.

NAYS—D. L. Wardlaw, Speaker, Messrs. J. M. Allen, J. D. Allen, Alston, Arthur, Barry, Barton, Belin, Berry, Boozer, Bowers, Boyce, Brockman, Broyles, Buchanan, Buford, Bull, Caldwell, Carr, Coachman, Colcock, Crawford, Crockett, Davie, D. Douglass, John Douglass, Edwards, Ellis, Elmore, Ervin, Evans, James Fair, Frost, Garvin, Gibson, Gillam, Glenn, Henderson, Hoy, Huggins, Huiet, Jamison, Jenkins, Jeter, Laborde, Levy, Long, McDowell, McPherson, Maxwell, Memminger, Moffett, James Moore, M. A. Moore, Murray, Neel, John Palmer, Sam'l. J. Palmer, Patterson, Benjamin Perry, Rainey, Reed, Rhett, Richardson, Seymour, Spann, Symmes, H. H. Thomson, Tompkins, Tyler, Watson, Whatley, Wilson, Witherspoon, Woods.—75.

So the motion to strike out was not adopted.

Mr. Irby moved that the resolutions be laid on the table and printed: and having addressed the House in favor of that motion it was negatived; he then moved to postpone the further consideration of the subject to the fourth Monday in November next and called for the yeas and nays which were ordered and were

YEAS—Messrs. Adams, Arnold, Edmonston, Goodwyn, Irby, Jones, Kern, Mills, Myers, Petigru, Phillips, Porcher, Strobbart, A. W. Thomson, J. Toomer, J. W. Toomer, Yeadon, Young.—18.

NAYS—D. L. Wardlaw, Speaker, Messrs. John M. Allen, J. D. Allen, Alston, Arthur, Barry, Barton, Belin, Berry, Boozer, Bowers, Boyce, Brockman, Broyles, Buchanan, Buford, Bull, Caldwell, Carr, Coachman, Colcock, Crawford, Crockett, Davie, DeSaussure, D. Douglass, John Douglass, Edwards, Ellis, Elmore, Ervin, Evans, James Fair, Frost, Garvin, Gibbon, Gibson, Gillam, Glenn, Harlee, Henderson, Hoy, Huggins, Huiet, Jamison, Jenkins, Jeter, Laborde, Levy, Long, McDowell, McLaughlin, McPherson, Maxwell, Memminger, Moffett, J. Moore, M. A. Moore, Murray, Neel, John Palmer, Sam'l. J. Palmer, Patterson, Benjamin Perry, Rainey, Reed, Rhett, Richardson, Seymour, Spann, Symmes, H. H. Thomson, Tompkins, Tyler, Watson, Whatley, Wilson, Witherspoon, Woods.—79.

Consequently they were not postponed.

Mr. Harlee offered the following as a substitute for the second resolution.

Resolved, That in view of said Resolutions, we highly approve of the Bill now before Congress, to establish an Independent Treasury, with the specie clause. and

consider its success essential to the best interests of this State; not agreed to. Mr. Jones and Mr. Harlee having spoken briefly, the question came up on striking out the resolutions submitted by Mr. Davis, in order to insert those of Mr. Adams, and was taken by yeas and nays as follows.

YEAS—Messrs. Adams, Arnold, Edmonston, Gavin, Gibbon, Godwyn, Harlee, Huggins, Irby, Jones, Kern, Mills, Petigr, Phillips, Poreher, Strobbart, A. W. Thomson, J. Toomer, J. W. Toomer, Yeason, Young.—21.

NAYS—D. L. Wardlaw, Speaker, Messrs. John M. Allen, J. D. Allen, Alston, Arthur, Barry, Barton, Belin, Berry, Booker, Bowers, Boyce, Brockman, Broyles, Buchanan, Buford, Bull, Caldwell, Carr, Coachman, Colcock, Crawford, Crockett, Davie, DeSaussure, D. Douglass, J. Douglass, Edwards, Ellis, Elmore, Ervin, Ewins, James Fair, Frost, Garvin, Gibson, Gillam, Glenn, Henderson, Hoy, Huist, Jamison, Jenkins, Jeter, Laborde, Levy, Long, McDowell, McLaughlin, McPherson, Maxwell, Nimminger, Moffett, James Moore, M. A. Moore, Murray, Neel, John Palmer, Sam'l J. Palmer, Patterson, Benjamin Perry, Rainey, Reed, Rhett, Richardson, Seyour, Spann, Symmes, H. H. Thomson, Tompkins, Tyler, Watson, Whaley, Wilson, Witherspoon, Woods.—76.

After a few remarks from Messrs. Frost, Phillips and Harlee, the resolutions were severally adopted and ordered to the Senate.

Leave of absence after to-night, was asked and obtained.

By Mr. H. H. Thompson for Mr. Crawford and Mr. Glenn;

By Mr. Toomer, for Mr. Alston;

By Mr. M. A. Moore, for Mr. A. W. Thomson.

Mr. Petigr presented the following protest, signed by himself and others, dissenting from the resolutions of Mr. Davis which had just been passed, and asked that it be entered on the journals of the House, which was ordered, after some discussion between Messrs. Petigr, Elmore, Rhett, Frost, Davis and Colcock.

MAY 31, 1838.

The undersigned dissent from the vote of the House on the preamble and resolutions respecting the Sub-Treasury bill, and those members in Congress who have refused to vote for the same:

Because, 1st.—The only reasons assigned for that resolution are the supposed anxiety of the people of this State, for the success of that measure, and their approbation of the resolutions of last winter, whereas in fact, it is believed, that the favor which those resolutions have found, proceeds much more from the indifference of the people than from any interest which they feel in the subject.

2nd Because the condemnatory observations contained in the said resolutions, though substituted for, may be very easily construed to have the force of instructions. But the practice of instructing members of Congress, whether Senators or Representatives, has never been sanctioned by the public opinion of South Carolina, nor adopted by her Legislature; and the doctrine itself, if not altogether fallacious, as by the better opinion it is held to be, is confessedly exposed to so many and such strong objections that nothing short of an evident necessity could justify the members of this House in resorting to an expedient so much at variance with the uniform course which this State has hitherto pursued.

3rd. Because the end proposed by the said resolution can be no other than to compel some of the South Carolina delegation to vote for the Sub-Treasury, in opposition to their own deliberate judgment of the inexpediency, impropriety and danger of that measure. But inasmuch as a very great majority of the people of the United States have expressed their condemnation of the Sub-Treasury policy, the real tendency and effect of those resolutions are to fasten upon the country a new and questionable measure, against the sense of a great majority of the people of the United States, by the votes of representatives voting against their own convictions.

For these reasons and because all attempts to overawe and control that freedom of mind with which a representative should execute his trust, according to the best of his judgment and ability, are unconstitutional and dangerous in the highest degree to the stability of republican governments, we, members of the House of Represent-

tatives, whose names are hereto annexed, record our dissent, and protest against these proceedings being drawn into a precedent.

J. L. PETIGRU,
JOSHUA W. TOOMER,
RICHARD YEADON, Jr.
J. H. ADAMS,
CHS. EDMONDSTON,
A. B. ARNOLD,
OTIS MILLS.

The House took a recess till 9 o'clock.

EVENING SESSION, Thursday, May 31, 1836.

On motion of Mr. Belin, the following resolution was agreed to and ordered to the Senate for concurrence :

Resolved, That Solomon Cohen and R. M. Gourdin be appointed justices of the quorum for the parish of Prince George Winyaw.

Mr. Frost submitted a report from the committee on Internal Improvements, recommending an appropriation to clean out the lower part of the Columbia Canal—agreed to and ordered to the Senate.

Mr. Rhett, from the committee on claims made a report on the account of Wm. Cunningham—agreed to and ordered to the Senate.

A Bill to amend the charter of the first Universalist Church in the City of Charleston, and a bill to amend the charter of the Charleston Insurance and Trust Company—were laid on the table.

A resolution from the Senate appointing J. L. Poyas a justice of the quorum for the parish of St. Thomas and St. Dennis, was agreed to and ordered to be returned.

Resolutions were returned by the Senate with their concurrence, appointing a justice of the quorum for Union, managers of election for Fairfield and Claremont, a justice of the quorum, and a justice of the peace for Chesterfield, and discontinuing a place of election in Richland district.

The following bills which had been returned by the Senate, having received two readings in each House, were read a third time, passed, their titles changed to Acts, and ordered to be returned to the Senate.

A Bill for re-building the City of Charleston : (sundry amendments which had been made to this bill by the Senate were agreed to.)

A Bill to amend the act directing the representation in the City Council of Charleston to be apportioned every seven years ;

A Bill to make certain appropriations.

Pursuant to notice, Mr. Davis offered certain amendments to the last named bill which was adopted by the House.

The following resolutions were offered, agreed to, and ordered to the Senate :

By Mr. J. Douglass,

Resolved, That Adam Stewart and Lemuel Jackson be appointed managers of elections at Rich Hill, Chester district, in place of H. J. Culp and James Ray, removed.

By Mr. M. A. Moore,

Resolved, That Thomas A. Carlile be appointed a justice of the quorum for Union district, in place of Thomas Davis, removed.

By Mr. Porcher,

Resolved, That John G. Palmer, be appointed a manager of elections at Pye's Meeting House, and the Rocks Club House in St. John's Berkley parish, in place of Elias Coturier, removed.

By Mr. Belin,

Resolved, That Joseph Allston, be appointed a justice of the quorum, and J. J. V. Montgomery, a justice of the peace, for the parish of All Saints.

By Mr. Symmes,

Resolved, That Francis Burt, be appointed a justice of the quorum for Anderson district, in room of Jacob Warley, resigned.

By Mr. McLauchlin,

Resolved, That the Acts, Resolutions and Journals of the present Session, be printed in pamphlet form for immediate distribution ; that the Ordinance of the City Council of Charleston, referred to in the Act for re-building said City, be printed

with said Act: and that the printer of the Acts be directed forthwith to execute the foregoing work.

Mr. Frost submitted a report of the Committee on Internal Improvements on a communication from the Superintendent of Public Works—considered, agreed to, and ordered to be sent to the Senate.

On motion of Mr. Myers, adjourned to 9 o'clock to-morrow.

SENATE, Friday, June 1, 1838.

The Senate met pursuant to adjournment.

A bill for re-building the City of Charleston.

A bill to amend the Act directing the representation in the City Council to be apportioned every seven years.

A bill to make certain appropriations—were severally read a third time and sent to the House.

The committee of Accounts reported on the accounts of Benj. Hart, W. Cunningham, and S. Weir—ordered to the House.

The House returned with their concurrence.

A resolution appointing a Justice of the Quorum for St. Thomas and St. Dennis.

The House sent for concurrence.

Resolutions allowing Commissioners appointed to represent the State in the Louisville, Cincinnati and Charleston Rail Road Company, to appoint proxies.

Appointing Justices of the Quorum for Prince George Winyaw, All Saints, Union and Anderson, a Justice of the Peace for All Saints, and Managers of Elections for Chester, and St. John's Berkley.

Directing the printing of the Acts.

Reports of the committee on Internal Improvements recommending an appropriation to clear out the lower part of the Columbia Canal, and on the communication of the Superintendent of Public Works, respecting the neglect of the late Superintendent to deliver contracts.

A report of the special joint committee, on Florida Claims.

A report of the committee of Claims on the account of Wm. Cunningham.

Resolved, That the Senate do concur, and that the reports and resolutions be returned.

The report of the special joint committee on Florida Claims, on part of the Senate, was laid on the table.

Mr. Higgins from the committee on finance, asked, and was discharged from the further consideration of the petition of sundry citizens of Barnwell and Edgefield, praying the establishment of a Branch of the Bank of the State of South Carolina at Aiken—ordered that 300 copies of the petition be printed.

The committee on Engrossed Acts, reported that the following Acts had been engrossed.

An Act for rebuilding the City of Charleston.

An Act to amend the Act directing the representation in the City Council to be apportioned every seven years.

An Act to make certain appropriations.

Agreeably to messages interchanged, the House of Representatives attended in the Senate Chamber, when the above Acts were duly ratified.

After the members of the House had retired, the President announced the Acts as duly ratified.

Agreeably to messages interchanged, the Senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES, Friday June 1, 1838.

The House met pursuant to adjournment and the clerk read the Journal of the previous day.

On motion of Mr. Phillips,

Resolved, That this House, in testimony of respect to the memory of their deceased members, William Cross, Esq. late a representative from the Parish of St.

Philips and St. Michaels, and Charles L. Stokes, Esq. late a representative from the Parish of St. Bartholomews, will wear the usual mourning for thirty days

On motion of Mr. Elmore,

Resolved, That His Excellency the Governor and the other Commissioners appointed by the State to represent her interest in the Louisville, Cincinnati and Charleston Rail Road Company, be each authorized to appoint a proxy when he cannot attend the meetings of said Company in person.

On motion of Mr. Memminger, Mr. DeSaussure was added to the committee on the Legislative Library.

Mr. Petigru, from the Judiciary committee, submitted a report on the Governor's Message, accompanying the 3d Volume of the Statutes at Large—agreed to.

The Senate sent reports of their committee on accounts of W. Cunningham and S. Weir—concurred in and ordered to be returned:

Also, messages proposing certain amendments to the appropriation bill, which, after discussion between Messrs. Davis, A. W. Thompson, Adams, Memminger, and Edmondston, were agreed to and messages of concurrence returned.

Mr. Elmore, from the special joint committee on Florida Claims, reported the following resolution, which was agreed to, and ordered to the Senate, after some explanations by Mr. Elmore.

Resolved, That the Commission on the Florida Claims, appointed at the last session be authorized and required to decide the same on equitable principles.

The following Acts which had received three readings in each House, were returned by the Senate, and referred to the Engrossing committee to be engrossed.

An Act for re-building the City of Charleston.

An Act to amend the Act directing the representation in the City Council to be apportioned every seven years.

And, an Act to make certain appropriations.

The Senate returned with their concurrence the following resolutions.

On the settlement of the Florida Claims.

Authorising Commissioners of Rail Road to appoint proxies:

Appointing Justices of the Quorum for Union, Prince George Winyaw, All Saints and Anderson, a Justice of the Peace for All Saints, and Managers of Elections at Rich Hill, Chester district, and St. John's Berkley.

Directing the printing of the Acts, Resolutions, and Journals of this session.

Also, the reports of the committee on Internal Improvements, of the House, recommending the opening of the lower part of the Columbia Canal, and on the communication of the Superintendent of Public Works, and the report of the committee on Claims, of the House, on the account of Wm. Cunningham.

A message was received from the Senate, that they were ready to ratify the Acts passed at this session.

Mr. Young, from the Engrossing committee, reported the following Acts as engrossed.

An Act for rebuilding the City of Charleston.

An Act to amend the Act directing the representation in the City Council to be apportioned every seven years.

An Act to make certain appropriations.

The Speaker and members of the House having attended in the Senate Chamber and ratified the above named Acts, returned to their Hall.

Senate sent a message informing the House that they had transacted their business and were ready to adjourn.

A similar message was returned to the Senate.

On motion of Mr. Memminger, the House adjourned *sine die*.