

ACTS

AND

RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

OF THE

STATE OF SOUTH-CAROLINA.

PASSED IN DECEMBER, 1832.

COLUMBIA.
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1832.

REPORTS AND RESOLUTIONS

OF 1832.

COMPTROLLER-GENERAL'S REPORT.

To the Honorable, the Senate and House of Representatives of the State of South Carolina.

The Comptroller-General respectfully submits the following Report and Exhibits :

On the 1st October, 1831, the balance in the Treasury was \$155,286 94. The Receipts during the last fiscal year have amounted to \$468,713 58, and the Payments to 351,466 94, leaving a balance in the Treasury on the 1st October, 1832, of \$272,533 58.

By the appropriation act of December, 1829, the comptroller-general was directed whenever an application in writing should be made to him for that purpose, by the president and directors of the South Carolina canal and rail road company, to advance, by way of loan, to the said company the sum of \$100,000 to be repaid in seven years, with interest thereon at the rate of 5 per centum per annum; provided, the said company should secure the repayment thereof by bond, and a mortgage or assignment, to the State, of their whole assignable interest, property and estate, in the rail roads and canals by them to be constructed in pursuance of their charter, and the materials collected, or to be collected therefor: provided also, that the same should be paid in such proportion that when the stockholders should have paid \$30,000 the comptroller should lend them, on the above security, \$10,000, and so on, until the whole sum above mentioned should be advanced.

No intimation had been given that application would be made for this loan until after the commencement of the session of the legislature in November, 1831, otherwise, the subject would have been brought to view in the last annual report from this office. Doubts existed whether the right to demand the loan had not been forfeited by the acts of the company.— But of these acts, notice could not be taken ex officio. No evidence of them existed here. The president, in a formal communication, addressed to this office, denied that the company had rejected the proffered loan—the most material act imputed; and the terms of the law admitted no discretion. Under these circumstances, the comptroller-general did not feel authorized to withhold the loan. Accordingly, satisfactory evidence having been furnished, that the stockholders had paid \$300,000, and a bond and mortgage, executed under the direction of the attorney general, having been filed, warrants were issued in favor of the company for the sum of \$100,000. These instruments secure the repayment of principal and interest within five years. This loan, considered as an arrangement exclusively financial, cannot be regarded as altogether unprofitable. There appears to be no sufficient ground for questioning the security, and the fund may be rendered available in the discharge of the public debt.

The legislature, by a resolution, adopted in December last, instructed the comptroller-general to proceed to Washington, for the purpose of prosecuting the claims of the state against the United States. In obedience to that resolution, I departed immediately, and was absent on this duty seven months.

On my arrival at Washington, I found a bill providing for the adjustment of these claims before congress. The zeal with which it was prosecuted by our delegation is worthy of all praise. But it would be uncandid to disguise the influence of a combination of circumstances, fortunate in relation to this particular measure, whatever may be their general ef-

be instructed to inquire into the matter, and if he shall be satisfied that improper tolls have been exacted from the petitioner, to refund to the petitioner the improper excess which has been paid, from the tolls of the Saluda mountain turnpike.

Resolved, That senate do agree. Ordered to house of representatives for concurrence.
By order of Senate. JACOB WARLEY, C. S.

In the House of Representatives, December 20, 1832.

Resolved, That the house do concur. Ordered, That it be returned.
By order of the House. R. ANDERSON, C. H. R.

In the House of Representatives, December 19, 1832.

The committee on internal improvements, to whom was referred the report of the superintendent of public works, report as to so much thereof as relates to the contract for opening Elliott's cut, that they have examined the matter, and recommend that the sum of one thousand, eight hundred and ninety two dollars, and twenty cents be appropriated to be paid to the contractors, for the extra work done by them under the order of the legislature, and that the contractors be discharged from all further liability on their contract.

The committee on internal improvements, to whom was referred the report of the superintendent of public works for 1832, report, as to so much thereof, as requires the action of the Legislature, and is not embraced in the other reports, as follows:

The sum of ten thousand dollars must be appropriated, to meet the contract for construction of the granite rocks at Grave's shoals.

The exemption from tolls on certain condition, now by law given to persons living within five miles of the toll gates on the State Road, the committee recommend to be extended to all persons living within three miles of any part of the said road, who shall claim their exemption.

The committee recommend that the superintendent be authorized to sell at public auction, (if he can do so on terms which he may deem advantageous to the state,) so much of the land purchased from James B. Pickett, as shall not be wanted for the use of the Rocky Mount canal.

The committee recommend that like authority be given to the superintendent as to the Mount Dearborn lands, soon as the title of the state to them can be perfected; and that until sale, it be the duty of the superintendent, as far as practicable, to protect the said lands and the buildings thereon from trespass.

The committee recommend that the superintendent be directed to make further inquiry as to the vacant land supposed to exist near Charleston, and report thereon to the legislature at its next session.

As to Vance's Ferry, your committee recommend that the superintendent be authorized to purchase from the proprietor of the charter a lease until the expiration of the charter, of all the rights under the charter, and of the land connected with the ferry, of the boats, and materials provided for boats, with right to the use of timber for the ferry, at a sum not exceeding five hundred dollars a year—provided that a title free from all incumbrance can be had. And if this arrangement cannot be effected, your committee recommend that tolls continue to be taken from all who cross the causeway over the Santee swamp.

The committee find the account submitted by the superintendent to be correct. They recommend that in future the superintendent be required to bring into his annual accounts audited by the comptroller general on the first of October, a settlement concerning every public work at least as late as the first of August: and that to each account so audited, he be required to append all his pecuniary transactions down to the date of the report, which appendix shall go into the next year's account.

Resolved, That the house do agree to the report. Ordered, That it be sent to senate for concurrence. By order of the House. R. ANDERSON, C. H. R.

In Senate, Dec. 20th, 1832.

Resolved, That Senate do concur. Ordered to be returned to the House of Representatives. By order of the Senate. JACOB WARLEY, C. S.

In Senate, 13th Dec. 1832.

The committee on Federal relations, to whom was referred that portion of the Governor's Message No. 3, which relates to the call of a convention of the States, respectfully report the following preamble and resolutions.

Whereas serious causes of discontent do exist among the States of this Union, from the exercise by Congress of powers not conferred or contemplated by the sovereign parties to the compact, therefore,

Resolved, That it is expedient that a convention of the States be called as early as prac-

licable, to consider and determine such questions of disputed power, as have arisen between the States of this confederacy and the General Government.

Resolved, That the Governor be requested to transmit copies of this preamble and resolutions to the Governors of the several States, with a request that the same be laid before the Legislatures of their respective States, and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Resolved, That the Senate do agree. Ordered to House of Representatives for concurrence. By order of Senate.

JACOB WARLEY, C. S.

In the House of Representatives, Dec. 18, 1832.

Resolved, That the House do concur in the Report. Ordered, That it be returned.

By order of the House.

R. ANDERSON, C. H. R.

In Senate, December 1, 1832.

The committee on federal relations, to whom was referred that portion of the governor's message which suggests the propriety of requesting the President to remove the United States' troops from the citadel in Charleston, report, for adoption, the following resolution: that the governor be requested to intimate to the proper authorities that they make arrangements to remove the United States' troops now in garrison in the state citadel in Charleston, as early as possible, as the accommodations of that building are needed for the arms of the state.

Resolved, That senate do agree. Ordered to house of representatives for concurrence.

By order of senate.

JACOB WARLEY, C. S.

In the House of Representatives, December 7, 1832.

Resolved, That the house do concur in the report. Ordered, That it be returned.

By order of the house.

R. ANDERSON, C. H. R.

In the House of Representatives, December 20, 1832.

The committee on federal relations, to which was referred the proclamation of the president of the United States, have had it under consideration, and recommend the adoption of the following resolutions:

Resolved, That the power vested by the constitution and laws in the president of the United States, to issue his proclamation, does not authorize him in that mode, to interfere, whenever he may think fit, in the affairs of the respective states, or that he should use it as a means of promulgating executive expositions of the constitution, with the sanction of force thus superceding the action of the other departments of the general government.

Resolved, That it is not competent to the president of the United States, to order by proclamation the constituted authorities of a state to repeal their legislation, and that the late attempts of the president to do so is unconstitutional, and manifests a disposition to arrogate and exercise a power utterly destructive of liberty.

Resolved, That the opinions of the president, in regard to the rights of the states, are erroneous and dangerous, leading not only to the establishment of a consolidated government in the stead of our free confederacy, but to the concentration of all power in the chief executive.

Resolved, That the proclamation of the president is the more extraordinary, that he has silently, and as it is supposed, with entire approbation, witnessed our sister state of Georgia avow, act upon, and carry into effect, even to the taking of life, principles identical with those now denounced by him in South Carolina.

Resolved, That each state of this Union has the right, whenever it may deem such a course necessary for the preservation of its liberties or vital interests, to secede peaceably from the Union, and that there is no constitutional power in the general government, much less in the executive department, of that government, to retain by force such state in the Union.

Resolved, That the primary and paramount allegiance of the citizens of this state, native or adopted, is of right due to this state.

Resolved, That the declaration of the president of the United States in his said proclamation, of his personal feelings and relations towards the state of South Carolina, is rather an appeal to the loyalty of subjects, than to the patriotism of citizens, and is a blending of official and individual character, heretofore unknown in our state papers, and revolting to our conceptions of political propriety.

Resolved, That the undisguised indulgence of personal hostility in the said proclamation, would be unworthy the animadversion of this legislature, but for the solemn and official form of the instrument which is made its vehicle.

Resolved, That the principles, doctrines and purposes, contained in the said proclamation, are inconsistent with any just idea of a limited government, and subversive of the rights of the states and liberties of the people, and if submitted to in silence would lay a broad foundation for the establishment of monarchy.