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MESSAGE

Of the Governor of the State of South-Carolina,

Delivered to the House of Representatives, on the 24th Nov. 1803.

To the Speaker and Members of the House of Representatives.

Gentlemen,

In my official capacity the honor becomes mine to address the constituted authorities of my country, at the period when they assemble to consider of its situation, and to guide and direct its affairs. In compliance with those duties constitutionally enjoined, I shall endeavour to give a just state of our country; and with a deference tender my opinion on such measures as appear important and worthy of legislative consideration The blessing of peace which is still preserved us, demands our attention to that Being who rules and governs all, and for whose goodness, our unfeigned thankfulness is justly due. While war (that scourge of the human race) is again convulsing Europe, and nation pursuing the destruction of nation, America cannot expect to be free from all the effects, which afflicts those nations with whom she has important interests and friendly connections; but peace pervades her shores, proffers enjoyments and advantages to its citizens, and holds the allurement of participation to the warworn and distressed. That happiness and prosperity is founded on the preservation of that blessing, whence every advantage is afforded our citizens which abundance can produce; wealth is circulating with rapidity over our state; the support of government is light, and may be rendered more so, yet, the production more than equivalent to the annual exigencies, and presents ample opportunities for every species of improvement that our country requires. Let calm deliberations attend your proceedings, and in harmony unfettered by prejudice or party, concentrate your endeavors for your country's good, that the continuation of our happy situation may distinguish the marked approbation of divine Providence, to whose goodness, and the wisdom of our councils, must be attributed our long enjoyment of all those blessings.

The situation of our fiscal department must be viewed with peculiar pleasure by every friend to his country, when the demands are met with ability, and the discharge with promptitude, yet a surplusage remains to appropriate to any purposes most advantageous to the state. Reports are preparing by the Comptroller of the Revenue, and other officers of the department, which will shortly be laid before you, giving an accurate statement of the transactions, expenditures, and the unexpended balance that remains in the treasury. It will doubtless engage your attention in what manner it is best calculated to dispose of this surplus; whether it will be made the means of reducing the taxes the present year; be applied to the redemption of the funded domestic debt; to the establishment and endowing seminaries of learning in the several districts, where there has hitherto been no legislative aid; to promote and assist in opening the navigation of rivers wherever it shall be found necessary; or whether the legislature, in their wisdom, may not direct its application to the addition of their bank fund, which, in due time, with judicious management, and such augmentations as convenience will, from time to time admit, produce an interest sufficient to meet every demand of government. These are objects which demand your attention, are worthy of mature consideration, and should the latter plan be carried into operation, may, from happy experience, prove to the world, that government, by economy, care and protection, is not subversive of the means it was instituted to foster and preserve. Besides, as it is more than can reasonably be expected, that the present enjoyment of peace can always abide with us, it would be wise and prudent to adopt such measures as would prepare us for an adverse situation, that by a timely diminution of our debts, and instituting every provisional measure of revenue, that does not involve taxation, we may place our state in a suitable situation to defray with ability and alacrity, that quota of support to the general government, which emergencies hereafter may render indispensible for the preservation of that union, from whence security is given to our present happy situation.

The attention of the legislature to placing the militia of our state upon a respectable establishment, has afforded me pleasure; their liberal appropriation to provide them with arms to assert their rights and defend their territory, have been objects of their best exertions. I feel happy it is in my power to say, that wherever I have reviewed the militia, a disposition to discharge, with due subordination, all those duties which their country requires of them as citizens and soldiers, have strictly been observed; and so far as my other avocations would permit, have visited the militia of the state, that my attention might impress upon their minds the importance they are of to their country's safety and protection, in the moment of emergency, to repel the invading foe, until substantial support could be afforded. Notwithstanding these endeavours of the legislature to arm the militia, and the best exertions of former executives to effect that endeavour, it is with concern I have here to observe the great deficiency that exists within the state, where I have had an opportunity of knowing. This had brought into view the necessity of applying the balance of the appropriations made for that purpose, and remained entrusted to my disposal, which was foreign from my expectation at the time of my coming into office, as I was of opinion that our peaceful situation, and the prospects of a continuance, would not justify an expenditure; but the more I investigated, the greater appeared the deficiency; the necessity therefore became evident that I should expend the balance, conceiving, while in the enjoyment of peace, and the situation of our resources ample, was the favoured opportunity to make a judicious purchase of such arms as I shall approve to see in the hands of our citizens, and in time of war would be difficult to procure: Accordingly, I entered into contract for muskets and bayonets complete from the manufactory, to the amount of the balance of appropriation, which is reported by the Comptroller general to be eighteen thousand five hundred and thirty-six dollars 12 cents. A proportion, however, of this sum, will be expended in putting the requisite repairs, and cleaning those arms purchased by the late governor, which I found a suitable person engaged in, and upon examination, thought it adviseable to be continued, until the whole of the guns should be put in a situation ready for use. The war in Europe will, no doubt, contravene the fulfilment of the above contract so early as it otherwise would have been, but whenever a favourable opportunity shall supercede, the performance will be prompt. While upon the subject of the militia, I must not omit to notice the uniform corps which have been established; and which I am sure you will hear with peculiar pleasure of their increasing numbers: Considering them, as I always have done, the most important and valuable part of your militia, I have given them every possible encouragement, and have established such companies as applied whenever it has been found consistent with law; but I must claim your attention to some regulations in the law respecting them, calculated for their preservation. In all uniform corps they are entitled to be composed of men from any part of the brigade to which the troops or company may belong; in order to support discipline and subordination, and to inculcate an excellence in the knowledge of tactics, efficacious measures become necessary, and are exercised by the officers commanding such corps, to cause a punctual attendance to duty, and the exactions of fines are strictly enforced in all cases of default or disobedience, which is seldom or never done, but the proceedings become offensive, the men give the legal notice of six months, and retire therefrom, to return to such battalion companies from whence they were taken, where the duty may be relaxed, if not wholly neglected; and there is nothing legally obligatory to compel their detention. This evidently is the primary cause of the instability of uniform troops or companies hitherto observed, and one, in my estimation, that ought to be removed, and some legislative measures adopted, sufficiently energetic to counteract so prevailing an evil. There is an apparent defect in the law organising the cavalry and artillery of the state; as relates to the artillery in as much as it makes a partial arrangement in the establishment of a battalion and regiment of artillery in certain brigades, while in others the companies remain stationary, and the officers of which, have no opportunity of promotion but in the line of militia, where the tactics differ from those in which their intense & early application had made them proficients: Those companies having increased rapidly in various parts of the state, it is adviseable that the same regulations should operate generally. The mode of officering the militia is also generally complained of; that of promotion by seniority, without ability or merit being attached to the officer, renders the situation ruinous; but I am apprehensive it is an evil that will be found difficult of remedy. As a subject too that requires some consideration, and one in which the prosperity of our militia is deeply involved, is an explanation of that part of the 23d Section of the act passed the 10th day of May, 1794, respecting exemptions from militia duty. "And all militia officers who have held their commissions for seven years," is construed to comprehend all officers since, the passing of the said act organizing the militia of the state, which creates a continual revolution in the officers, who preserve their commissions through various stations, until that period expires, which is supposed to exempt them from militia duty, when they resign their commissions, and render no further military service to their country. I have given it as my opinon that the part of the section above alluded to, was intended to comprehend such officers only as had served the term of seven years in the revolutionary war, and who would experience oppressive sensations at being commanded by an officer promoted from the ranks in the same company, which, in times of necessity he commanded; but this being merely opinion upon the construction of the law, it is hoped and confidently expected that you will take such measures as will render the point in question no longer a subject of contention. The adjutant-general has been engaged in visiting the regiments of militia in various parts of the state and the whole of the first division, for the purpose of inspecting and training them; so soon as I receive his report of their situation, and a general return of them, they will be laid before you. With respect to the forts and fortifications designed for the defence and protection of Charleston and its port, it is with much concern I mention the ruinous and decayed situation in which I viewed them. Fort Johnson in particular, is in a state of complete ruin, and no expenditure short of equivalent to rebuild the same, could possibly be applied in any manner advantageous, or could put it in more than a tolerable situation for protection or defence. Fort Moultrie, with some timely repairs, would be preserved for many years; but to secure the same from the effects of the tide, which is gradually demolishing it, the outworks and glacis should be completed, which the engineer, it appears had in contemplation at the fortifications, as they were commenced.

Repairs are also necessary to the carriages of the ordinance, and many of them require to be made new, the materials of which they were made not being good, and the exposed situation to the weather in which they remained, has rendered their decay extremely rapid. If, therefore, those posts are objects of important consideration with this state, or deemed essential for the protection and defence of Charleston and its port and harbour, it is necessary and proper that some measures should be immediately taken to rebuild the decayed, and repair what remains repairable; as there is no probability that the United States will exert any endeavours towards its rebuilding or preservation, without this state will make a cession of the territorial right, in which case doubtless it will be attended to with avidity as an object of consideration; but how far such a measure may be advisable is for your determination.

I must here call your attention to a subject of the utmost importance, and what immediately interests and materially concerns our state; it is to urge to you the necessity of some alteration in our criminal code of laws; the due and regular administration of justice, and more particularly that portion thereof, which defines the crimes, limits the punishments, and prescribes the manner of prosecution, is of the most important concern to every citizen. It is demonstrated beyond doubt, that the efficacy of laws, and due subordination to them, do not so much depend upon their rigid severity of punishment, as upon their due and certain execution. The severe punishments inflicted by our penal laws too often defeat the very objects for which they were intended; experience serves to evince the truth of this assertion, by the many and repeated recommendations to the clemency and pardon of the executive; the humanity of the jurors of your courts is more excited by the severity of the penalty attached to the crime, than they are convinced of the innocence of the accused; and in consideration of the severity thereof, have exempted the criminal from the execution of the law, by acquittal, or by recommendation to executive mercy. In those references to the attributes of executive power, cases of extreme difficulty present themselves; hence arise the distressing conflicts of mind imposed upon your executive officer, in the execution of your laws; that while the voice of supplication for humanity is attended to, the impulse of rigid duty claims a strict adherence. Suffer then this momentous subject to occupy your serious consideration, exert your collected wisdom to devise laws more and better adapted to our happy situation, apportion to the nature of offences milder punishments, and abrogate that sanguinary system and its vices, which was calculated to meet the inhumanity of depraved ages in which they originated. With deference, then, I suggest the establishment of a Penitentiary house, which might possiby answer all the salutary purposes sought, and preserve the lives of many individuals, who, by being punished for their crimes by confinement and labor, might not only hereafter become useful citizens, but may be made to afford restitution to the injured, and proportionably defray the expences of the institution for confinement. I will not presume to say that for no crime whatever, would it be found expedient to inflict the punishment of death; probably in some few cases it might; but those ought to be of the most atrocious nature. This establishment, however, will be well worth an experiment (if it can be called an experiment, after the good consequences resulting therefrom in several states in the union) and will reflect satisfaction and honor, as the well earned reward of those legislators, who have devised and carried into operation, a system calculated to rescue, through successive generations, their fellow citizens from infamy and death, and restore them to good order, their family and society.

The pleasure will doubtless be considerable to you, when you are informed that the trustees of the South Carolina College, have entered into contract for the building of that valuable institution, and that the work is seen to progress with great expedition. To attempt recounting to so enlightened a legislature, the many advantages that will consequently result from this beneficial work, would be to repeat what is too evident, and experience will render well known: yet, I must avail myself of this opportunity, to deleniate such as appear most prominent, and will certainly arise. Exclusive then of the benefits that will arise to those individuals who are educated therein, government, under the direction of those reared in the same principles, and capable of the management of her affairs, will derive still greater advantages in cementing the interests of the state; the youths of our state educated in the early habits of intimacy, will form attachments that will grow with them, their confidence will prove as lasting as acquaintance, and when the charge of government devolves on this rising generation, those attachments will produce the most happy effects, and will tend to the complete annihilation of all divisions in our state, and destroy jealousies and mistrust; while friendship will find munificence in minds highly cultivated, and ensure a just regard for the whole state, divested of confined partialities for particular parts. But this important work is not to be effected in a day; it will require time to accomplish it, and bring about those happy consequences that can now be enjoyed only by anticipation; and when the system goes into operation it will be calculated for the advanced stage of education: It will surely then be promoting incalculable good, to afford legislative aid and support, to establish seminaries of learning in every district in the state, when the diffusion of knowledge may be extended to every class of your citizens to which it ought to be rendered accessible, and where they will be prepared to derive the advantages of the state college. You will thus not only be able to acquire for the public service, the most distinguished abilities, in whatever station they may be placed, and which otherwise would have been lost in oblivion; but you will inculcate generally among the citizens, the manners, knowledge and information, that will prove the grand security to the lasting preservation of our present government. It has long been a source of grateful satisfaction to me, to view science and genius presenting themselves in various directions over our state, in youths of worth and merit, and their wisdom distinguished for the general good; I am fondly induced to hope, under your liberal patronage, to see those valuable instruments rapidly multiply, and strengthen your government against innovation and factions; for education in an elective government, requires more the attention of the public, than in any other; it capacitates the mind to think and act judiciously, and eradicates the mischief produced by ignorance; this government is elective and emanates from the choice of its citizens, where no distinctions are known but those which flow from merit and talents, and no promotion from birth or title.—Your first magistrate of the union may be chosen from among them, the members that compose your national and state councils, and the judges of your lives, privileges and property, are chosen from them and by them, they are the arbiters of right and wrong; to them are submitted the adjustment of all your differences, and on the propriety of their choice and good sense depend the wisdom of your rulers, and the decisions of your courts of justice. How essential then, that the mind should be sufficiently enlightened, on which devolves the discharge of those great and important duties. Withhold not, fellow citizens, your generous support, whensoever it shall be found expedient, to further into complete operation this invaluable institution, that will redound honor upon the legislators who thus provide the means of happiness for posterity.

On the claim of the French republic to the debt due the prince of Luxemburg from this state, so soon as I was furnished with the resolution of the legislature respecting it, I communicated their desire to Monsieur Pichon, Chargé des Affairs of the French republic, and urged him to prosecute any claim that his government might have against the administrators or representatives of the prince of Luxemburg in this state; and further desired if that government should have any claim against this state, that the same should be immediately made known, and a statement thereof furnished me; when his answer is received, it shall be transmitted to you without delay. To ascertain the legal claimant of this debt, is deserving investigation; and with deference I recommend that measures be directed to effect that object, as the debt has been long due, and ought in justice to be discharged; for although the state has funds set apart for the payment thereof, which are so applied as to prevent the incurring any loss by the augmentation of interest, yet the affairs of state are thereby rendered intricate, which ought always to be avoided, and every possible means adopted to place them clear and explicit.

All possible vigilance, and my best exertions, have been used to carry effectually into operation the law prohibiting the importation of negroes into this state; but it is with concern I have here to state to you, that it has been without success; whether it must be attributed principally to the ill consequences that are apprehended would result from carrying the law into operation, by emancipating the negroes so brought in, (a remedy deemed more mischievous than the evil of their introduction in servitude,) or whether the interest of the citizens is so interwoven with that species of property, that it prevents their aiding the law in answering the salutary purposes intended, I will not presume to determine; but I am inclined to believe both causes operate as preventatives, for those people are continued to be brought into the state, beyond the possibility of prevention. In all laws intended for the general benefit, they should be so calculated, that their operation should be found equal in every part of the state; when this is not the case, it evinces that there is some radical defect therein, or it is inimical to the interest of the citizens; with this law, such is the situation; for in the present state of things, the citizens in the frontier and sea coast districts, do accumulate this property without the possibility of being detected, while those of the interior and middle districts only experience the operation of that law; from their remote situation of introducing this property, they are deprived of that security to evade the vigilant eyes of the officers of government. Whatever defects were experienced in this law, and however ineffectual it has been found, and from whatsoever cause, I was induced to hope the provisions made in the law of Congress to prevent the introduction of that property into such states, where, by their laws the same had been prohibited, would prove successful in its operation, and ensure the desired object of