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MESSAGE

No. I. from his Excellency the GOVERNOR, delivered to the legislature of South-Carolina, the 27th of November, 1804.

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To the Speaker and Members of the House of Representatives.

GENTLEMEN,

Another political year has revolved around, and will soon close the period for which I have been elected, and by the tenor of the constitution renders me ineligible for a certain term, to the office, which is again at the disposal of the legislature of my country. Grateful for the charge you have honored me with, I shall, at your pleasure, and with much readiness, dismantle myself of executive authority, and resign it into the hands from whence I received it, with a hope that the choice of another executive, which the constitution now calls for, may be judicious and honorable. No circumstance has occurred of an extraordinary nature, deviating from the common course, to require being recommended to your particular attention. The affairs of government continue without interruption, while Providence blesses our country with peace and prosperity, and leaves us to enjoy it with gratitude and moderation, and in our respective stations to endeavor to preserve and advance the welfare of the state. I shall, however, engage in the duty of bringing to your view such matters of government as I deem necessary for your consideration, with a trust that they may occupy your particular attention, and that the good of your country will be made the primary object of your deliberations.

With respect to the fiscal department, it is pleasing to me, to announce its situation affluent, that all the exigencies of government can be met with the usual promptitude, and that a surplus will remain for your disposal in such way as may appear to you most beneficial for the public advantage; or become a subject for your consideration, whether the taxes for the present year, in consequence thereof, may not with propriety be reduced; my opinion is, that it can be very safely done, unless some suggestions be made of an important application of the surplus for the benefit of the state; in which case, doubtless it would be undevisable. Reports of the particular transactions are preparing by the officers of the department which will shortly be laid before you, and will confirm my representation. During the recess of the legislature I received the resignation of the treasurer at Charleston, and proceeded with every possible assiduity to make a judicious appointment to supply the vacancy; of which circumstance you will doubtless receive more particular information in the report of the comptroller-general. I also gave my attendance, with the committee, to the burning of six thousand one hundred and twenty-five pounds, equal to 26,249 dollars 97 cents, of the same medium; which is believed to be the whole amount now in being, of the sum of £100,000 emitted by authority of the state. As a subject which is connected to the foregoing, I would recommend to your attention, the debts due by the borrowers of the paper medium, and give such directions as will call forth the payments so soon as can be effected by equal annual instalments in conformity with the law upon that subject: on investigation, I think, it will be found that the purchasers of the lands sold by the public under the act of 1800, and the proprietors of such lands as redeemed the same by virtue of the stipulations of said act, are placed, with respect to the payments requested by law, in a more favorable position than the original borrowers, who have not failed hitherto in payments, in compliance with the requisitions of the law; insomuch, that the property of the one, upon failure of a single payment, may be immediately sold, while it becomes a very questionable point, if the property of the other can be sold, without some special legislative directions, or a suit at law to close the mortgage. If, therefore, upon examination, the inequality should evidently appear to exist, it will be worthy of your attention to assimilate them.

Importantly connected with the happiness of our citizens, and the prosperity of our country and well ordering of things, is the commutation of punishments, a subject which I brought to the consideration of the legislature at a former session, and which was delayed from no concurrence unfavorable to the system, but for the purpose of obtaining more general information as to the effects and tendencies in such states as have adopted the measure. It will not be necessary that I should now go as fully into the subject as I did at that time, because the citizens in general seem to be impressed with the opinion, that this reform will comport with the humanity of civilization, be essentially beneficial to our country, and in the certain punishment of offences, effect complete justice. The constitution has invested the executive authority with power for the commutation of punishments, and from examples which the exercise of such power have produced, I have no hesitation in avowing, that confinement will operate with more efficacy upon the minds of men, to deter from a repetition of crimes, than all the cruel punishments have ever done; for in those countries where the life of men is the requisite forfeit for almost every crime, are to be found the most reiterate outrages. The mind of man becomes too soon familiar to punishments, which, though severe, are but momentary, and reconciles to itself a spectacle which at first was so horrid as to be almost insupportable. This, then, proves that severity of punishment is by no means a certain mode of deterring from crimes; and punishments, not inflicted through necessity to prevent the increase of crimes, is evidently tyrannical: as it respects punishments, it may be truly observed, that laws abounding with such rigor and severity, are subversive of the good purposes for which they were instituted, and that it ought to be the legislative aim to avoid the extremity of rigor, and apportion to every crime its definite punishment; for it is moderation which rules a civilised people, and attaches them to their government, and not excessive severity: nevertheless there is one crime which the law of nature points out the punishment of, and calls aloud for its due execution; it is deduced from the sources of good and evil: for that man deserves death, who has maliciously and designedly taken the life of a fellow-citizen. In my former communication upon this subject, I recommended to the legislature the establishment of a penitentiary house, where criminals might be confined to labor for such crimes as now by law they are to suffer death, that they may thereby make restitution to the injured, produce repentance, and become instructive examples of the beneficial consequences resulting from a wise and humane system. In order to afford all possible information upon this subject, and in compliance with the request of the legislature, I have communicated with the executives of the several states having penitentiary establishments, the result of which I have the honor herewith to submit to you, and hope that the experience of those states, long in the possession of them, may prove so interesting as to engage your endeavors to a similar institution, which will become a durable monument of the wisdom and humanity of our country. Whatever may be the result, I shall always have the pleasing gratification to remember, that my exertions have been constant and unremitting, to effect this important purpose.

There can be no doubt that as the organs of the people of South-Carolina, and to whom they have delegated the direction of their affairs, you will examine with the utmost care and attention, every law which respects their welfare; as such, those that the citizens are most immediately under the operation of will consequently be an object first to engage your deliberations; none can present themselves in a higher point of importance, or in which the citizens of our country will be more particularly under the controul and direction of, than the laws regulating the militia establishment; in fact, a well regulated militia is the bulwark and defence of our country, & the surest guarantee to our present happy form of government. But was its importance to be estimated by the attention given latterly in the legislative councils to such recommendations as respect it, undoubtedly it would be viewed as an object but of ordinary consideration;—with me, the militia have been highly regarded, and I have given them all the attention I was permitted by my other public engagements, not only with my endeavours to provide them with arms, but have given my personal inspection to their discipline, whenever it has been possible for me to do it. This, however, has not comprised all my endeavours for their good, they have still gone farther; they have reached your honorable body, with representations of imperfect laws, and claimed repeatedly the abrogation of them; but those have been fruitless endeavours; they have failed to have the desired effect; and were the hopes I now entertain of obtaining your attention, founded upon my past success, I should despond at bringing again to your view any matter upon the same subject: but, impelled by a sense of my duty, I again call your attention to the militia law of 1794, respecting the exemptions from militia duty, and the law of 1797, organizing the cavalry and artillery, as it respects the artillery—Upon the examination of these laws, the imperfections will be evident, and will shew the necessity of some alterations.

In a former communication, I had informed the legislature of my having contracted for muskets and bayonets from the manufactory, to the amount of the balance of appropriations for that purpose. It is with very great concern, that I have here to state that the contract remains unfulfilled, and from what cause I am at a loss to conjecture—I cannot, however, but believe that the contravention has proceeded from the war in Europe, and that so soon as a favorable opportunity shall supercede the present difficulties, the performance will be certain and prompt; it would, therefore, be improper at this time to make any application of that fund, until further information could be obtained on that subject, which shall engage my particular attention to effect. I have caused a distribution of all the arms that have been purchased, to the militia of this state, in compliance with the direction of the law, viz. to the brigadier generals, I have directed all the muskets and bayonets; to the lieutenant colonels of the cavalry, the sabres and pistols, and to the artillery, a considerable proportion of the ordnance; some yet remains in the arsenal at Charleston to be sent to any part of the state that may require them.

It is to be lamented, that the muskets are not of a better quality; but they have had every possible endeavor to put them in complete order.

The adjutant general has been directed to inspect and train the militia in various parts of the state, and to make a general return of the whole. He was engaged in the former duty, but has represented to me, that his very bad state of health prevented his performance in disciplining the troops.—The general return will doubtless be made, which, so soon as I receive, a report of shall immediately be laid before you.

It is but proper, and indeed necessary, that I should suggest the propriety of your giving some attention to the forts and fortifications of the port of Charleston. The decayed and ruinous situation of the works at Forts Johnston and Moultrie (and at the former in particular) cannot be known to your honorable body; or if deemed of any consequence to the protection of that place, or of valuable consideration, they certainly would obtain your exertions to place them in some condition for defence, and to prevent the authority of the state from being sported with by vessels contravening her laws and regulations. The exposed situation of our harbours, has recently been in some measure provided for by the care of the general government, in directing to our coasts, gunboats Nos. 1 and 2, with instructions to respect the requisitions of the executive authority of the state; and information is furnished, that other boats of a similar nature will be constructed for the protection of our commerce, and to prevent aggressions within the territorial jurisdiction of the United States. But this should be no cause for delay on our part, in making every necessary provision for the defence of our ports and harbours; for with respect to a delay of our engaging in the work, under a hope that the general government will assume the reparation of those posts, is futile. No inducement short of a territorial cession will bring her energies into operation to answer this desirable object.

To ward off innovations upon our territorial jurisdiction, and to prevent disputes and altercations with a sister state, it should be the object of your endeavours to establish, upon a firm basis, the boundary of this state. This appears to be defective in two points—that of the boundary between this state and N. Carolina; and this state and the tract of country ceded by the United States to the state of Georgia, lying westward of a line running from the source of the Tugaloo river to the 35th degree of north latitude, which was formerly a part of this state, and ceded by her to the United States. The latter is not an object requiring such immediate attention (although I had received a communication from the governor of Georgia requesting me to engage in the establishment of the boundary) as the country is but thinly inhabited, and the soil not very fertile, neither profitably situated for cultivation, it is not to be presumed that it will be scrupulously contended for in ascertaining the limits. But with respect to that of N. Carolina, it becomes of much more importance, not only from the value of territory which this state would lose by establishing the line as appears to be the desire of that state, but because it has been made so long a subject of contention, and may by delay, endanger the tranquility of the states; I would, therefore, recommend to you, as the state of N. Carolina has appointed commissioners for the above purpose, and only waiting for a similar procedure by this state, that information be communicated, that so soon as that state should dissolve the restrictions imposed by her bill of rights, that advancements will be made to meet her upon equal terms for the amicable adjustment of this territorial difference.—To every species of improvement that your state should require, I fondly hope your attention will be directed to advance, if the means of intercourse or navigation be impeded, and require legislative aid, hasten to bestow it, and exercise the public energies for the advancement of the public good, while your country enjoys peace and your resources adequate.

But particularly, I would recommend to your attention the navigation of Savannah river, which the state of Georgia has proffered her co-operation to effect, by an act that I submitted to the legislature at a former session, in a special communication on the subject of navigation.

It is unfortunate, that the endeavors hitherto made to discover the legal claimants to the debt contracted by this state with the prince of Luxemberg, have been fruitless. In conformity with the directions of the legislature, I communicated their desire to Mons. Pichon, charge des affaires of the French republic, and required him to use every possible vigilance to establish any claim which he might have in behalf of his government to the said debt; to this requisition I deem it necessary to observe, that I have received no reply, and from the period that has elapsed, I cannot reasonably calculate upon receiving any; nevertheless, as this is a subject deserving investigation to discover the legal claimants of this debt, and as it has been acknowledged a desirable object with the legislature to discharge the same, I would recommend that every investigation should be made to discover the person who is authorised to give a legal discharge to the state upon the payment of the debt.

Science and literature promise fair to flourish in our country; when the instruction of youth is fostered by the attentive care of the legislature; when institutions are established by them, and supported by their liberal patronage, Providence will not fail to regard the endeavors, and prosper the exertions. I congratulate you on the early completion of the state college, which, from the proceedings of the trustees, it appears that the institution will shortly go into operation; as the system will be adapted to advance education, it would be worthy of your attention to establish seminaries of learning in every district in the state, rendered accessible to all classes of your citizens, where they may be prepared to partake the advantages of this college.

In obedience to the resolution of the legislature in May last, I communicated to the president of the United States, the ratification of the amendment to the constitution, respecting the election of President and Vice-President, and have the satisfaction to transmit a communication from the secretary of the United States, confirming its adoption by three fourths of the states in the union, and consequently becomes a part of the constitution, in conformity with which you will act at the ensuing election for electors of President and Vice President. This among other important transactions, remains to be discharged by your honorable body at the present session; I trust that wisdom and unanimity may govern your proceedings, and that the choice of your first magistrate may be wise and judicious, and prove a blessing to the nation over which he presides: that with a stedfast pursuit to its welfare, he may find a ready support from the strong arm of government; with this policy, a mild manner, with firmness and energy in our measures; true dignity will be ensured to the councils of our nation, the present difference respecting our contract of western territory be removed, and peace be long maintained for our country; that it may be so, is my ardent solicitation to the all-ruling Providence.

As far as the limits prescribed by the pale of the constitution will admit, I have brought to your view the state of our country. I trust it will be found, that nothing has been disregarded in the affairs of government, which has required my care and attention, or rested with me to discharge. Its order and prosperity has been the object of my strict pursuit, and will always be the blessing of my best wishes.

JAMES B. RICHARDSON.

Columbia, Nov. 27, 1804.

From the REPUBLICAN ADVOCATE.

TREASURY REPORT. If the doctrines of Pythagoras were now in [illegible] and the transmigration of souls received as an article of faith it would not be considered as a strange conjecture that the spirit of the Marquis de Rosni, the immortal duke Sully, had found its way into the body of Albert Gallatin. But as reason and Christianity forbid us to cherish a notion so absurd, we must content ourselves with observing, that France under the reign of Henry the IV and the United States of America under the Presidency of Thomas Jefferson, can boast two extraordinary financiers, to form a parrallel with whom history produces no character. Forming his system of finance on the purest and simplest principles, the calculations of Gallatin are perspicuous and lucid. As the great Steward of the nation, he presents his accounts annually for the inspection of the Representatives of the people.—There is no difficulty in understanding his statement, and no mystery in the items of his account. Whoever understands addition and subtraction may comprehend the reports of Gallatin; the most ignorant individual of the community can learn to what purpose the money of the people has been and is to be applied. He finds that no cash has been squandered; no unlawful disbursements been made; and the keen jealousy of a Republican is almost blunted into confidence in so able a minister.

One thing, in particular, distinguishes the reports of Gallatin. He never requires *new taxes.* In all other countries but ours, and indeed in our own under former administrations, the people ever and anon have had sounded in their ears the words *loan, loan, taxes, taxes*—But the uniform declaration of Jefferson in his messages, (which are always justified by Gallatin's reports) is that *no new taxes will be required.*—Were such a declaration made from the throne in England, that nation would be thunder-struck! So long have Englishmen been loaded with taxes, and been accustomed to pay them, that they would almost deem their monarch insane should he tell them he wanted no taxes, *even for a single year.* Hence the talents and ability of an English statesman lay in finding out *ways* and *means* to raise money for his government, and he is esteemed accordingly. It is on such shallow base that all Pitt's character as a statesman stands. As to Bonaparte and the Grand Seignor, they are out of the question. They have all the talents and policy in managing national affairs that soldiers and bayonets can give them? It is England alone that must be contrasted with the United States; England whose proud, king loving sons, boast that she is our *mother.* Be it so; we have then outstripped our parent in the science of government. In Gallatin's financial engagements there is nothing of a Pittish policy. There is no "mighty magic" of words to gull the multitude. No signal of approaching war held out to terrify the people into the payment of taxes. And wherefore? simply because there is no occasion for taxing the people; and Republicans scorn wantonly to extort money from the *mouth of labor*; that mouth of labor which monarchists have treated with disdain, after having robbed it of its scanty meal, in order to clothe themselves and their children in crimson and velvet, and to procure gratification to their own luxurious appetites. Republicans pursue not what Kings call GLORY; *their* glory lies in a different direction: It is in Peace and the cultivation of the arts and sciences where they seek for it. War and bloodshed have no pleasures for them; and they delight not in pursuits at which humanity weeps. These are a few of the many reasons why Gallatin's Reports never requires taxes. Jefferson and the ministers of his cabinet untramelled themselves [illegible] wrongs of those that went before them. They saw that