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1856

MESSAGE NO. 1,  
of  
HIS EXCELLENCY JAS. H. ADAMS,  
GOVERNOR OF SOUTH CAROLINA.

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TO THE  
SENATE AND HOUSE OF REPRESENTATIVES,  
AT THE  
SESSION OF 1856,  
WITH ACCOMPANYING DOCUMENTS.

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COLUMBIA, S. C.:  
R. W, GIBBES, PRINTER TO THE SENATE.  
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S. C. STATE LIBRARY



## MESSAGE NO 1.

EXECUTIVE DEPARTMENT, COLUMBIA, S. C., Nov. 24, 1856.

*Gentlemen of the Senate and House of Representatives:*

The object for which you were recently convened in extra session has been determined. The popular voice has declared in favor of the party of our preference. The past admonishes us to reserve the full measure of our rejoicing to the day when the avowed policy of the party shall have been honestly carried out; when justice shall be re-established, and tranquility be restored to the country. Then, indeed, will the victory be one worthy of the strongest demonstration which patriotism can indulge. So far as the result may be regarded as a rebuke to that Northern party, whose principle of cohesion is hatred to the South, we share in the general satisfaction. Considered in reference to the vital issue between the North and South, I fear that it will be a barren triumph—that it will prove to be, at best, but a brief respite of feverish, exhausting excitement, destined to end in embittered feeling and distracted counsel among ourselves. Slavery and Freesoilism can never be reconciled. Our enemies have been defeated—not vanquished. A majority of the free States have declared against the South, upon a purely sectional issue, and in the remainder of them formidable minorities fiercely contended for victory under the same banner. The triumph of this geographical party must dissolve the confederacy, unless we are prepared to sink down into a state of acknowledged inferiority. We will act wisely to employ the interval of repose afforded by the late election, in earnest preparation for the inevitable conflict. The Southern States have never demanded more than equality and security. They cannot submit to less, and remain in the Union, without dishonor and ultimate ruin.

The internal state of the commonwealth, over whose affairs you are called to deliberate, exhibits a gratifying condition of general prosperity and contentment. The State has been mercifully spared the scourge of the “pestilence which wasteth,” and our people have sown and reaped in peace. Impressed with a sense of our mutual obligations, and with hearts full of gratitude to God, we enter on the work of duty before us.

In the performance of the part assigned to me, I proceed to lay before you such information of the condition of the State, and to recommend to your consideration such measures as I “judge necessary or expedient.”

The profits of the Bank of the State for the last year, amount to \$280,469 40, exceeding those of the previous year by \$7,418 48.

During the fiscal year the public debt charged on the bank has been reduced \$64,340 78. The President of the Bank informed me that he

expected to make a further reduction of about \$35,000, the arrangements for which could not be completed before the close of the fiscal year.

I refer you to the report of the Comptroller General for a detailed statement of the financial condition of the State. Since the 1st of October, 1855, the public debt has been increased as follows: By issue of bonds to construct New State House, \$250,000; by subscription to Blue Ridge Railroad, \$200,000.

The following table exhibits the debt, liability, and assets of the State:

| ACTUAL DEBT.                   |                | ASSETS.                         |                |
|--------------------------------|----------------|---------------------------------|----------------|
| 3 and 5 per cent. State Stock, | \$123,407.69   | Capital of Bank,.....           | \$2,770,802.33 |
| Fire Loan Bonds,.....          | 1,669,868.91   | Sinking Fund.....               | 1,490,386.55   |
| Bonds (New State House),....   | 500,000.00     | Shares in Railroad (par value), | 1,742,300.00   |
| Bonds Blue Ridge Railroad,...  | 400,000.00     | Cash on 1st October, .....      | 139,625.66     |
| U. S. Treasury Surplus Fund,   | 1,061,422.09   |                                 |                |
|                                | <hr/>          |                                 |                |
|                                | \$3,744,698.69 |                                 |                |
| LIABILITY.                     |                |                                 |                |
| Guarantor S. C. Railroad, .... | \$2,000,000.00 |                                 |                |
|                                | <hr/>          |                                 |                |
| Debt and Liability,.....       | 5,744,698.69   | Total,.....                     | \$6,143,114.74 |

The amount of \$10,000 appropriated at the last session to defray the contingent expenses of the executive department, I have had no occasion to draw from the Treasury. With the unexpended balance of last year, and a balance of \$2,594 91; transferred to my credit by my predecessor, I have been able to meet the ordinary drafts on the department. As my term of office is about to expire, I feel no delicacy in making certain recommendations in relation to the department. The salary of the Governor is wholly inadequate to the maintenance of the proper respectability and dignity of the station. I have avoided all unnecessary expense; I have indulged in no display whatever; and from my experience, I have no hesitation in saying, that no man can dispense the ordinary hospitality expected of him, nor maintain that style which our people very properly associate with the station, without drawing largely on his private income. The first office in the gift of the people should not be one which the wealthy only can afford to accept. It is no answer to say, there is no want of aspirants for the position. Willing public servants are not generally the most efficient. The republican standard of compensation for all public service, is that which will command the talent that is able to serve the commonwealth. It too often happens that he who has given his life to the public, entails upon his family the incidents of a wasted fortune. I recommend that the salary of the Governor be increased to five thousand dollars; and that he be required to reside at the capital. On this latter point, I invite your attention to the following extract from the message of the late Governor Johnson: "The office is itinerant, and follows the person of the Executive wherever his necessities or convenience may



compel him to reside. This is utterly inconsistent with the necessary order and uniformity in the conduct of the business of the office. He cannot carry with him all the books, documents, and vouchers, nor his Secretary. He must either dispense with him, or subject him to an expense which would swallow up his small salary. The citizens, too, are interested to know where the Executive may be found, and if he has no fixed residence, are obliged to go in pursuit through highways and by-paths. They may chance to pass him on the way, without knowing him (a case of actual occurrence). The true remedy is to provide him a residence at the seat of government, and require him to reside there permanently."

The report of General James Jones, Commissioner of New State House, will give you full information of the progress of the work, and his plan of future operations. I constituted him agent to sell the bonds authorized to be issued by the last Legislature. There has been little or no demand for 6 per cent. bonds, and but few of them have been disposed of. The Act forbids the sale of these bonds below par. Had not the Bank advanced the requisite funds, the Commissioner would have been compelled to suspend all operations on the building.

I herewith transmit a communication from the Hon. W. F. Colcock, enclosing a copy of a letter from the Secretary of the Treasury to the Light-House Board, and also a copy of the opinion of the Attorney General of the United States in relation to the provisions of an act of the Legislature of South Carolina granting sites for Light-Houses. On reference to these communications, it will be seen that the General Government declines to proceed, on the ground "that the consent given by South Carolina to the purchase is coupled with the condition that South Carolina retains the jurisdiction." Further legislation is asked. I think when the Southern States surrendered to the General Government the power to regulate commerce, they committed a great blunder, but that is no longer a debatable question. If the necessities of commerce require the erection of the proposed Light-Houses, I can see no good reason for declining to make the cession upon the same terms as other States have done. Whenever the people of South Carolina determine to dissolve their connection with the General Government, the possession of a few Light-Houses will interpose but feeble barriers to the execution of such a purpose.

Accompanying this message will be found a report of Mr. Oscar M. Leiber, appointed, under a joint resolution of the last Legislature, "Geological, Mineralogical, and Agricultural Surveyor of the State." The Joint Committees of Agriculture and Internal Improvements of the last General Assembly unanimously selected Mr. Leiber for the situation; and I did not hesitate to confirm the appointment. I have not had time to examine his report, and therefore can express no opinion of its merits.



I lay before you a letter addressed to me by Dr. Parker, Superintendent of the Lunatic Asylum, in relation to the condition and wants of the institution. His opportunities entitle his opinions to great weight. He is decidedly opposed to the policy of removing the institution from its present location. Additional accommodation is indispensable to enable the Institution to fulfill the humane end of its establishment. I am sure that no appeal is necessary, to secure for it the full measure of your bounty.

I also lay before you a report of the Military Commission, raised in compliance with a resolution of the last Legislature. The resolution required me to appoint ten commissioners to consider the militia and patrol law of the State, and to recommend such alteration of the same as they might deem advisable. Nine of the commissioners appointed discharged the duty assigned them—the tenth was unavoidably absent. They have unanimously agreed on a report, urging the importance of preserving the system as it now stands; and I beg leave respectfully to add my concurrence in the views which brought them to their conclusion.

The last Legislature authorized the Board of Commissioners for the Deaf, Dumb, and Blind, of which I am chairman ex-officio, to purchase for the State the establishment of Mr. N. P. Walker, at Cedar Springs, and to make due arrangements therein for the unfortunate inmates. I am happy to inform you that the purchase has been completed on terms which are satisfactory to the whole Board, and that such further arrangements as are required by this change will be duly submitted for your consideration in a report from the Board more in detail.

The Trustees of the South Carolina College, at their annual meeting in December last, elected Professor C. F. McCay president of the institution. His ability and attainments are considered by those who know him to be of the highest order; and when the prejudices which he encountered at the very threshold of his administration have been dispelled (if they have not already been), there will be but one opinion as to his fitness for the position to which he was called by a very decided majority of the Board, and that, too, without the slightest solicitation on his part. Mr. Rivers, of Charleston, whose life has been successfully devoted to classical pursuits, has been elected Professor of Greek Literature, in place of Dr. Henry, deceased; and Dr. LeConte, of Georgia, a gentleman of well established scientific attainments, has been elected Professor of Natural and Mechanical Philosophy. Both these appointments, I believe, are admitted on all hands to have been judicious and most fortunate for the institution.

In the death of Dr. Henry the College mourns the departure of an old, able, and faithful professor. He was a ripe scholar—a man full of learning—who, without ostentation, delighted in throwing open the abundant storehouse of his knowledge, and inviting the student to partake freely of its



riches. It will be long before it will have the good fortune to rejoice in his equal.

The conduct of the students is reported to me to be quiet and orderly. The Faculty are assiduous in their several departments, and the future of the institution is as encouraging as at any previous period of its existence. Though I was not educated at the College, I have seen and realized its benefits to the State, socially, morally and politically. It is rare, indeed, that its graduates have failed in after life, by example and conduct, to vindicate the policy which nourishes and sustains it. In my judgment, it has done more for the State than all her other institutions put together. It is greatly to be regretted that there is a disposition to cripple its usefulness, if not to destroy it. The charge that it is the rich man's college, is the cry of the demagogue. Its catalogue shows that a majority of its graduates are the sons of fathers who were not able to educate themselves, and no young man has ever had its doors closed upon him because of his poverty.

It is urged, through entire misconception, that it is time to make it a self-sustaining institution, and the example of various colleges is held up for our imitation. Take away from them their various endowments, and there is not strictly speaking, a self-sustaining college in the Union. While it is the duty of the State, as far as lies in her power, to instruct the destitute, it is no less imperatively her duty to provide for those who are able to pay for it the very highest standard of education. As a tax-payer, I protest against the withholding from the South Carolina College whatever proportion of my annual taxes goes to its support, if I am at the same time to be taxed for the support of free schools. Ignorance among the masses is incompatible with the true idea of republican government, but without superior intelligence to control and direct it, the education which contents itself with the mere ability to read and write, will prove a curse rather than a blessing.

The Military Academies continue unobtrusively, but not the less satisfactorily, to pursue their even tenor of usefulness and success. No equal amount of the public expenditure yields a better return. The discipline here is severe, the mental training trying in the extreme, but the cadet who survives the test, finds himself armed for the labor of life before him. I earnestly commend the college and these Academies to your fostering care. Both are developing the intellect and adding to the strength of the State, and both merit your countenance and support.

On the subject of Free Schools, I have but little to add to what I had the honor to submit to your predecessors. I then expressed the opinion that "it was unfortunate that the end, which was evidently contemplated by the act of 1811, had been abandoned, and that what was intended to introduce gradually a general system of common schools has been perverted to the exclusive education of paupers; that, in my judgment, we should return to the



policy of 1811 and seek to inaugurate a system, which, in its ultimate development, should bring the means of education within the reach of every family in the State." Since the late session, the Commissioners of Free Schools in the city of Charleston, with similar views as to the best mode of improving education, have opened a common school in that city, and, without abridging the opportunities of the poor, they offer to the tax payers a participation in the benefit from which heretofore they have been excluded. About seven hundred children are now receiving education at this school, and even this large number, I am informed, would be increased if the school accommodations would permit. The complete success which would attend this well-timed and judicious effort is checked only by the difficulty of obtaining proper teachers. This difficulty is also fully brought to the notice of your predecessors, and I would respectfully renew my recommendation that you would earnestly seek to provide an appropriate remedy.

In connection with the general subject of education, it has occurred to me that some encouragement should be held out, to induce the citizen to supply his family with the means of instructive reading, family books, or libraries. I suggest that such encouragement might arise from exempting family books and libraries, in actual use by the owner, from legal process under contracts to be hereafter entered into; and that they should also be exempt from sale by executors and administrators, and that instead they should be delivered over to those to whom they are bequeathed, and in the absence of testamentary disposition, that they be allotted among the family, or next of kin, as in cases of intestacy.

I beg leave to ask of you a favorable consideration of a recommendation of the late Gov. Seabrook, on the subject of drainage. His recommendation was the appointment of commissioners to digest and report a system or scheme on that subject. No possible objection can exist to the appointment of such a commission, and much good may result. When the report is made, it will still be in your power to adopt, modify, or reject it altogether. Large bodies of the very best land in the State lie wholly unproductive, for the want of a law establishing the right and defining the manner of draining them. No man, through obstinacy, or a worse feeling, should be allowed to use his own to the injury of his neighbor. The public good demands a general law which shall secure to every landholder the unobstructed use of the natural drainage of his land.

I submit to you the necessity of some special legislation in relation to funds in the Court of Equity. It not unfrequently happens that, from sale for partition, some of the parties living out of the State, and others being minors without guardians; or from the sale of a trust estate, and no suitable investment offering at the time; or from a fund being in court as a stake, the suit proceeding between contending parties, in order to determine which



of them is the rightful owner, the fund lies dead and unproductive to those eventually entitled to it. I am informed that in England, in such cases, the fund is paid into the Bank of England, to the credit of the Accountant General, who checks it out to the parties as their rights accrue; and in the meantime the bank is chargeable with four per cent. interest. If that rate of interest can be safely paid by the bank there, I do not perceive why the Bank of the State could not pay the same rate on similar deposits here. The widows and orphans interested are entitled to protection, and should not be allowed to suffer loss, while their funds are in court. Should you concur with me as to the propriety of legislating on the subject, I suggest that your legislation should also embrace funds in contestation in the courts of law; and I can see no reason, why it might not be extended to money raised by sheriffs. Why should they retain it, and the real owner be deprived of all profit? It exposes them to a temptation to speculate, which I fear is not always resisted. The legitimate fees of that office cannot adequately account for the large gains too often realized.

The outward pressure against the institution of slavery should prompt us to do all we can to fortify it within. Diffusion is strength—concentration, weakness. Our true policy is to diffuse the slave population as much as possible, and thus secure in the whole community the motive of self-interest for its support. I have no doubt of the inherent ability of the institution to maintain itself against all assaults. It is the basis of our political organization, and it would not be difficult to show that the poorest white man among us is directly concerned in its preservation; but the argument of self-interest is easy of comprehension and sure of action. I recommend the passage of a law exempting from sale (under contracts to be hereafter entered into) at least one slave. Such an immunity would stimulate every one to exert himself to possess his family at least of a property in some degree above the casualties of debt. As you multiply the number who acquire the property, so will you widen and deepen the determination to sustain the institution.

The consumption of cotton has steadily increased, and will in a few years exceed the supply—not from want, on our part, of land on which to grow it, but from want of operators to cultivate it. The demand for the article being greater than the supply, the price must go up, in the absence of all disturbing causes. As long as this continues to be the case, we must prosper; but the certain effect of high prices will be to stimulate the growth of it in foreign countries, and in time to destroy the monopoly which we have so long enjoyed. The possession of this monopoly is the chief element of Southern prosperity, and the dependence of the manufacturing interest on us for a supply of this article will continue to prove to be one of our strongest safe-guards. The amount of cotton now grown in the East Indies should open our eyes to our true policy. The idea that African slaves only can successfully grow cotton,



is an entire mistake. Under British domination, free slaves are now producing in the East, more than the entire crop of the United States in 1820. From a report of the Hon. W. L. Marcy, Secretary of State, in answer to a resolution of Congress, it appears that during the year 1855, the shipments of cotton to Great Britain, were, from the United States, in round numbers, 679 millions of pounds, and from the East Indies, Egypt, and Brazil, 202 millions of pounds. Whenever England and the Continent can procure their supply of the raw material elsewhere than from us, and the cotton States are limited to the home market, then will our doom be sealed. Destroy the value of slave labor, and emancipation follows inevitably. This, England, our commercial rival, clearly sees, and hence her systematic efforts to stimulate the production of cotton in the East. The success which has thus far attended those efforts, will incite her to redouble them. The East Indies abound in fertile land and cheap labor. France, too, is encouraging and stimulating its growth in Algeria, with like advantages of soil and labor. To maintain our present position, we must have cheap labor also. This can be obtained in but one way—by reopening the African slave trade. Until Providence interposes and changes his organism, the African must continue to be a "hewer of wood and a drawer of water." It is a diseased sentimentality which starts back at the idea of legalizing the slave trade, and at the same time contemplates without emotion the cruel servitude which capital exacts of labor, all the world over.

There was a time when canting philanthropists had instilled into us a belief that slavery was wrong. Investigation has entirely changed the once common sentiment on this point. The South now believes that a mysterious Providence has brought the two races together on this continent for wise purposes, and that the existing relation has been mutually beneficial. Southern slavery has elevated the African to a degree of civilization which the black race has never attained in any other age or country. "We see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world." Had the slave trade never been closed, the equilibrium between the North and the South would not have been destroyed. The North has had the old world from which to draw her supply of labor, and hence the rapid settlement of the Northwest. Since 1808, the South has supplied her own labor, and has necessarily made slower progress in settling up the Southwest. If the trade were open, I am persuaded that the South would not consent to close it; and this is, perhaps, the best answer to the argument derived from the mere sentiment that is arrayed against the proposition. It is apprehended that the opening of this trade will lessen the value of slaves, and ultimately destroy the institution. It is a sufficient answer to point to the fact, that unrestricted immigration has not diminished the value of labor in the Northwestern section of the confederacy. The

cry there, is want of labor, notwithstanding capital has the pauperism of the old world to press into its grinding service. If we cannot supply the demand for slave labor, then we must expect to be supplied with a species of labor we do not want, and which is, from the very nature of things, antagonistic to our institutions. It is much better that our drays should be driven by slaves—that our factories should be worked by slaves—that our hotels should be served by slaves—that our locomotives should be manned by slaves, than that we should be exposed to the introduction, from any quarter, of a population alien to us by birth, training, and education, and which, in the process of time, must lead to that conflict between capital and labor,” which makes it so difficult to maintain free institutions in all wealthy and highly civilized nations where such institutions as ours do not exist.” In all slaveholding states, true policy dictates that the superior race should direct, and the inferior perform all menial service. Competition between the white and black man for this service may not disturb Northern sensibility, but it does not exactly suit our latitude. Irrespective, however, of interest, the act of Congress declaring the slave trade piracy, is a brand upon us, which I think it important to remove. If the trade be piracy, the slave must be plunder; and no ingenuity can avoid the legal necessity of such conclusion. My hopes and fortunes are indissolubly associated with this form of society. I feel that I would be wanting in duty, if I did not urge you to withdraw your assent to an act which is itself a direct condemnation of your institutions. But we have interests to enforce a course of self-respect. I believe, as I have already stated, that more slaves are necessary to a continuance of our monopoly in plantation products. I believe that they are necessary to the full development of our whole round of agricultural and mechanical resources; that they are necessary to the restoration of the South, to an equality of power in the General Government, perhaps to the very integrity of slave society, disturbed as it has been by causes which have induced an undue proportion of the ruling race. To us have been committed the fortunes of this peculiar form of society resulting from the union of unequal races. It has vindicated its claim to the approbation of an enlightened humanity. It has civilized and Christianized the African. It has exalted the white race itself to higher hopes and purposes, and it is perhaps the most sacred obligation, that we should give it the means of expansion, and that we should press it forward to a perpetuity of progress.

I have received “Resolutions of the Legislature of New Hampshire in relation to the late acts of violence and bloodshed perpetrated by the slave power, in the Territory of Kansas, and at the National Capital.” In the exercise of a discretion which I think rightfully appertains to the Executive department, I decline to lay these resolutions before your honorable bodies.



I care not what may be the theory of State intercommunication, I will not submit to be made the medium of transmitting from any quarter, an insult to my own State. The constitution imposes no such duty on the Executive. The usage of the better days of the Republic commands my respect, but it cannot reconcile me to acts of courtesy to those who would gloat in seeing the torch applied to our dwellings and the knife to our throats.

I cannot close this my last regular communication, without a public acknowledgment of gratitude for the opportunity which has been afforded me of serving the State in my present capacity. On retiring I feel but one regret—that my ability to serve her, has not been equal to the love I bear her. Whatever may be my lot in the future, I shall never cease to take a deep interest in whatever concerns her welfare and her honor. I invoke now, and for all time to come, Heaven's choicest blessing on her and her people.

J. H. ADAMS.

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#### LETTER OF DR. PARKER IN RELATION TO LUNATIC ASYLUM.

LUNATIC ASYLUM OF S. C., OCT. 27, 1856.

*To His Excellency James H. Adams,*

DEAR SIR: According to your request, I herewith transmit to you such facts connected with this institution as may be of service in making up your message to the Legislature.

Your visit and inspection of the buildings and grounds make it unnecessary that I should go into a particular description of either.

At the time of your visit last winter, we had under care 171 patients, of whom 86 were paupers and 85 paying patients; we have received since that time 40 independent or paying patients, and 26 paupers—making 237—of this number 19 have been cured and sent home, 12 have been removed by friends and 18 died, leaving now with us 188 patients. Our household now consists of 221 persons, including white attendants and nurses. Each sex is divided into four classes, according to taste, general behavior and other attendant circumstances, each class requiring at least one parlor or day room, and a dining room in order to keep them separate, an arrangement of great importance and to be rigidly observed. At night each patient should occupy a separate room, consequently we require, with our present number, at least (allowing no extra room for changes, which are often required,) eight parlors, eight dining rooms and 221 bed rooms. The capacity of our present building falls far short of our requirements—130 patients with their attendants being as many as can be kept comfortably in it.

With such facts it is evident that if this institution is to maintain a rank



among similar institutions in other States and meet fully the benevolent objects for which it was founded, we must have prompt and efficient aid from our Legislature; and this I cannot hope for while the worse than useless subject of its removal to a different locality is agitated.

The Board of Regents, consisting of gentlemen of intelligence and experience, to whom the State is largely indebted for long continued and faithful service in this benevolent cause, have earnestly requested that the matter of removal or non-removal be put at rest. With the Board the matter has long since been settled. See Annual Reports for 1850 and 1855.

They informed the Legislature last fall that after the most careful examination of the country around Columbia, they could find no spot presenting so many advantages for the location of an Asylum, as the one now owned by the State, partly inclosed by a substantial brick wall and occupied. The lot embraces 55 acres, unbroken and well situated; the soil is dry and porous, supplied with excellent water, besides having the privilege of a full supply from the city works free of charge. But a small part of this ground is in the corporate limit of the city, the larger part extends to the country and is in woods; therefore possessing all the advantages of country and city. A building on this site would be quite as retired as an institution for the insane should be.

In a Building constructed after the plan recommended by the medical superintendants of Hospitals for the Insane; the excitable could be kept from all that would increase his malady, while the dormant would be aroused by a proximity to the city, the cheering sounds proceeding therefrom, the rolling of carriages; and the passing to and fro of the railroad cars, all tending to cheer the disconsolate, and bring about a wholesome train of thought, and facilitate recovery. A building upon such a spot would possess great advantages over a sand hill location, in treating the various phases of insanity.

I admit that in many parts of the country a site might be selected for an Asylum where nature presents more pleasant prospects, and where the cheering sights and sounds of city life could be dispensed with, but that place is not in the vicinity of Columbia; therefore, rather than leave the Capitol of the State, as we must do and will do, if we reject our present grounds, I would urge that the site directly east of our own building be fixed upon as the one peculiarly suitable, where we can secure repose for the excited, and activity and life for the apathetic. With regard to the salubrity of our location, I was surprised to learn that a doubt had been expressed on that subject. Long years ago sickness prevailed in this neighborhood as elsewhere about Columbia, but for twenty years past no such opinion has had fair ground to rest on. Abundant testimony can be produced to rebut all that may be said to the contrary. Much has been said of the unhealthfulness of



our old building; the following facts must determine whether the location or an overcrowded condition has most to do with the mortality of the years '54 and '5. In ten years past we have had 119 deaths; of those, 55 occurred in the last two years.

The Regents failing to fix upon, or find a more suitable site within 3 miles of Columbia, made an earnest appeal to the Legislature for money to build on this ground, which was met, as you are aware, by the appointment of a Select Committee from both Houses, whose duty it was, during the recess of the Legislature, to examine the country around Columbia, and fix upon a suitable location for a new Asylum. The duty, I presume, was carefully discharged during the summer and fall, and, like that of the Regents, it was a failure. We learned they met at Dr. Trezevant's office in the summer, at which meeting the Regents were not present; in November, at their second meeting, the Regents of the Asylum and the Superintendent were invited, and were present. One of the places suggested was entirely unfit on more accounts than its insalubrity; the only other place named was positively not for sale at any price. Had it been in market it would not have answered for want of water. The Committee from the Senate recommended the place selected by the Regents; the Committee from the House falling back upon a resolution to appoint a new commission to examine and fix upon a site at any point in the State, at a convenient distance from a railroad. This resolution did not pass, but served to foil the Regents in their effort to procure aid for the insane, and at the adjournment of the Legislature we were left with most discouraging prospects. The officers have been subjected to great labor and inconvenience, their usefulness impaired, the proper treatment of the patients hindered, and their recovery retarded and sometimes prevented, the entire household exposed to all the ill effects of overcrowded apartments, always productive of disease, as was the case in 1854, previous to the removal of many of our sick and infirm, to the retreat so judiciously provided by the Regents, on the lot of land alluded to. Of the number removed, several were so reduced by protracted diseases that they were unable to stand on their feet, or even extend their limbs. All, however, soon recovered; and no new case occurred among the 35 or 40 who were transferred. Thus was the propriety of their removal, and the salubrity of the place most fully vindicated. The inclosure of 9 acres, with its temporary buildings, has since been constantly occupied by about 40 patients, with their attendants; we have had some sickness among them during the past summer, owing mainly to slight imprudence, on the part of delicate persons; the cases, however, have been light, readily yielding to treatment. Of 66 deaths which have occurred among our patients since the occupancy of that place, only one died there, and his disease was beyond relief before he went there.

No such arrangement having been made for our female patients and their

apartments being over crowded, as an act of justice to them, as well as an act of prudence on the day of the Regents passed a resolution that no more female patients be received. It became therefore the unpleasant duty of the Superintendent, in a few days, to turn off several, some of whom would have paid the highest price, and been thereby contributors to the support of the poor, whom we continue to receive and whom we are obliged to place in corridors or passages to sleep, which is obviously objectionable. In view of such facts we again plead for aid to extend the accommodation for the unfortunate insane. It may not be amiss to mention, that while our Asylum has always sustained itself from the board paid by independent patients, it has also regularly contributed largely towards the support of paupers of our State, and is now paying the interest of \$70,000 per annum. It is evident, as I have before intimated, that this noble charity, without prompt aid must sink from its present high position of useful benevolence as a self sustaining and successful hospital and asylum to that of a mere receptacle for paupers, and consequently become a burden to the State. As a scheme of benevolence our claim has been urged again and again. I would therefore now notice it in a political point of view, and recommend it to your favorable consideration as a sectional institution. Our Asylum undoubtedly occupies a very fair position, and it becomes us to sustain it. The state of public feeling demands it and calls imperatively for an Asylum at home, for within a few weeks several wealthy Southern gentlemen have been brought from Northern Asylums and placed with us at the highest rates—others are coming—if we can take them. Is it the policy of our people to offer every facility to build up Southern institutions or to continue the old custom of relying on the North, even for the care of our insane? I have been much surprised to find so little interest manifested by the people generally on the subject of providing properly for their insane, while other States are looking to their interest as of first importance, manifesting by their acts that they will, as an absolute duty, make the most liberal provision for their fellow creatures thus stricken by Providence. That Asylums are being built in other Southern States, is an argument in favor of increasing our accommodation. As a new building is completed, every apartment is at once occupied; such has been the case everywhere. I am sure if we had a new building erected for 150 patients in addition to our present accommodation, every part would be filled very soon after its completion. On the other hand, I feel just as confident, that any falling back on our part, will turn the current from us and we will perceive the effect too late to remedy it.

South Carolina began nobly, I am sure that our Legislature will carry on the work by a liberal appropriation provided a guarantee is given that the money will be properly expended.



To carry on our benevolent design, the Regents will probably apply for such aid from the Legislature as will enable them, not merely to accommodate all who are now with us, but also to receive all who may apply for admission, and at the same time offer an inducement to those who may be able to pay the highest rate, as it is from the board of such that our paupers receive a portion of their support.

If I may not be forestalling the Regents in what they may have to propose, I would suggest that our old building be fitted up for the accommodation of females exclusively, and that an appropriation be asked from the Legislature for the purpose of erecting a new building on the lot east of the old building, exclusively for males. By this means, the perfect classification of each sex could be observed,—the females would have sufficient room until their numbers would exceed 130 to 50, and the males would be admirably situated,—convenient to the farm, with ample grounds, where workshops might be erected and other necessary arrangements effected, suited to their various tastes, and calculated to bring about mental effort.

It is true that our old building is wanting in many conveniences that may be found in modern hospitals for the insane, but by a comparatively small expenditure it may be made very comfortable for 130 patients, or perhaps 150. Until it became over-crowded the inmates enjoyed excellent health. The arrangement proposed would relieve us from our crowded state as soon as a tenement of the new building could be used. As soon as arrangements for sixty or sixty-five patients could be provided, the males could relinquish the old building to the females,—whereas if the Asylum was to be removed, we would for years be subjected to the inconvenience of crowded and consequently unwholesome wards—the place of our paying patients would be supplied by paupers, and for their support, an annual appropriation of from 16 to \$20,000 would be required from the State. On the other hand, give the Regents the ability to offer an inducement, to and provide accommodations for, the paying as well as the pauper patients, and in the course of a very short period of time, the large increase in the income of our institution would fully justify the action of the Legislature in granting appropriations for providing additional facilities for the accommodation of paying patients. Upon this subject I entertain no doubt. Results must, in my best judgment, triumphantly vindicate the wisdom of the public authorities, and pay a handsome tribute to their judicious benevolence.

Having thus imperfectly set forth the present condition of our Institution, with an expression of my own individual opinion in regard to its future prosperity and usefulness,

I remain, with respect, your ob't. serv't.,

J. W. PARKER.



## REPORT OF MILITARY COMMISSION.

*To the Honorable Speaker and other Members of the House of Representatives of South Carolina :*

The undersigned, Commissioners, appointed by His excellency the Governor, under resolution of your honorably body at its last session, to "consider the Military and Patrol Laws of the State now of force, and recommend such action, in respect to a modification, alteration, or improvement of the same, in whole or in part, as in their judgment may seem proper, and report the result of their labor to the Legislature at its next regular session," have devoted due attention and deliberation to the subject entrusted to them, and respectfully submit the following report :

That, in their judgment, the Militia and Patrol Laws present a code the most condensed, consistent with perspicuity, and available to ensure a prompt and certain compliance with the duties imposed.

A Military and (coupled with it) a Patrol organization is, in the opinion and experience of your Commissioners, not only intimately connected with, but indispensably necessary to the safety of the State.

South Carolina is, at present, thoroughly organized in these two departments of her service ; and while the enactments regulating them are briefly and plainly set forth, they are fully known, properly understood, and practically established.

Their compilation and digest was the combined result of the highest Military and administrative talent of the State, reinforced by long personal experience and enlightened observation in her service, and illustrated by unquestionable devotion to her honor, her reputation and the permanent security of her institutions.

It is to be regretted that legislation was invoked to repeal any portion of that system ; nevertheless, it is recommended that whenever a desire to restore its integrity, by a majority of those upon whom it is to operate, is decidedly manifested, the enactment be revived.

That there are objections and imperfections existing, is but to acknowledge that the institution is human ; and though incompetency and faithlessness to the service is, at times, the ground of merited reproach, yet, a remedy beyond that, already provided and applicable, is exceedingly problematical.

Moreover, the alumni of the Military Academies of the State, with her quota from the United States Academy, are annually augmenting her roll of competent and skillful officers, ready, at all times, to lead our militia force whenever the emergency may require.

Identified with the fortune of South Carolina, each constitutes a nucleus to his military precinct.



Eminently qualified to instruct or command any arm of the service, they are capable, by example and education, to awaken and maintain a nobler ambition, a greater zeal, and a more exact discipline among our citizen-soldiers.

Experience has conclusively demonstrated that military training and its incidents are essential to the public security, and although it is the most difficult undertaking to realize the necessity to those who have to endure the burthen of its duties, especially when no immediate danger impends, yet it is not the less incumbent upon approved statesmanship to provide, enforce, and preserve an efficient and permanent organization—one not dependent upon the rise and wane of military ardor, or on private convenience or interest—but adequate to prompt communication, effective rally and speedy concentration.

The recorded testimony of every Governor of the State—the universal provision in all the American constitutions—establish, beyond question, the importance and value of that great bulwark of liberty—an organized militia—to defend the rights and the institutions of the States.

To your intelligent and patriotic body it is unnecessary to urge additional reasons on the expediency of persevering in a system, which, while it constitutes the humblest and most unpretending individual a guardian of constitutional liberty, has produced citizen-soldiers who have illustrated every battlefield that engaged them, by gallant and efficient service, and won the approbation of the State and the admiration of her co-States.

The Commissioners recommend, unanimously, a continuation of the present Militia and Patrol Laws.

J. SCHNIERLE, *Major General, Chairman.*

H. K. AIKEN, *Major General.*

P. H. NELSON, *Brigadier General.*

E. B. C. CASH, *Brigadier General.*

R. G. M. DUNOVANT, *Adj. and Insp. General.*

W. J. TAYLOR, *Brigadier General.*

MAXCY GREGG.

J. U. ADAMS.

J. D. ALLEN.

LETTER IN RELATION TO AN ACT OF THE LEGISLATURE OF  
SOUTH CAROLINA GRANTING SITES FOR LIGHT HOUSES.

COLLECTOR'S OFFICE, CHARLESTON, S. C., October 27, 1856.

*To His Excellency Governor Adams:*

SIR,—At the request of the Light House Board, I enclose you the copy of a letter from the Secretary of the Treasury to that Board, and also the copy of an opinion of the Attorney General of the United States, in relation to the provisions of an Act of the Legislature of South Carolina, entitled "An Act to authorize the United States to purchase certain parcels of land in this State for the erection of Light Houses and Beacon Lights." Passed December 21st, 1854.

It is the desire of the Department to have an amendatory Act passed by the Legislature at its next regular session, to enable the United States Government to obtain jurisdiction over the sites embraced in the Act referred to; and your assistance is respectfully requested to effect this purpose.

It is proper that I should state to you that the Act in question was drafted by me, from a copy sent me by the Light House Board. It was evidently an oversight in those who prepared the form sent me, to use the language which they did in reference to the subject of jurisdiction. I mention this to show you that jurisdiction was not refused by the State, on debate; but that the difficulty has been created by the agents of the United States Government themselves. The Legislature passed the Act exactly in the form in which it was submitted.

I have the honor to be, very respectfully, your ob't serv't,  
W. F. COLCOCK, *Collector.*

OPINION OF THE ATTORNEY GENERAL U. S., IN RELATION  
TO THE PROVISIONS OF AN ACT OF THE LEGISLATURE  
OF SOUTH CAROLINA, GRANTING SITES FOR LIGHT-  
HOUSES.

ATTORNEY GENERAL'S OFFICE.

SEPT. 17TH, 1856.

*To Hon. James Guthrie, Secretary of the Treasury.*

SIR,—I have received your communication of the 12th inst., calling my attention to the doubt intimated in my opinion of the 11th ultimo., on the subject of the legislative act of the State of South Carolina Consenting to the purchase by the United States of sites for Light-Houses, in that State.



That expression of doubt in these words: "The assent of the Legislature of the State for the purchase is complete with conditions, reserving all jurisdictions over the land, and public officers, or other persons thereon, to the State of South Carolina. If the assent of the State to the purchase stood by itself, the Constitution would carry jurisdiction to the United States. But there is express exclusion of jurisdiction of the United States. Is not that such a condition affixed for the purchase as to require further steps to be taken by you in this respect, before assuming to make expenditures on the premises in behalf of the Government."

You suggest the enquiry, "whether the reservation by the State, after such consent, is not void, as in conflict with the consent given."

The difficulty in my mind on that point is the question, whether the express denial of jurisdiction by the State does not contradict, and so nullify her consent to this purchase. Can we assume jurisdiction as the necessary legal consequence of purchase with consent, when that consequence is denied by the State?

My scruples on this point are increased by the reflection that Congress would seem, by the tenor of the Joint Resolutions of September 11th, 1841, to have intentionally required both consent for purchase, and express cession of jurisdiction.

The 3d resolution, in obedience to which the examination of title to lands purchased by the Government, is referred to the Attorney General, is in these words:

"That no public money shall be expended upon any site or land hereafter to be purchased by the United States for the purposes aforesaid, until the written opinion of the Attorney General shall be had in favor of the validity of the title, and also the consent of the Legislature of the State, in which the land or site may be, shall be given to said purchase."

But in addition to this, we have the 6th resolution as follows:

"That it shall be the duty of the Secretaries of the Executive Department, respectively, under whose direction any lands for the purposes aforesaid may have been purchased, and over which the United States do not possess jurisdiction, to apply to the Legislatures of the States in which the lands are situated for a session of jurisdiction; and in case of refusal, to report the same to Congress at the commencement of the next session thereafter, '*Vide Stat*, at large, p. 568.'"

Now, has not the Legislature of South Carolina refused in terms to cede jurisdiction to the United States? And is not that the very condition of the last resolution, and as such, to be reported to Congress?

In this case, the Government will enter upon the use of the land, with explicit notice of controversy on the part of South Carolina. Other States may follow the example, greatly to the inconvenience of the United States.

If the State of South Carolina had simply passed an act consenting to the purchase, the constitutional consequence would certainly have ensued, and jurisdiction might have been assumed. As it is, however, the conclusion seems to me questionable. The declared retention of jurisdiction is an express qualification of the assents, and such a qualification as causes it to fail to satisfy the Act of Congress, if it does the Constitution.

I am, very respectfully,

(Signed)

C. CUSHING.

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LETTER OF SECRETARY OF THE TREASURY TO THE LIGHT  
HOUSE BOARD.

TREASURY DEPARTMENT, SEPTEMBER 19, 1856.

SIR: Enclosed please find the opinion of the Attorney General upon the subject of the acts of the Legislature of South Carolina, as to the Light House site on Seabrook's Island.

You will see that the consent given by South Carolina to the purchase, is coupled with the condition that South Carolina retains the jurisdiction.

The Joint Resolutions of Congress expressly requires the State to cede jurisdiction, and the power of taxation, and prohibits any expenditure until that is done by the State.

You will consider the act of South Carolina insufficient to authorise the payment of the price of the ground or the construction of the Light Houses, and communicate the fact to the Governor of that State.

I am very respectfully,

(Signed)

JAMES GUTHRIE,  
Secretary of the Treasury.

Com. T. A. JENKINS, U. S. N.,  
Secretary L. H. Board.

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