STATE OF SOUTH CAROLINA.

GOVERNOR HAYNE'S MESSAGE.

To the Senate and House of Representatives.

FELLOW CITIZENS:

It has pleased the Almighty Disposer of events, to permit us to assemble once more, in the enjoyment of the blessings of peace. But few months have passed away, since our separation under circumstances calculated to inspire the most anxious solicitude, for the destinies of our beloved country. South Carolina, after years of unavailing petitions, remonstrances, and protests against the usurpations of the Federal Government, had, in her highest sovereign capacity, solemnly pronounced the acts of Congress, imposing duties and imposts for the protection of domestic manufactures, to be "unauthorized by the Constitution, null, void, and no law," and had taken measures of her own, to prevent their enforcement within her limits. The exercise of this unquestionable right of Sovereignty, under a system of confederated States, was met by the Federal Executive, in a spirit entirely at war with the genius of the Constitution, and utterly subversive of our free institutions. Denying to one of the high contracting parties to the Constitutional compact, the right "to judge of its infractions, or of the mode and measure of redress," the President had no hesitation in asserting for himself, the right to determine authoritatively the true character of the obnoxious acts, and felt no scruples in passing sentence of condemnation, against the constituted authorities and people of a Sovereign State, avowing at the same time, his determination to reduce them to submission, by military force. Pretensions such as these, addressed to a high minded and gallant people, in whose veins flowed the blood of the Patriots and Heroes of the Revolution, could only be met in a spirit of proud defiance,—a spirit well embodied in the noble sentiment that "it would be better that our country should become the cemetery of Freemen, than the habitation of Slaves." It will be a proud page in the history of our common country, which shall record the unflinching determination, and unshaken firmness, with which the Legislature and People of South Carolina met the crisis presented by the Proclamation of the President, which it was vainly imagined, would have "humbled them in dust and ashes." Standing alone in the great contest for Constitutional Liberty—unallyed at home, and cheered by no friendly voice from abroad,—denounced as Traitors, and threatened with military vengeance by the Chief Magistrate of the Union, it was confidently anticipated that our people would shrink in dismay from the unequal conflict. But thanks be to God! South Carolina did not falter in her course, nor swerve from the path of duty. The spirit of the people rose with the emergency, and we were enabled to exhibit the animating spectacle, of a small State standing up for her rights, unaided and alone; resolved to maintain them, or perish in the conflict.
Though the remedy adopted by South Carolina, was altogether peaceful in its character—yet, no sooner was the ground taken, that she was to be driven from her position, and the unconstitutional Tax enforced at the point of the bayonet, than it was, at once, seen and felt, that there was no alternative, short of a base surrender of our dearest rights—but to be prepared to defend them, "peaceably, if we could, forcibly, if we must." Among the various Acts, passed at your last session, having this object in view, were those which directed the Executive to purchase Arms and Munitions of War, and to organize Volunteers, to be called out, for the defence of the State, should any attempt be made, by the Federal Government, "by the employment of a Naval or Military Force, to coerce the State of South Carolina into submission to the Acts of Congress, declared and ordained to be null and void." In obedience to the provisions of these Acts, upwards of twenty thousand Volunteers were organized in a few weeks, and but for the fortunate adjustment of the Controversy, it is believed, the number—which was continually increasing—would not have fallen far short of 20,000 men. The most vigorous measures were also adopted, and with unexampled success, for procuring arms, ordnance, and Munitions of War, of every description. Arsenals and Military Depots were established throughout the State, and all the necessary arrangements made, for marching and maintaining any number of Troops, that the exigencies of the country might have required. It is in the order of Providence, that a just cause, sustained with becoming energy and perseverance, seldom fails of success. The happy effect of these defensive measures was immediately perceived, in the liberal offers of assistance, which poured in upon us from every quarter of the Union, in the altered tone of our oppressors, and in the growing confidence of the friends of State Rights and Free Trade, everywhere. The Manufacturers themselves began to perceive, that strong as their System was, it could not be sustained in public opinion, by violence and bloodshed. The true lovers of the Union also felt that the only enduring bonds, by which that blessing could be preserved, were mutual sympathies and common interests; and, with a magnanimity which confers upon them the highest honor, men of all parties, including many of the warmest advocates of the American System, were seen striving with each other, who could do most for effecting a reconciliation of conflicting opinions, and an honorable compromise of opposing interests.

The act passed at the last session of Congress, for the gradual reduction of the duties to the revenue standard, was conceived in this spirit, and intended by its authors, to remove all risk of collision, between South Carolina and the General Government. Though this measure did not yield all that the South had an unquestionable right to demand, yet, in substituting duties gradually decreasing down to the revenue standard, for a system of duties gradually augmenting up to prohibition, and stipulating that no more money should eventually be raised, than might be "necessary for the economical administration of the Government," an opportunity was offered for an adjustment of the controversy, which, consistently with the principles on which we had all along acted, we were not at liberty to reject.

Such a modification of the Tariff, in 1832, would, unquestionably, have prevented the adoption of our Ordinance of Nullification; and it
was due to ourselves, as well as to the great cause in which we were engaged, that it should be followed by the repeal of that Ordinance: a measure which was the more cheerfully adopted, as it afforded a gratifying opportunity of manifesting our desire to live at peace with our brethren, and our sincere attachment to the Union. It was also a gratifying circumstance, that we were able, by the prompt acceptance of this compromise, to manifest our high sense of the intervention of Virginia—a State so long and so justly distinguished for her devotion to the rights of the States.

It is greatly to be lamented, that the act for the reduction of the Tariff, should have been followed by another, commonly called the Force Bill, which, as it was to have no immediate practical operation, could have been designed for no other purpose than to embody, in the form of a law, the odious principles of the Proclamation, with a view that they might be called into action at some future period, more favorable to the establishment of arbitrary rule. Regarding this act, as amounting to the assertion of the unqualified supremacy of the Federal Government over the States, South Carolina unhesitatingly pronounced it to be "utterly unconstitutional, null and void." So far as an act of Congress can produce that effect, no doubt can be entertained, that the Force Bill has abolished the Constitution,—annihilated the rights of the States, and erected on their ruins "one great Consolidated Government without limitation of powers;"—and until this act shall be torn from the statute book, these rights will be held by no other tenure than the will and pleasure of the President. A great crisis is thus brought about in the progress of our Government, and the problem must now be speedily solved, whether the interesting experiment which has been made in this country, of establishing a free Government on the basis of State Sovereignty, and popular rights, is to be crowned with success, or must henceforth be regarded as "a splendid failure."

The whole history of the Federal Government, from its origin to the present moment, has been marked by one continued struggle, between Liberty and Power—between the rights of the States and the liberties of the people on the one hand, and federal usurpation on the other. Up to the year 1788 the Government was continually acquiring strength, and popular rights were fast falling into contempt. At that era, the monstrous assumption of Power, embraced in the passage of the Alien and Sedition laws, raised the people to resistance, and under the guidance of Jefferson, a signal victory was achieved over the advocates of Consolidation, "the constitution was rescued at its last gasp," and the liberties of the country happily restored. Then were promulgated these political truths which constitute the true conservative principle of this Republic—That the several States, composing the United States of America, are not united on the principle of unlimited submission to their General Government, but by a compact under the style and title of the Constitution of the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own self government; and that whenever the General government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded, as a State,
and is an integral party, its co-states forming as to itself, the other party; that the Government created by this compact was not "made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the constitution, the measure of its powers: but that "was in all other cases of compact among parties having no "common judge, each party has an equal right to judge for "itself, as well of the infractions as the mode and measure of redress." Then was recorded for our instruction, by the "hand of the Apostle of liberty" himself—that vital principle which "has been "as a light to our feet and a lamp to our path”—that for the usurpations by the General Government of the rights of the States, "nullification is the rightful remedy"—and to remove every shadow of doubt as to the true character of this remedy—to make it so plain, that "he who runs may read, and the way-faring man though a fool shall not err therein,"—we are instructed further, that it is founded in the right of "each State to take measures of her own, that no act not plainly and intentionally authorized by the Constitution, shall be exercised within her limits." Abiding by these landmarks of the republican faith, it is in the power of the States even now, to arrest the torrent of federal usurpation which is sweeping before it, everything valuable in our institutions. It is not too late to preserve the rights of the States—rescue the Constitution—and establish the Union on an immovable basis. The blessings of posterity will rest upon the heads of those who shall be the chosen instruments of affecting this great work of regeneration. They will be hailed in all after times, as "the restorers of the liberty of their country." You, fellow citizens, have commenced this most glorious of all reforms, and let me conjure you in the inspired language of one who may still be heard in a voice speaking to us almost from the tomb,—"give not sleep to your eyes nor slumber to your eyelids, until the good work shall be accomplished."

It is a trite remark, that a nation of freemen can never find a master, until they have become fit to be slaves. Whatever truth there may be in this observation, the descent from liberty to despotism, is so easy,—power is so perpetually steals from the many to the few—and suspicions are the pretexts, under which the approaches of Tyranny are masked, that a generous people are liable to be betrayed, and may find themselves in chains, before they are conscious of the approach of danger. The history of our own country affords melancholy proof of the truth of these positions. If the facts were not notorious, it would almost be incredible, that a Federal Government, deriving its powers from a written Compact, between Sovereign and Independent States—strictly limited, by the very terms of its Charter, to the exercise of a few designated powers, and these of a general character—with an express stipulation, that all powers not granted, were reserved to the States, respectively, or to the people—should, by gradual encroachments, have already established an almost supreme dominion over the States which created it; and should, habitually, exert an authority, nearly as unlimited as that of the most absolute Government upon Earth.

We have seen the Federal Government extending its jurisdiction.
over crimes cognizable only by the States, and attempting to reduce our citizens from their allegiance. We have seen the powers claimed and exercised of “laying taxes, duties and imposts,” not alone for the purposes specified in the Constitution, but for any purpose whatsoever, which Congress “may say or imagine to be for the general welfare.” We have seen a gigantic scheme of internal improvements adopted, founded on the most unjust and unequal principles—leading to a disgraceful scramble for the public money, and which could only be carried into effect, by draining the resources of one quarter of the Union for the benefit of another. We have seen the power over the purse and the sword openly usurped by the Executive, without his designing to make an appeal to Congress: and we have seen Congress itself yielding obedience to the slightest intimation of the Executive will, granting to him without hesitation extraordinary powers, and making him the absolute disposer of the lives and fortunes of the people. We have seen a high officer of the Government deprived of his office, for having refused to obey the positive injunctions of the law: and we have seen another officer, distinguished for his gallantry, expelled from the service in the face of an acquittal by a military Court. We have seen an officer negatived by the Senate, re-appointed and kept in office, in open defiance of their authority, and the express provision of the Constitution. We have seen the power and patronage of the Federal Government brought into hourly conflict with “the freedom of elections”—the freedom of the press—and freedom of opinion. We have seen a hired soldiery, in time of profound peace, invading the limits of a Sovereign State, in obedience to a mandate from Washington, forcing peaceable citizens from their homes, murdering them with impunity, and then finding protection under the guns of a military fortress, setting at defiance the judicial process of the State, and held amenable for their conduct, only to the Federal tribunals, to which have been given, under the Force Bill, an absolute control over the Judicial Tribunals of the State. And, to cap the climax of Federal usurpation, the power has been asserted, and so long exercised as almost to have become a “settled policy,” or “regulating and controlling the whole labor and capital of the country.” Surely, when we contemplate this picture, we have a right to warn our brethren throughout the Union, that THEIR LIBERTIES ARE IN DANGER, and to summon them “to the rescue.” We have reason to hope, that this appeal will not be in vain. The eyes of the whole country are beginning to be opened, and the people are awakening to a sense of impending dangers.

Amidst all the vituperation and abuse, to which our State has been subjected, it is gratifying to discover that our principles are steadily advancing. Wherever they have been brought to a fair and full discussion, before the people, their triumph has been decisive. It is the nature of truth, that “it needs only the liberty of appearing”—and there is, happily for the future destiny of our race, an instinct of freedom in the heart of man, which, however it may be perverted by education, obscured by prejudice, or debased by interest, may be kindled up, and seldom fails to respond to earnest and faithful appeals in behalf of liberty and justice. Even now, we see some of those who have most loudly denounced our doctrines, bearing reluctant testimony to their truth, in being constrained to adopt our principles, and to recognize in State interposition
the only barrier against federal usurpation. A few months ago, it was treason for a State "to organize an opposition" to the usurpations of the Federal Government; now it is acknowledged to be a right incident to her sovereignty. The truth, Fellow-Citizens, is, that there is no middle ground between the acknowledgement of our principles, and the undisguised admission that ours is "a Consolidated Government, without limitation of powers." The rights, if they can be so called, of petition, remonstrance, protest, and revolution, are incident to all forms of government, and exist precisely to the same extent in a consolidated government, a monarchy, or a despotism, as in the freest government upon earth, and may be just as lawfully exerted by a slave as a freeman. It is absurd, therefore, to speak of these as constituting the essence of State Rights under our Federal System. If State Sovereignty has not been totally and entirely surrendered, the several States are in duty bound to preserve these rights from invasion; and whatever may be the appropriate remedy, and by whatever name it may be called, if it operates by virtue of State Sovereignty, to the effectual protection of State Rights, this constitutes, what Mr. Jefferson has well called the, "rightful remedy of nullification." Every State in this Union, when she feels that her rights are invaded by a gross deliberate, and palpable usurpation on the part of the Federal Government, in a matter of sufficient importance to require her interposition, will be driven to this remedy.

The principles of the Force Bill, brought to bear upon the State of Alabama, have opened the eyes of her people at once to the glaring inconsistency, of talking about State Rights, without State Remedies. We may be assured that the rapid march of the Federal Government, to the usurpation of all the powers reserved to the States, will successively subject every State in this Union to arbitrary rule. The inevitable result must be, either that the Government will be brought back to the principles from which it has so widely departed, and strictly confined to the limits marked out by the Constitution, exerting no doubtful powers,—or our Government will ere long become a military despotism, exercising, for a season, arbitrary sway, until the people, rising in their majesty, shall rend it in pieces. Let it be our boast, Fellow-Citizens, that we have stood forth among the foremost in defence of our rights; and let us continue so to act, that we may be able,—"if liberty must fall,"—to lay our hands upon our hearts and say that "we are innocent."

It is extremely gratifying to me to be able to state, that all our military preparations have been accomplished without impairing the finances of the State, which were never in a more flourishing condition. South Carolina has been able to meet the late momentous crisis, without contracting any debt, or touching the sinking fund,—or imposing any burdens upon the people. The resources of the Treasury have proved ample for every purpose, and you will perceive from the Comptroller General's Report, that there was at the end of the fiscal year, on the 1st of October last, a balance in the Treasury of $1,620,037 72-100. So far from any additional Taxes being now necessary, should these be continued, at the present rates, they will bring into the Treasury at least $50,000 over and above the ordinary appropriations of the ensuing year, so that this sum may be safely applied to the continuance of our military preparations, or to any other object...
the Legislature may think proper to direct. The balance in the Treasury of $162,037.72-100, as above stated, after paying all the appropriations to which it may be subject, will not probably be reduced, below $100,000,—a sum which it would be always prudent to reserve for unforeseen contingencies.

Under the able and faithful management of the Bank, it appears that our means will be ample to provide for the entire extinction of the Public Debt, as it shall become due, without the imposition of any additional taxes. Of the sum of $400,000, put at the disposal of the Executive at your last session, not more than $140,000 were drawn from the Treasury, out of which a police guard of sixty men, for the protection of the Citadel and magazine, has been raised and maintained; the Citadel has been fitted up extensively, as an Arsenal for arms, ordnance and munitions of war, (of which large supplies have been procured)—and after defraying all the expenses incurred on these accounts, including, contingent expenses of every description, there will be an unexpended balance of at least $20,000, remaining to the credit of the Executive department in the Bank, ready to be returned into the Treasury, should the Legislature so direct,—but which will otherwise be applied to the purposes for which it was originally appropriated. Regular accounts for these expenditures will be laid before you.

I am much gratified to be able to state, that the officers and agents employed by me, have fulfilled their respective duties to my entire satisfaction, and that all the money entrusted to their care has been regularly accounted for. The balance of the appropriations of the last year, not drawn from the Treasury, and amounting to $260,000, I recommend to be withdrawn from the control of the Executive, and that the acts subjecting the same to his order be repealed. Under our system, all discretionary power should be vested with great caution, and not continued one moment longer than the public exigency may require.

I cannot deny myself the satisfaction of thus publicly acknowledging my own, and the obligations of the State, to those of our fellow-citizens, who, in the course of our late military preparations, have rendered their personal services, and put their property at the entire disposal of the State, free of charge.

In every District of the State, I had at least one active and efficient Aid, employed in organizing the volunteers, and making the necessary arrangements for marching and maintaining troops, establishing depots, and securing supplies of every description. Provisions and forage were thus secured to an extent equal to every possible emergency, and (with very inconsiderable exceptions) all this was effected without any cost to the State. I recommend that the thanks of the State be formally returned to all those who have contributed to her defence, and especially to the Volunteers, who have proved their devotion to their country, under circumstances which confer upon them the highest honour. It would be an appropriate reward for their patriotic conduct, that their names should be enrolled in the office of the Secretary of State, and that every volunteer should receive a certificate of his service, to be issued under the direction of the Executive, free of charge, to the applicant.

Among the most interesting circumstances connected with the late crisis, is the gratifying development of the extent and value of our resources, and the demonstration it has afforded of the peculiar strength
of the Southern States. It is a popular delusion, that slave-holding States are comparatively weak; and the idea has sometimes been indulged, that we owe a large debt of gratitude to our Northern brethren, for the protection they have afforded us. Our recent difficulties have served to show, that in proportion to the whole population, the slave holding States are, at least, as strong, morally and physically, as any in the Union. I hazard nothing in asserting, that no non-slave-holding State, of equal extent, could have made the Military preparations, or organized the force, recently arrayed in South Carolina, at so small an expense—none, that, had it become necessary, could have supported so large a force in the field, with greater security to the people, or less interruption to the ordinary pursuits of life.

This will be, at once, understood, when it is remembered, that, in modern times, it is the “sinews of War”—the means of supporting Troops—that constitute the strength of nations. It has been supposed that no country can possibly maintain, for any length of time, in the field, one third part, perhaps not one fourth, of her arm-bearing population; and that even this could only be done at the certain sacrifice of a large portion of her annual productions.

But how is it with a slave-holding State? South Carolina, for instance, could, at any moment, call twenty thousand Volunteers into the field, without any material diminution of her agricultural productions. Our crops of Cotton and Rice, on which the resources of the State almost entirely depend, would not be materially lessened, while, as a grain-growing country, abundant supplies would always be on hand, capable of being instantly converted, and, I will add, ready to be freely offered to the service of the State. A state of military preparation must also be with us a state of perfect domestic security. A period of profound peace and consequent apathy, may expose us to the danger of domestic insurrection. But when the freemen of the country are in array, with arms in their hands, there must be an end to all apprehension from this source. It is a remarkable fact, that even during the Revolutionary War, when the State was overrun by a barbarous enemy, marching openly, under the banner of Emancipation, our domestics could not be seduced from their masters; but proved a source of strength, and not of weakness, to the country. The truth of these remarks has been fully confirmed, by our recent experience.

Though the enemies of our institutions, (deeming the occasion favorable to their schemes) were industriously employed in circulating incendiary publications amongst us, several of which fell into my own hands—yet, not a whisper of discontent was heard in the land; and never did our people feel themselves so entirely secure from all insurrectionary movements—a security which would have been increased, and not diminished, had troops been actually called into the field. When to this view of the subject is added the unquestionable truth, confirmed by all experience, ancient as well as modern, and founded in the philosophy of our nature, that freemen, in slave-holding States, are proverbially jealous of their rights—ever ready to make the largest sacrifices, to maintain them—and always animated by the most liberal spirit... I think we may safely conclude that the existence of slavery in the South is not to be regarded as “an evil only to be deplored,” but that it brings along with it corresponding advantages, in elevating the character, contributing to the wealth, enlarging the resources, and adding...
to the strength of the State in which it exists—and in our own country in particular, eminently contributing to the prosperity and welfare of the Union,—while at the same time we have the consolation to know, that our labouring population are in a condition greatly superior to that which they have ever occupied in their own country, or are perhaps destined to assume for ages to come in any quarter of the globe. These remarks are made in no boastful or invidious spirit, but simply and truly, that our brethren in other quarters of the Union may clearly understand, that the people of the Southern States do not feel themselves to be in the condition of DEPENDENT PROVINCES, claiming protection from a MOTHER COUNTRY, but that confident in their own strength, in the excellence of their institutions, and the extent and value of their resources, they acknowledge themselves bound to their Northern brethren, by no bond but that of the Constitution, and recognize no ties, but those of mutual sympathy and common interests, the glorious recollections of the past, and proud anticipations of the future—ties, the force of which they have always been ready to acknowledge, and will be the last voluntarily to sever.

Among the subjects to which I feel it my duty to call your attention, the most prominent is the present condition of the militia. It was the opinion of Washington and other distinguished heroes and statesmen of the Revolution, that a well-organized militia would prove the best safeguard of our liberties. That opinion has been fully confirmed by our late experience, shewing the facility with which standing armies can be wielded as an instrument of despotism, and the temptation which they offer to rulers to bring questions of right to the arbitrament of the sword. It seems indeed now to be useless to expect that the rights of the States, or the liberties of the people, will be respected one moment longer than they stand ready and able to maintain them. With this fact before our eyes, it would be inexcusable in us to neglect the means necessary to enable our citizens, should their rights be violated, or their soil invaded, to defend them successfully. To effect this, provision should be made for arming the whole body of our citizens, in the event of their services being required in the field. This, with a thorough re-organization of the militia, and a careful revision of the laws for its government, seems to be loudly called for by the present condition of the country. To aid you in the performance of this vitally important work, I have caused Boards of Officers to be convened in the several Brigades of the State,—whose recommendations have been submitted to the revision of a General Board, now sitting in this place. The Report of this Board will be laid before you in a few days, with a full explanation of all my transactions connected with the military preparations of the last year, accompanied by a statement showing more in detail my own views as to the measures proper to be adopted in reference to this branch of the public service,—to which the attention of the Legislature cannot be too earnestly or promptly directed.

Under the provisions of the Ordinance, the question will of course come up for your consideration, whether it is proper to provide for the administration, to the citizens and officers of this State, of suitable oaths or affirmations binding them to the observance of their allegiance to the State.” Should you deem it expedient to adopt such a measure
At this time, I recommend that it be confined to public officers hereafter to be elected; that the oath prescribed be in a form wholly free from exception, and that, while enforcing the duty of allegiance to the State, the obligation of supporting the Constitution, and of yielding obedience to the laws of the Union, made in pursuance thereof, be also recognized. Thus divested of every possible objection, you will be shielded from the imputation of acting in a spirit of proscription, or desiring to perpetuate divisions which it is our interest and duty to endeavor to heal.

Whether you shall deem it expedient, or not, to prescribe such an oath by law, it is worthy of consideration, whether provision ought not to be introduced into our Constitution, asserting the sovereignty of the State, and the duty of allegiance on the part of her citizens. The advantages of having this question solemnly settled, by a constitutional amendment, instead of leaving it to fluctuating legislative provisions, are manifest. I consider it a strong argument in favor of this mode of proceeding, that no provision can be inserted in the Constitution, without the consent of two thirds of the ensuing, as well as of the present Legislature; so that the measure, before it can be finally adopted, will have to be submitted to the people; and no amendment can prevail which shall not have received the deliberate sanction of such an overwhelming majority, both of the Legislature and people, as will impose the strongest of all possible obligations on the part of our citizens cheerfully to acquiesce in the decision.

In examining our criminal code, it has struck me, that it is susceptible of improvement. Though the rigour of the English Common Law, has been greatly ameliorated amongst us, yet something still remains to be done, to bring it into harmony with the liberal spirit of the age. Some barbarous punishments, and especially that of branding, still disgrace our Statute Book. Our laws, for the government, trial and punishment of slaves, and other persons of color, also require revision. I invite, therefore, your serious attention to these subjects; and earnestly recommend, that all those punishments be abolished, the infliction of which is not entirely justified by an enlightened public opinion. The work of Reformation, however, must be entered upon with a becoming caution. Our system, upon the whole, works well, and the spirit of rash innovation should be carefully guarded against. In relation to slaves, my own experience and observation have thoroughly convinced me, that some reform is imperiously called for. While rigid discipline should be enforced, the law ought, at the same time, to afford complete protection against injustice. The Courts before which slaves must now be tried, for crimes of every description, are liable to be so arranged as to deprive them of an impartial trial.

It is true, that the moral sense of the community affords them, in general, protection from injustice; yet, it is sufficient for us to know, that the justices and freeholders are not unfrequently selected, by the prosecutor, to perceive, at once, the liability of such a system, to gross abuse. Capital offences, committed by slaves, involving the nicest questions of law, are often tried by Courts composed of persons ignorant of the law, and left without the aid of Counsel. To remedy these evils, I would recommend, that provision be made, by law, for the trial of all offences, committed by slaves or other persons of color, by freeholders, to be drawn by the Clerk of the Court, by lot, in the same manner as jurors are now drawn; that all prosecutions in capital
cases be conducted in the name and in behalf of the State, by the Attorney General, or Solicitor, or some gentlemen of the Bar, of good standing, authorized to act for him; and that no sentence be executed until an opportunity be afforded, should it be desired, of bringing the case to the view of the Executive. These provisions would secure strict impartiality in the trial of slaves—would guard against all violations of law, and secure that justice, which it is our sacred duty to extend to those, who are, from their peculiar condition, so entirely at our mercy.

I feel that it is scarcely necessary for me to advert to the necessity of bestowing continued and increasing attention to Education, the only sure basis of free Government. The establishment and support, at an annual expense to the State of upwards of $50,000, of the South Carolina College, and the free schools, bear ample testimony to the deep interest which continues to be felt in this subject. The College has unquestionably contributed largely to the extension of knowledge; and in the distribution throughout the State of well educated and influential men, has amply repaid all the care and attention of the State. The free schools, if they have been less successful, have, I am persuaded, done much for the poor, and have contributed to the extension of intelligence, virtue and religion. Both institutions are believed however, to be capable of great improvement, and demand the paternal supervision of the Legislature. With regard to the Free Schools, the best information of their present condition, as well as the improvements of which they are susceptible, is to be obtained from the Representatives of the several Districts and Parishes of the State. My duty therefore is performed in pressing the subject upon your consideration.

With respect to the College, I shall forbear to make any specific recommendations, until I can avail myself of the counsel and advice of the board of Trustees, who are to be assembled here in the course of a few days. Their proceedings, together with a Report of the Faculty as to the present condition of this highly valuable and interesting institution, and the measures proper to be adopted for its improvement, will then be laid before you.

The condition of the Public Works, undertaken by the State, continues to afford demonstrative proof of the sound policy of leaving such undertakings to private enterprise, prompted and directed by that instinct of interest which is the only safe guide in such matters. South Carolina has incurred a debt of near two millions of dollars, in the construction of Roads and Canals, which hardly yield an annual income of $15,000. In many parts of the State, canals have been constructed, which do not yield sufficient to pay their current expenses. And, with the exception of the State Road, and the Columbia Canal, there is hardly a public work in the State, which, put up at public Auction, would find a purchaser. Ceasing, however, to make vain lamentations over past errors, and learning wisdom from experience, it is our duty to make the best of our present situation. The aggregate income of all the public works, exceeds the expenses of their management, by about $15,000 annually, and this sum is capable of being somewhat augmented, by a moderate increase of the tolls, in cases where they have been fixed at rates almost nominal. I would therefore, recommend, that the receipts from the public works, be ag
frivolous as heretofore, under the direction of the Superintendent, to their repair and gradual improvement, with power, on his part, with the consent of Commissioners, to be appointed for that purpose, to increase the tolls, where they may be considered as at present too low. I also recommend, that the proceeds of the sale of the lands derived from the Catawba Company, amounting to about $10,000, be invested in him for that purpose, and that, in addition to his present compensation, which is wholly inadequate, he be allowed his travelling expenses.

I have reason to believe, that, under such a system of management, the income from the public works will be increased, and the works, themselves, gradually enlarged and improved.—Any other plan must either entail a charge upon the Treasury, or lead to the entire abandonment of many of the works, which may, perhaps, be hereafter rendered valuable.

The office of Comptroller General having become vacant by the resignation of that excellent officer, Thomas Harrison, Esquire, I appointed Major William Laval, a gentleman every way qualified for the high trust, to fill the vacancy. It has afforded me great satisfaction, in making this appointment, to have an opportunity of manifesting the deep sense of public indignation at the removal of this gallant officer from a lucrative situation in the Custom House, as a punishment for his loyalty to his native State. The services and sufferings of Major Laval during the late war, under the eye of General Jackson himself, were found insufficient to shield him from that ruthless spirit of proscription which seems to consider fidelity to the State, on the part of her citizens, as incompatible with their duty to the Union. Some improvements are necessary in the organization of the Comptroller’s Office, giving it a more efficient supervision over the collection of the revenue, and the settlement of public accounts. My views on this subject, and in relation to other alterations and improvements, in several of the public offices of the State, (in respect to which some pains have been taken in collecting information) will be submitted in a separate communication.

Amidst all the difficulties and dangers by which we are surrounded, we have still, Fellow-Citizens, abundant cause of gratitude to the Father of all mercies, the "Giver of every good and perfect gift," for the remarkable exemption of our country from pestilential and other diseases, for the general abundance of our harvests, the steady advancement of our people in intelligence, virtue and religion,—their improved habits of temperance and economy, and the consequent freedom from debt, and diminution of crime, leaving many of our jails without a tenant:—but above all, for having kept alive in our hearts, the spirit of freedom, inspiring us with wisdom to discern, and virtue to maintain, our rights, and an unalterable determination to transmit unimpaired to our children the glorious heritage of Liberty derived from our Fathers.

ROBERT Y. HAYNE.

EXECUTIVE DEPARTMENT.

Columbia, 26th November, 1833.

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