

**JOURNAL OF THE  
GENERAL ASSEMBLY**

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**SEPT.-OCT., 1776**



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JOURNAL  
OF THE  
General Assembly  
OF  
SOUTH CAROLINA

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September 17, 1776-October 20, 1776

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Edited by  
A. S. SALLEY, JR.  
Secretary of the Historical Commission of South Carolina

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South Carolina

Tuesday the 17th Day of September 1776

The General Assembly being adjourned to the First Day of October next But His Excellency the President and Commander in Chief having thought fit to call the same by the following Proclamation viz:

By His Excellency John Rutledge Esquire President  
and Commander in Chief of South Carolina

A Proclamation

Whereas it appears to me necessary for the Public Service to call the General Assembly and Legislative Council before the Time to which they stand adjourned I have therefore thought fit to issue this Proclamation requiring them and they are hereby required to meet at Charles-Town on Tuesday the Seventeenth Day of September next then and there to sit for the Dispatch of divers weighty and important affairs

Given under my Hand and the Seal  
of South-Carolina at Charles-Town  
this 12th Day of August Anno Domini 1776.

John Rutledge

By His Excellency's Command

John Huger Secretary

Thirty-eight Members met on this Day But they not being a Sufficient Number to proceed upon Business.

Mr Speaker adjourned the Meeting of the House till To-morrow Morning Nine of the Clock

Wednesday the 18th Day of September 1776

The House met according to adjournment

Mr. Speaker having issued Writs dated the 1st. Day of August for electing Members of this House to fill the Seats that had been vacated by Acceptance of Places and otherwise the following Returns were now made of the Election

Of Alexander Moultrie, Josiah Smith Junior, George Abbot Hall, John Ernest Poyas, Peter Timothy, John Webb, Thomas Jones, Arthur Middleton, Edward Rutledge, Nicholas Eveleigh, and Joshua Ward Esquires, for the Parishes of St Philip and St Michael Charles Town.

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HISTORY

Of Richard Park Stobo Esquire for the Parish of St Andrew.

Of George Livingston Esquire for the Parish of St Paul.

Of Keating Simons Esquire for the Parish of St James Goose-Creek.

Of Daniel Ravenell Esquire for the Parish of St John in Berkley County

Of John Matthews and John Waring Esquires for the Parish of St George-Dorchester.

Of Joshua Toomer and Levi Durand Esquires for the Parish of Christ-Church.

Of Colonel Willam Moultrie for the Parish of St Helena.

Of the Reverend Robert Smith Thomas Screven and Hopson Pinckney Esquires for the Parish of St Thomas & St Dennis.

Of Levi Durand Esquire for the Parish of St James Santee.

Of John Withers Esquire for the Parish of Prince George Winyah.

Of Thomas Sumpter and William Richardson Esquires for the District to the Eastward of the Wateree River.

The following Gentlemen then took the Oath prescribed by the Constitution and their Seats as Members of the House viz: Joshua Ward, George Livingston, John Earnest Poyas, John Withers, Thomas Jones, Nicholas Eveleigh, Josiah Smith Junior, Arnoldus Vanderhorst, Elias Ball Junior, Benjamin Waring, William Brisbane, Ralph Izard, George King, George Robinson John Collins George Abbot Hall John Webb and John Matthews Esquires.

Levi Durand Esquire returned duly elected in Two Parishes Christ Church and St James Santee made his Election for the former then took the Oath prescribed by the Constitution and his Seat as a Member.

M<sup>r</sup> Speaker Acquainted the House that he had received a Letter from Peter Timothy requesting Leave to resign the Place of Clerk to this House which Letter M<sup>r</sup> Speaker read to the House in the words following.

Honourable Sir,

As I engaged, and took an active Part, in the present struggle of America to preserve its Rights, from Principle, and even without a distant View to advance my private Interest; so I accepted the *unsolicited* and unexpected Honour conferred upon me, by the *unanimous* Voice of the present General Assembly, in their appointment of me for their Clerk, as a public acknowledgement that my former Conduct in the Station of Secretary to the several Congresses



had at least been irreproachable—and I have endeavoured to discharge the last Duty to which I was appointed with equal Fidelity so far as my circumscribed abilities would allow.

But having since received the most honourable Testimony from my Fellow-Citizens, also, of their approbation of my Conduct as a member by re-electing me one of the Representatives of this metropolis, notwithstanding my having been appointed to a Place of Emolument; and as it may be impossible for me to discharge with Propriety and Satisfaction the Duties both of a Member and Clerk, I think it incumbent on me to give a Preference to the last Election, and obey the summons I have seen affixed to the Church-Door.

I do therefore beg Leave to request that my Resignation of the Place of Clerk to the General Assembly may be accepted, and that your Honour will do me the Favour to deliver my most grateful Thanks to the House as well for the favourable Opinion they have been pleased to entertain of me as for the Indulgences they have shewn to my Imperfections; I have the Honour to be Sir with great Respect

Your most obedient & most Humble Serv<sup>t</sup>.  
Peter Timothy

Charles-Town

17th September 1776

Whereupon it was moved and

Ordered That M<sup>r</sup> Timothy be sent for and acquainted by the Speaker That the House had Experience of his Integrity and Ability, so they did not incline to accept of his Resignation but desired and expected that he would continue to act as their Clerk at least during the present Session as the Time would be but short.

M<sup>r</sup>. Timothy attending, and being informed accordingly He declared his Obligation to the House for the favourable Opinion they were pleased to have of him and that in Compliance with the Expectation of the House, whose Commands he was always ready to obey, he would continue to execute, to the best of his Power, the Duty of Clerk; provided it was not expected, that his Continuance in that Office should prevent his qualifying and taking his seat as a member

Which the House acquiescing in; M<sup>r</sup> Timothy took his Place as Clerk, and afterwards qualified as a member

On Motion

Resolved That the Admission of the present Clerk of this House to act in that Capacity and at the same to sit as a member shall not be drawn into Precedent.

Ordered That Colonel Horry and Mr. William Skirving do wait on the President and acquaint His Excellency that the House is met.

Ordered That all the Committees who were appointed during the last sitting of the General Assembly and have not yet reported be revived.

Colonel Horry reported That Mr Skirving and himself had attended the President with the message they had in Charge And that His Excellency was pleased to say the House should hear from him.

A Petition of William Scott Junior was presented to the House and read in the words following vizt.

That the Petitioner together with Jonathan Scott Clement Lamprier Hugh Rutledge Levi Durand and Joshua Toomer Esquires were Candidates at the Election lately held in the Parish of Christ-Church for the choosing of Two members to sit in the General Assembly in the Room of His Excellency the President and Captain Lamprier

That at the Close of the Poll at the said Election and examining the Votes there appeared to be Thirty Votes for Joshua Toomer Twenty Seven Votes Part whereof were for William Scott and Part for William Scott Junior and Twenty-five Votes for Levi Durand and thereupon the Petitioner (who was at the Election) and Joshua Toomer were declared duly elected and complimented thereupon by several of the Electors.

That after such Declaration a Scrutiny was demanded and the Votes severally again looked over and some of them which were given in for the Petitioner appearing without the Word Junior thereto the Church Wardens were thereupon pleased to declare Levi Durand Esquire with Joshua Toomer Esquire duly elected and have returned the said Gentlemen accordingly

That the Petitioner conceives himself injured by such Return as he presumes he was duly elected by having more Votes than Levi Durand Esquire although the word Junior was omitted in some of them there being no other Person of his name who had offered himself as a Candidate or any of his name in this Country to his knowledge but his Uncle William Scott Esquire who is already a member of this Honourable House— And as the Electors who voted for the Petitioner are ready to testify that although they left out the word Junior they meant to vote for him Your Petitioner therefore humbly prays this Honourable House to take his Case into Consideration and grant him such Relief therein as may appear Just

Ordered That the said Petition be referred to a Committee on Priviledges and Elections

Ordered That the following Gentlemen be a Committee on Priviledges and Elections (viz) Colonel Pinckney M<sup>r</sup> Justice Matthews Reverend M<sup>r</sup> Tennent Captain Vanderhorst M<sup>r</sup> De Saussure Honourable M<sup>r</sup> Edwards Colonel Horry M<sup>r</sup> Young and M<sup>r</sup> Williamson

The House being informed That the Honourable Thomas Bee and the Honourable David Oliphant Esquires had been appointed to Places of Emolument whereby their Seats in the Legislative Council were vacated, Therefore

Resolved That this House will To-morrow morning proceed to ballot for Two members of the Legislative Council in the Room of the Honourable M<sup>r</sup> Bee and the Honourable M<sup>r</sup>. Oliphant

M<sup>r</sup> Speaker informed the House that he had received a Letter addressed to them which he had not opened,

And the said Letter being received, opened and read was from Joseph Turpin Commander of the armed Brigantine Comet belonging to this State dated Charles Town 16th September. 1776.

Ordered That the said Letter do lie on the Table for the Perusal of the members

A Memorial of Richard Pearis was presented to the House and read in the words following

That the memorialist sometime past was released from Confinement took the Test Oath also the Oath of Fidelity as appear by a Certificate signed by His Excellency recommending him to all good People.

That the memorialist set out on his Journey towards Home but to his great Surprize found himself ruined by means of Colonel Thomas and his Party who burnt and destroyed his Houses, Mills, Grain and Furniture, his negroes and stocks of Cattle sold and the spoil distributed amongst him and his men whose Cruelty extended so far as to strip M<sup>rs</sup>. Pearis and Family leaving them with only Part of their Apparel and then to shift for themselves.

That the memorialist having furnished himself with vouchers and testimonial Proofs respecting his Grievance. Therefore most humbly prays that Order might be made for restoring his negroes and stocks of Cattle and with Regard to all other Damage the memorialist submits to your serious Consideration praying such Relief in the Premises as you, in your wisdom shall deem meet

Ordered That the said memorial be referred to the following Committee (viz) Colonel Gervais, M<sup>r</sup> Robinson, M<sup>r</sup> Collins

And then the House adjourned till To-morrow morning nine of the Clock.

Thursday the 19th Day of September. 1776

The House met according to adjournment

Read the Journal of yesterdays proceedings,

Henry William Harrington & George Hicks Esquires were returned duly elected members of this House for the Parish of Saint David.

Mr Pegues, Mr Stobo, Mr Hicks, Mr Attorney General Mr. Philip Smith and Mr. Sally took the Oath prescribed by the Constitution and their Seats as members of the House

The House according to their Resolve of Yesterday proceeded to ballot for Two members of the Legislative Council in the Room of the Honble Mr Bee and the Honourable Mr. Oliphant, the former having been elected a Judge and the latter appointed Director-General of the Hospitals

And the Ballots being cast up,

Mr Speaker reported That Thomas Fuller and Daniel Horry Esquires were duly elected by majority of Votes.

The Honourable Rawlins Lowndes Esquire attending took the Oath prescribed by the Constitution and his Seat as a member of this House declining to take the Seat to which he had been elected in the Legislative Council

Resolved That this House will immediately proceed to the Election of another member of the Legislative Council in the Room of the Honourable Mr. Lowndes

The House proceed to ballot accordingly

And the Ballots being Reckoned

Mr Speaker reported That John Parker Esquire was duly elected a member of the Legislative Council in the Room of the Honourable Mr., Lowndes

Ordered That a Copy of the minutes of the foregoing Elections be made out, signed by the Speaker, and delivered to the Gentlemen elected.

Message from the President by the Master in Chancery

Mr Speaker

His Excellency the President desires the attendance of this House in the Council Chamber immediately.

And the messenger withdrew

Mr Speaker with the House waited upon His Excellency accordingly.

And being returned, Mr Speaker reported That this House having waited upon the President in the Council Chamber His Excellency had been pleased to make a speech of which he had obtained a Copy in the following words.

Honourable Gentlemen of the Legislative Council

Mr. Speaker and Gentlemen of the General Assembly.

I think it my Duty to pay this Tribute of applause to those brave Troops who in repelling the formidable British Armament which attacked them on Sullivants Island vainly flattering themselves with an assurance of easy conquest displayed a Firmness and Intrepidity, that would have reflected Honour on Roman Veterans, and I most heartily congratulate you on their heroic Behaviour.

It is an auspicious Presage of what may be expected from the Valour of our other Troops, when Theirs shall be the Post of Danger, as it demonstrates that men animated by an ardent Zeal for the Sacred Liberties of their Country, and trusting in the Divine support, are capable of the most glorious Atchievements.

The Cherokee Indians having committed such barbarous acts of Hostility as threatened Desolation to the Frontier Settlements at a Time when the Enemy lay in view of this Town, and an attack on it was daily expected, a considerable Force was immediately sent into that Nation to obtain Satisfaction for their cruel Outrages by acting with the greatest Vigour—Our people have behaved with much Spirit—It has pleased God to grant very signal Success to their Operations, and I hope by His Blessing on our Arms and those of North Carolina and Virginia, from whom I have Promises of aid, an End may soon be put to this War.

Since your last meeting the Continental Congress have declared the United Colonies Free and Independent States absolved from Allegiance to the British Crown and the Political Connexion between them and Great Britain totally dissolved—an Event which necessity had rendered not only Justifiable but unavoidable—This Declaration and Several Resolves of that Honourable Body received during your Recess shall be laid before you—I doubt not you will take such measures as may be necessary in Consequence of them.

A well regulated Militia being essential to the Preservation of our Freedom I am persuaded you will think with me that your Time cannot be better employed than in framing a Law for making such Improvements in the militia as may produce the most beneficial Consequences.

It is not improbable that at the Season appointed for the meeting of the next Assembly the Business of Legislation must yield to that of a different nature and it behoves us to employ this Time of the Enemy's Absence in making the best Preparations for Defence and enacting such Laws as the present Exigencies demand—I have therefore thought it for the Public Service to call you together now that you may deliberate on those matters which tend to the Interest and Security of the State

I shall propose what in the Course of your Session appear so to me and be happy in receiving your Advice on and concurring with you in any that may effect those important Objects.

John Rutledge  
September 19th. 1776

Message from the President by the Master in Chancery,  
Mr Speaker and Gentlemen of the General Assembly,

I send you the Resolves of Congress which I promised to lay before you—also a Letter from the Delegates of this State relative to the East-India Tea in the Cellars under the Exchange

And I recommend it to you to consider whether it will not be expedient to dispose of this Tea, and apply the money arising from the sale of it towards defraying the Public Expences

John Rutledge  
September 19th. 1776

The Papers accompanying the foregoing Message were

Letter from the Delegates of this State in the Continental Congress dated Philadelphia 9th July 1776, inclosing.

Resolves of Congress of 26th December 1775, 17th February 14th March 23d and 25th March 6th April, Order of the Continental Board of Treasury of 7th May Resolves of Congress of 18th 19th. 24th and 26th June the Declaration of Independence 4th July and Resolves of Congress of 4th and 5th July 1776 Also

Another Letter from the Delegates dated Philadelphia 25th July inclosing

A Letter from the Honourable John Hancock President of Congress to His Excellency the President of this State dated Philadelphia 24th July 1776—inclosing Resolves of Congress of that Date Also

Another Resolve of Congress 24th July 1776

Ordered That the Speech this Day delivered to both Houses by His Excellency the President, and also His Excellency's Message of this Date be referred to the following Committee, (viz) the Hon-

ourable M<sup>r</sup> Lowndes, Colonel Pinckney, M<sup>r</sup>. Attorney General, the Reverend M<sup>r</sup> Tennent, the Honourable M<sup>r</sup> Edwards, M<sup>r</sup>. Neufville, Colonel Motte, M<sup>r</sup>. Philip Smith, and Captain Roger Smith

M<sup>r</sup>. Pegues informed the House that the small-Pox having broke out among the Drivers or Passengers in some Waggons from Philadelphia in the Service of M<sup>r</sup> John Mitchell of Meldrum arrived in the Frontiers of this State some Committees had thought it necessary to take measures for preventing that Infection being brought or spread in this Country but were desirous of being indemnified in what they had done and to be authorized by the General Assembly to pursue any further measures that might be necessary.

Ordered That the information laid before this House by M<sup>r</sup> Pegues be referred to the following Committee (viz) M<sup>r</sup> Loockock Major Hicks M<sup>r</sup>. Josiah Smith Junior M<sup>r</sup>. Withers and M<sup>r</sup> Young And that they do report thereon as soon as may be

And then the House adjourned till To-morrow-morning nine of the Clock.

Friday the 20th Day of September. 1776

The House met according to adjournment

Read the Journal of Yesterday's Proceedings.

John Waring, Keating Simons, Charles Cantey, and John Caldwell of St Matthews Parish Esquires took the Oath prescribed by the Constitution and their Seats, as members of this House for the Parishes they respectively were elected to represent

M<sup>r</sup>. Young reported from the Committee, to whom was referred the Information given to the House Yesterday by M<sup>r</sup> Pegues respecting a number of waggons laden with Woolens and other Merchandise said to be the Property of M<sup>r</sup>. John Mitchell now on their way from Philadelphia to this State some of the Drivers or Passengers of which having the Infection of the small-Pox And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That it is the Opinion of your Committee that the District Committee of St David's Parish be authorized and impowered to take every necessary Precaution and use every means in their Power to prevent the Infection spreading by causing the Persons and Merchandize so infected to be carried to some distant Place from the Settlements and place a proper Guard thereon till such Time as they shall be fully satisfied that no Infection remains or to pursue any other mode that they shall think most proper.

That the Goods during such Detention shall be and remain at the Risk of the Owner or Owners thereof That the Expence accruing thereon be advanced by the Public And that the Chairman of the said District Committee be impowered to draw upon the Treasury for the same to be refunded by Mr. Mitchell

Your Committee are further of Opinion That the said District Committee should be indemnified for any necessary step already and hereafter to be taken by them to prevent the said Infection from spreading in this State

Resolved That the said Report be taken into Consideration immediately

And the same being taken into Consideration accordingly was amended and agreed to by the House and is as followeth

That it is the opinion of the Committee that the District Committee of St. Davids Parish be authorized and required to take every necessary Precaution and use every means in their Power to prevent the Infection spreading by causing the Persons and merchandize so infected to be carried to some distant Place from the Settlements and place a proper Guard thereon till such Time as they are satisfied no Infection remains or to pursue any other mode that they shall think most proper

That the Goods during such Detention shall be and remain at the Risk of the Owner or Owners thereof That the Expences accruing thereon be advanced by the Public And that the Chairman of the said District Committee be impowered to draw on the Treasury for the same to be refunded by Mr. Mitchell if the General Assembly shall hereafter think proper

Your Committee are further of Opinion that the said District Committee should be indemnified for any necessary steps already and hereafter to be taken by them in order to prevent the said Infection from spreading in this State

Ordered That a Message be sent to the President with a Copy of the foregoing Report

The Honourable Mr Lowndes reported from the Committee to whom the President's speech delivered to both Houses Yesterday an address in answer to the said Speech And he read the address in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

May it please your Excellency

We the Representatives of the State of South Carolina convened and met in General Assembly beg Leave most heartily to join your



Excellency with our Tribute of applause to those brave Troops who lately signalized themselves by their Firmness and Intrepidity in repelling the formidable British Armament which attacked them on Sullivant's Island and thereby disappointing the vain and flattering Expectations of our cruel and unnatural Foes a Tribute we deemed justly due from an injured Country for such heroic Behaviour and as a grateful Testimony of the early and auspicious Presage of the future Valour and Heroism of men animated by the noblest of all Incentives an ardent Zeal for the sacred Liberties of their Country and a Confidence in Divine Justice

We are happy to find the barbarous and ungrateful attempts of the Cherokee Indians on our Frontier Settlements are checked by the spirit and activity of our Countrymen in those Parts and from their past Success as well as the Zeal and Activity of our Friends of North Carolina and Virginia hope a speedy End will soon be put to the Outrages of those detestable Savages

It is with the most unspeakable Pleasure we embrace this opportunity of expressing our Joy and Satisfaction in the Declaration of the Continental Congress declaring the United Colonies Free and Independent States absolved from allegiance to the British Crown and totally dissolving all political union between them and Great Britain an Event unsought for and now produced by unavoidable necessity and which every Friend to Justice and Humanity must not only hold justifiable as the natural Effects of unmerited Persecution but equally rejoice in, as the only effectual Security against Injuries and oppressions and the most promising source of future Liberty and Safety.

The Declaration of Independency and the Resolves of the Honourable the Continental Congress now laid before us shall be the principal objects of our attention in our Deliberations for the Public Good

We are fully persuaded how essential it is to the Freedom and Support of a free State to have a well-regulated Militia and more especially to this State in the present Circumstance of Affairs in America—we shall therefore think it our Duty while the Business of Legislation is not interrupted by the Din of Arms to employ every moment necessary to effect a Purpose so essential and so beneficial in making the best Preparations for Defence and Enacting such Laws as are necessary for the Safety and Security of the State

Resolved That the said Address be taken into immediate Consideration

The first and Second Clauses thereof being read were amended and agreed to by the House

Upon reading the third Clause it was moved to amend the same by striking out the words *unspeakable Pleasure*

A Debate ensuing

And the Question being put,

It passed in the Negative.

The third fourth and fifth Clauses being then read and amended were agreed to And the said Address as agreed to is in the words following

To His Excellency John Rutledge President and  
Commander in Chief of the State of South Carolina

The Address of the General Assembly of  
the said State

May it please your Excellency

We the the Representatives of the State of South Carolina met in General Assembly beg Leave most heartily to join your Excellency with our Tribute of Applause to those brave Troops who lately signalized themselves by their Firmness and Intrepidity in repelling the formidable British Armament which attacked them on Sullivant's Island and thereby disappointing the vain and flattering Expectations of our cruel and unnatural Foes—a Tribute we deemed justly due from an injured Country for such heroic Behaviour and as a greatful Testimony of the early and auspicious Presage of the future Valour and Heroism of men animated by the noblest of all Incentives an ardent Zeal for the Sacred Liberties of their Country and a Confidence in Divine Justice.

We are happy to find the barbarous and ungrateful Attempts of the Cherokee Indians instigated by our British Enemies on our Frontier settlements are checked by the spirit and activity of our brave Countrymen in those Parts and from their past Success as well as the Zeal and Activity of our Friends of North Carolina and Virginia hope a speedy End will be put to the Outrages of those destable Savages

It is with unspeakable Pleasure we embrace this Opportunity of expressing our Satisfaction in the Declaration of the Continental Congress constituting the United Colonies Free and Independent States absolved from Allegiance to the British Crown and totally dissolving all political Union between them and Great Britain—an Event unsought for and now produced by unavoidable necessity and

which every Friend to Justice and Humanity must not only hold justifiable as the natural Effect of unmerited Persecution but equally rejoice in as the only effectual Security against Injuries and Oppressions and the most promising source of future Liberty and Safety

The Declaration of Independency and Resolves of the Honourable the Continental Congress now laid before us shall be the principal object of our attention in our Deliberations for the Public Good

We are fully persuaded that it is essential to the Liberties and Support of a free State to have a well-regulated militia and more especially to this State in the present Circumstance of affairs in America we shall therefore think it our Duty while the Business of Legislation is not interrupted by the Din of Arms to employ every opportunity to effect a Purpose so beneficial in making the best Preparations for Defence and in framing such Laws as are necessary for the Safety and Security of the State

Ordered That the Address be ingrossed

Ordered That Colonel Gervais and M<sup>r</sup>. Ralph Izard do wait on the President and acquaint him the House have an address to present to His Excellency and desire to know when he will please to be attended for that Purpose.

Colonel Pinckney reported from the Committee on Privileges and Elections to whom was referred the Petition of William Scott Junior of Charles Town merchant the matter as it appeared to them touching the Election for the Parish of Christ-Church with their Opinion thereupon And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That they have considered the said Petition and have examined witnesses concerning the Truth of the allegations therein contained and find That at the Election for Two Members for the Parish of Christ-Church at the Close of the Ballot there appeared to be Thirty Votes for Joshua Toomer Twenty Votes for Levi Durand Twelve for William Scott and Fifteen for William Scott Junior That the Petitioner William Scott Junior was the only candidate of the name of William Scott That it did not appear to your Committee that there was any other Person of that name in the Country but William Scott Esquire already a member of this House and Uncle to the Petitioner And that even by the Admission of M<sup>r</sup> Durand the sitting member it appeared that the Votes which were given for William Scott were meant and intended for the Petitioner William Scott junior

Your Committee further report that on its being suggested by Mr Durand the sitting member that several Persons who had Voted at the said Election had not the Qualifications required by Law they examined the List of the Electors and found that only one Person had balloted who was not duly qualified whereby a majority of Votes still appeared to be for the Petitioner

Your Committee therefore are of Opinion that William Scott the Petitioner should have been returned duly elected and not Mr. Durand the sitting member and recommend it to the House that the returning Officer be ordered to strike out the name of Levi Durand on the Return of the Writ of Election and insert the name of William Scott Junior in its stead.

Resolved That the said Report be taken into Consideration immediately

And the same being taken into Consideration accordingly,

Resolved That this House do agree with the Report of the Committee.

Ordered That Jonathan Scott the returning officer do attend this House immediately to amend the Return for the Parish of Christ-Church by rasing out the name of Levi Durand Esquire and inserting the name of William Scott Junior Esquire instead thereof,

Ordered That the Several Papers which accompanied the President's message of Yesterday be now read

And they were read accordingly And are as follow

Letter from the Delegates of this State in  
the Continental Congress to His Excellency the President

Philadelphia 9th July. 1776

Sir

Inclosed are the Resolutions of Congress respecting our Provincial Forces We wish they may be agreeable to your Excellency to our Assembly and to the officers of our Army if they are not there is nothing compulsory in them Congress would not strictly comply with the Request we were ordered to make on this subject lest they should establish a Precedent which might be injurious to the General Interest of America; We have therefore been obliged to vary our application and to adopt such Resolutions as seemed most conformable to the Intentions of our Congress and most likely to give Satisfaction to the Officers of our Army.

Inclosed also are some other occasional Resolutions of Congress and a very important Declaration which the King of Great-Britain

has at last reduced us to the necessity of making, all the Colonies were united upon this great Subject except New-York whose Delegates were restrained by an Instruction given several months ago, their Convention is to meet in a few days when it is expected that Instruction will be immediately withdrawn and the Declaration unanimously agreed to by the Thirteen United States of America.

We have procured an Order from Congress for Three Hundred Thousand Dollars for the Payment and Disbursements of our Troops which will be forwarded to you as soon as possible: Congress have also given Directions to the Commanding officer in Virginia about a Fortnight ago to send forward Five Thousand Pounds of Gun Powder to our Colony.

Every Day now is likely to produce something important—We have heard of Clinton's Arrival off Charles Town Bar and most anxiously wait to know the Event—General Howe's Army from Halifax said to contain 10,000 men are arrived at Sandy Hook a Part of them are landed upon Staten Island it is said he is waiting to be joined by 20,000 more who are coming from England in the Fleet under Lord Howe when it is expected that New-York will become the scene of action The Army under General Washington are in high spirits and the militia have taken the Field with an alacrity that does them Honour; From these Circumstances we still hope for a Providential Interposition and that the Virtuous Efforts of America will be crowned with deserved Success With the greatest Respect we are

Your Excellency's

P S the Express is  
to be paid for every  
Day that he is Detained  
in Carolina

most obedient Servants  
Thomas Lynch  
Edward Rutledge  
Arthur Middleton  
Thomas Heyward junior  
Thomas Lynch Junior

His Excellency John Rutledge Esquire

In Congress December 26th. 1775

Resolved That it be recommended to the several assemblies Conventions Councils or Committees of Safety of the respective Colonies to ascertain by the most impartial and effectual means in their Power the number of Inhabitants in each respective Colony taking Care that the Lists be authenticated by the Oaths of the several Persons who shall be intrusted with this Service and that the said Assemblies Conventions Councils or Committees of Safety do respectively lay

before this Congress a Return of the number of Inhabitants of their respective Colonies as soon as the same shall be procured

Extract from the minutes

Charles Thomson Secretary

Copy

In Congress February 17th. 1776

1st Resolved That a standing Committee of Five be appointed for superintending the Treasury

5th Article That it shall be the Business of this Committee to obtain from the different Assemblies and Conventions of the United Colonies Accounts of the number of Inhabitants in each Colony according to a Resolution of Congress on that Subject

Extract from the Minutes

Charles Thomson Secretary

Copy

At a Treasury-Board held at the Treasury Office—

in Philadelphia the 7th Day of May Anno Domini 1776

Present

James Duane Chairman

Thomas Willing—————

Elbridge Gerry—————

John Gibson Auditor General

William Webb Assistant

} Esquires Superintendants

Ordered That Letters be written pursuant to the Resolution of Congress of the Seventeenth day of February to the different Assemblies and Conventions of the United Colonies requesting them to furnish Accounts of the number of the Inhabitants in each Colony respectively according to Resolution of Congress on that Subject And that a Copy of the last mentioned Resolution be forwarded to each of them

Extract from the Minutes of the Treasury Board

John Gibson Auditor General

In Congress March 14<sup>th</sup> 1776.

Resolved That it be recommended to the several Assemblies Conventions and Councils or Committees of Safety of the United Colonies immediately to Cause all Persons to be disarmed within their respective Colonies who are notoriously disaffected to the cause of America or who have not associated and shall refuse to associate to defend by Arms these United Colonies against the hostile attempts of the British Fleets and Armies; And to apply the Arms taken from such Persons in each respective Colony in the first Place to the Arm-

ing the Continental Troops raised in said Colony, in the next to the Arming such Troops as are raised by such Colony for its own Defence and the Residue to be applied to the Arming the associators; That such Arms when taken be appraised by indifferent Persons and such as are applied to the Arming Continental Troops, be paid for by the Congress and the Residue by the respective Assemblies, Conventions or Councils or Committees of Safety

Extract from the minutes

Charles Thomson Secretary

In Congress March 23 1776

Whereas the Petitions of these United Colonies to the King for the Redress of great and manifest Grievances have not only been rejected but treated with Scorn and Contempt and the Opposition to Designs evidently formed to reduce them to a state of servile subjection and their necessary Defence against hostile Forces actually employed to subdue them declared Rebellion And Whereas an unjust War hath been commenced against them which the Commanders of the British Fleets and Armies have prosecuted and still continue to prosecute with the utmost Vigour and in a Cruel Manner wasting spoiling and destroying the Country burning Houses and defenceless Towns and exposing the helpless Inhabitants to every misery from the Inclemency of the Winter and not only urging Savages to invade the Country but instigating negroes to murder their masters And Whereas the Parliament of Great-Britain hath lately passed an Act affirming these Colonies to be in open Rebellion forbidding all Trade and Commerce with the Inhabitants thereof untill they shall accept Pardons and submit to dispotic Rule declaring their Property wherever found upon the Water liable to Seizure and Confiscation and enacting that what had been done there by Virtue of the Royal Authority were just and lawful Acts and shall be so deemed From all which it is manifest that the iniquitous Scheme concerted to deprive them of the Liberty they have a Right to by the Laws of Nature and the English Constitution will be pertinaciously pursued; It being therefore necessary to provide for their Defence and Security and justifiable to make Reprisals upon their Enemies and otherwise to annoy them according to the Laws and Usages of Nations, the Congress trusting that such of their Friends in Great-Britain of whom it is confessed there are many, intitled to applause and Gratitude for their Patriotism and Benevolence and in whose Favour a Discrimination of Property cannot be made) as shall

suffer by Captures will impute it to the Authors of our common Calamities Do Declare and Resolve as followeth. (to wit)

Resolved That the Inhabitants of these Colonies be permitted to fit out armed Vessells to cruize on the Enemies of these United Colonies.

Resolved That all ships and other Vessells their Tackle apparel and Furniture and all Goods Wares and Merchandizes belonging to any Inhabitant or Inhabitants of Great-Britain taken on the High Seas or between high and low-water mark by any armed Vessel fitted out by any private Person or Persons to whom Commissions shall be granted and being libelled and prosecuted in any Court erected for the Trial of Maritime Affairs in any armed Vessel fitted out by any private Person or Persons to whom Commissions shall be granted and being libelled and prosecuted in any Court erected for the Trial of Maritime Affairs in any of these Colonies shall be deemed and adjudged to be lawful Prize and after deducting and paying the Wages the Seamen and Mariners on board of such Captures as are Merchants—Ships and Vessels shall be intituled to according to the Terms of their Contracts until the Time of Adjuication shall be condemned to and for the Use of the Owner or Owners and the officers marines and mariners of such armed Vessel according to such Rules and Proportions as they shall agree on Provided always That this Resolution shall not extend or be construed to extend to any Vessel bringing Settlers Arms Ammunition or Warlike Stores to and for the Use of these Colonies or any of the Inhabitants thereof who are Friends to the American Cause or to such Warlike Stores or to the effects of such Settlers.

Resolved That all Ships or Vessels with their Tackle Apparel and Furniture Goods Wares and merchandizes belonging to any Inhabitants of Great-Britain as aforesaid which shall be taken by any of the Vessels of War of these united Colonies shall be deemed forfeited One Third after deducting and paying the wages of seamen and marines as aforesaid to the officers and men on board and Two Thirds to the use of the United Colonies.

Resolved That all ships or vessels with their Tackle apparel and Furniture Goods wares and merchandizes belonging to any Inhabitants of Great-Britain as aforesaid which shall be taken by any Vessel of War fitted out by and at the Expence of any of the United Colonies shall be deemed forfeited and divided after deducting and paying the Wages of Seamen and mariners as aforesaid in such



manner and Proportions as the assembly or Convention of such Colony shall direct.

Resolved That all Vessels their Tackle apparel and Furniture and Cargoes belonging to Inhabitants of Great-Britain as aforesaid and all Vessels which may be employed in carrying Supplies to the Ministerial Armies which shall happen to be taken near the shores of these Colonies by the People of the Country or Detachments from the Army shall be deemed lawful Prize and the Court of Admiralty within the said Colony is required on Condemnation thereof to adjudge that all Charges and Expences which may attend the Capture and Trial be first paid out of the monies arising from the Sales of the Prize and the Remainder equally divided among all those who shall have been actually engaged and employed in taking the said Prize Provided That where any Detachments of the Army shall have been employed as aforesaid their Part of the Prize-money shall be distributed among them in Proportion to the Pay of the Officers and Soldiers so employed

Extract from the Minutes

Charles Thomson Secretary

In Congress March 25, 1776

Resolved That the Convention or Council of Safety of South Carolina be permitted to raise and embody Two other Battalions and that they be on the Pay and at the Expence of the Continent as soon as they shall be armed fit for Service and accordingly mustered

Extract from the minutes

Charles Thomson Secretary

In Congress April 6 1776

Resolved That any Goods Wares and merchandize except Staves and empty Casks other than shaken or knocked down Casks for melasses may be exported from The Thirteen United Colonies by the Inhabitants thereof and by the people of all such Countries as are not subject to the King of Great-Britain to any Parts of the World which are not under the Dominion of the said King Provided That no Vessel be permitted to export any greater Number of Shaken or knocked down Melasses Casks than the same Vessel is capable of carrying when they shall be filled with Melasses

Resolved That any Goods Wares and Merchandize except such as are of the Growth Production or Manufacture of or brought from any Country under the Dominion of the King of Great-Britain and except East-India Tea may be imported from any Parts of the

World to the Thirteen United Colonies by the Inhabitants thereof and by the People of all such Countries as are not subject to the said King liable however to all such Duties and Impositions as now are or may hereafter be laid by any of the said colonies.

Resolved That nothing herein contained shall be understood to prevent such future commercial Regulations as shall be thought just and necessary by these United Colonies or their respective Legislature.

Resolved That no Slaves be imported into any of the Thirteen United Colonies.

Resolved That it be recommended to Assemblies and Conventions in the several Colonies to appoint proper Officers at convenient Places in their respective Colonies to take Bonds in adequate Penalties for observing the Regulations made by the Congress or assemblies or Conventions concerning Trade and for securing the Observation of such Parts of the Association as are not inconsistent therewith and that the Obligator shall within Eighteen Months after the Departure of the Vessel produce to such Officers a Certificate under the Hands and Seals of Three or more reputable merchants residing at the Port or Place where the Cargo shall be delivered that the same was there unladed and take manifests upon Oath of the Cargoes exported and imported and keep fair Accounts and Entries thereof give Bills of Health when desired, grant Registers shewing the Property of the Vessels cleared out and sign Certificates that the Requisites for qualifying Vessels to trade have been complied with and that the Fees of the said officers be stated by the respective Assemblies or Conventions Provided always That no Prosecution upon any of the said Bonds shall be Commenced but within Three years after the Date thereof.

Resolved That all Goods Wares and Merchandize except such as are made Prize of which shall be imported directly or indirectly from Great Britain and Ireland into any of these United Colonies contrary to the Regulations established by Congress shall be forfeited and disposed of agreeable to such Rules as shall be made by the several Assemblies or Conventions and shall be liable to prosecution and Condemnation in any Court erected or to be erected for the Determination of Maritime Affairs in the Colony where the Seizure shall be made

Extracts from the Minutes  
Charles Thomson Secretary

In Congress April 11. 1776

Resolved That it be recommended to the several Assemblies Conventions and Committees or Concils of Safety of the United Colonies to use their best Endeavours in communicating to Foreign Nations the Resolutions of Congress relative to Trade

By Order of Congress

John Hancock President

In Congress June 18. 1776

Whereas the Congress on the fourth Day of November last Resolved that for the Defence of South Carolina there be kept up in that Colony at the Continental Expence Three Battalions of Foot each Battalion to consist of the same Number of Men and Officers be upon the same Pay and under the same Regulations as the Continental Army And on the 25th Day of March last Resolved That the Convention or Committee of Safety of South Carolina be permitted to raise and embody Two other Battalions and they be on the Pay and at the Expence of the Continent as soon as they shall be armed fit for Service and accordingly mustered And Whereas the Provincial Congress or Convention of South Carolina on the 22<sup>d</sup> Day of February last ordered That their Council of Safety return the Thanks of that Colony to the Continental Congress for their attention to its Security that they state the peculiar Circumstances and the heavy Expences which have been and will be incurred by that Colony in the measures necessary for their Defence and that they request the Continental Congress to allow that Colony so much money as the Expences of Three Battalions upon the Continental Establishment would amount to for One Year and to give Continental Rank to the Officers of the Three Regiments raised in June and of the Regiment of Artillery raised in November from the Dates of their respective Commissions or at least from the first Day of November when they resolved to allow that Colony Three Battalions. And whereas the Delegates of that Colony in Congress have represented the peculiar Circumstances and heavy Expences of that Colony and that the Troops in it were inlisted for Three Years upon a different Establishment of Pay and under different Articles of War so as to render it inconvenient to place them in all Respects upon the Continental Establishment, Therefore

Resolved That the Battalion of Artillery and the Two other Battalions of Foot raised in South Carolina and kept up in that Colony for the Defence of the same be considered as Continental Forces and

allowed the same Pay Rations and Disbursements as other Forces on the Continental Establishment.

That the Two Battalions under the Command of the Colonels Gadsden & Moultrie be allowed all the advantages of the Continental Establishment from the fourth Day of November last and the Regiment of Artillery from the Time when the same was ordered to be raised by the Provincial Congress or Convention of South Carolina.

That the Two Battalions of Rifle-men raised in and for the Defence of the said Colony be considered as Continental Troops from the 25th Day of March last and be intitled to all the Advantages of the same

That all the above mentioned Troops be liable to the Articles for the Government of the Forces in the said Colony

That the said Forces be continued on the Continental Establishment until the Expiration of their Inlistment unless they shall be sooner disbanded by Congress

That not more than One Third of the effective men of the above mentioned Forces be ordered out the said Colony without the express Order of Congress or the Consent of the President of that Colony

Extracts<sup>o</sup> from the minutes

Charles Thomson Secretary

In Congress June 19<sup>th</sup> 1776

Whereas it is indispensably necessary for the Good of the Service that the Soldiers of the United Colonies should be well provided with Blankets & Cloathing Therefore

Resolved That it be recommended to the Assemblies and Conventions of the United Colonies forthwith to cause a suit of Cloaths of which the Waistcoat and Breeches may be of Dear-Leather if to be had on reasonable Terms a Blanket, Felt Hat two Shirts two pair of Hose and Two Pair of Shoes to be Manufactured or otherwise procured at reasonable Rates in their respective Colonies for each Soldier of the American Army inlisted therein for the present Campaign and that the same be baled invoiced and stored in suitable Places to be delivered to the Order of Congress or the Commander in Chief of the American Army

That sufficient Sums of Money be granted to the Assemblies and Conventions aforesaid on applying for the same to enable them to discharge the Demands arising from the Purchase of the articles aforesaid

That the Commander in Chief of the American Army be im-  
powered to draw on the said Assemblies and Conventions for such  
Articles of Cloathing aforesaid as he shall from Time to Time judge  
necessary and that the Cost thereof be deducted from the Pay of the  
soldiers who shall receive the same by the proper Officer for ex-  
amining and discharging the accounts and Pay-Rolls of the Respec-  
tive Regiments

June 24

Resolved That all Persons abiding within any of the United Colo-  
nies and deriving Protection from the Laws of the same owe Alle-  
giance to the said Laws and are Members of such Colony And that  
all Persons passing through visiting or making a temporary stay in  
any of the said Colonies being intitled to the Protection of the Laws  
during the Time of such Passage Visitation or temporary Stay owe  
during the same Time Allegiance thereto.

That all Persons Members of, or owing allegiance to any of the  
United Colonies as before described who shall levy War against any  
of the said Colonies within the same or be adherent to the King of  
Great-Britain or others the Enemies of the said Colonies or any of  
them within the same giving to him or them Aid and Comfort are  
guilty of Treason against such Colony.

That it be recommended to the Legislatures of the several United  
Colonies to pass Laws for punishing in such manner as to them shall  
seem fit such Persons before described as shall be proveable attainted  
of open Deed by People of their Condition of any of the Treasons  
before described

That it be recommended to the Legislatures of the several United  
Colonies to pass Laws for punishing in such Manner as they shall  
think fit Persons who shall counterfeit or aid or abet in counterfeit-  
ing the Continental Bills of Credit or who shall pass any such Bill  
in Payment knowing the same to be counterfeit.

June 26

Resolved That a Bounty of Ten Dollars be given to every non  
commissioned Officer and Soldier who shall inlist to serve for the  
Term of Three Years

Extract from the Minutes  
Charles Thomson Secretary

In Congress July 4 1776

A Declaration

By the Representatives of the United States of America in General Congress assembled.

When in the Course of Human Events it becomes necessary for one People to dissolve the political Bands which have connected them with another and to assume among the Powers of the Earth the Seperate and equal Station to which the Laws of nature and of natures God intitle them, a decent Respect to the Opinions of mankind requires that they should declare the Causes which impel them to the Seperation.

We hold these Truths to be self evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among men deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends it is the Right of the People to alter or abolish it and to institute new Government laying its Foundation on such Principles and organizing its Powers in such Form as to them shall seem most likely to effect their safety and Happiness. Prudence indeed will dictate that Governments long established should not be changed for light and transient Causes and accordingly all Experience hath shewn that mankind are more disposed to suffer while Evils are sufferable than to right themselves by abolishing the the Forms to which they are accustomed But when a long Train of Abuses and Usurpations pursuing invariably the same Object evinces a Design to reduce them under absolute Despotism it is their Right, it is their Duty to throw off such Government and to provide new Guards for their future Security; The History of the present King of Great-Britain is a History of repeated Injuries, and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States; To prove this let Facts be submitted to a candid World,

He has refused his assent to Laws the most wholesome and necessary for the Public Good;

He has forbidden his Governors to pass Laws of immediate and pressing Importance unless suspended in their Operation till his assent should be obtained and when so suspended he has utterly neglected to attend to them

He has refused to pass other Laws for the accommodation of large Districts of People unless those People would relinquish the Right of Representation in the Legislature a Right inestimable to them and formidable to Tyrants only

He has called together Legislative Bodies at Places unusual uncomfortable and distant from the Depository of their Public Records for the sole Purpose of fatiguing them into Compliance with his measures

He has dissolved Representative Houses repeatedly for opposing with manly Firmness his Invasions on the Rights of the People

He has refused for a long Time after such Disolutions to cause others to be elected whereby the Legislative Powers incapable of annihilation have returned to the People at large for their Exercise the State remaining in the mean Time exposed to all the Dangers of Invasion from without and convulsions within

He has endeavoured to prevent the Population of these States for that Purpose obstructing the Laws for naturalization of Foreigners refusing to pass others to encourage their migrations hither and raising the Conditions of new appropriations of Lands

He has obstructed the Administration of Justice by refusing his assent to Laws for establishing Judiciary Powers

He has made Judges dependent on his Will alone for the Tenure of their Offices and the amount and Payment of their Salaries

He has erected a multitude of new Officers and sent hither Swarms of Officers to harrass our People and eat out their Substance

He has kept among us in Time of Peace Standing Armies without the Consent of our Legislatures

He has effected to render the military independent of and superior to the Civil Power

He has combined with others to subject us to a Jurisdiction foreign to our Constitution and unacknowledged by our Laws giving his assent to their Acts of pretended Legislation

For quartering large Bodies of armed Troops among us

For protecting them by a mock Trial from Punishment for any Murders which they shall commit on the Inhabitants of these States

For cutting off our Trade with all Parts of the World

For imposing Taxes on us without our Consent

For depriving us in many Cases of the Benefits of Trial by Jury

For Transporting us beyond Seas to be tried for pretended Offences

For abolishing the free system of English Laws in a neighbouring Province establishing therein an arbitrary Government and enlarging its Boundaries so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies

For taking away our Charters abolishing our most valuable Laws and altering fundamentally the Forms of our Governments

For suspending our own Legislatures and declaring themselves invested with Power to legislate for us in all cases whatsoever

He has abdicated Government here by declaring us out of his Protection and waging War against us

He has plundered our Seas ravaged our Coasts burnt our Towns and destroyed the Lives of our People

He is at this Time transporting large Armies of Foreign mercenaries to complete the Works of Death Desolation and Tyranny already begun with Circumstances of Cruelty and Perfidy scarcely paralleled in the most barbarous Ages and totally unworthy the Head of a civilized nation

He has constrained our Fellow-Citizens taken Captive on the High Seas to bear Arms against their Country to become the Executioners of their Friends and Brethren or to fall themselves by their Hands

He has excited Domestic Insurrections amongst us and has endeavoured to bring on the Inhabitants of our Frontiers the merciless Indian Savages whose known Rule of warfare is an undistinguished Destruction of all Ages Sexes and Conditions

In every stage of these Oppressions we have petitioned for Redress in the most humble Terms Our repeated Petitions have been answered only by repeated Injury A Prince whose Character is thus marked by every act which may define a Tyrant is unfit to be the Ruler of a free People

Nor have we been wanting in attentions to our British Brethren We have warned them from Time to Time of attempts by their Legislature to extend an unwarrantable Jurisdiction over us We have reminded them of the Circumstances of our Emigration and settlement here We have appealed to their native Justice and magnanimity and we have conjured them by the Ties of our common Kindred to disavow these usurpations which would inevitably interrupt our Connections and Correspondence They too have been deaf to the Voice of Justice and Consanguinity We must therefore acquiesce in the necessity which denounces our Separation and hold



them as we do the Rest of mankind Enemies in War, in Peace Friends

We therefore the Representatives of the United States of America in General Congress assembled appealing to the Supreme Judge of the World for the Rectitude of our Intentions Do in the name and by the authority of the Good People of the Colonies solemnly publish and Declare that these United Colonies are and of Right ought to be Free and Independent States that they are absolved from all allegiance to the British Crown and that all political Connection between them and the state of Great-Britain is and ought to be totally dissolved and that as Free and Independent States they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of Right do And for the Support of this Declaration with a firm Reliance on the Protection of Divine Providence we mutually pledge to each other our Lives, our Fortunes and our sacred Honour.

Signed by Order and in Behalf of the Congress

John Hancock President

attest

Charles Thomson Secretary

In Congress July 4 1776

Ordered That the Declaration be authenticated and printed That the Committee who brought in the Declaration be ordered to correct the Press

That Copies of the Declaration be sent to the several assemblies Conventions and Councils of Safety and to the several Commanding officers of the Continental Troops That it be proclaimed in each of the United States and at the Head of the Army

July 5

Resolved That a Chaplain be appointed to each Regiment in the Continental Army and that their allowance be increased to Thirty-three Dollars and one Third of a Dollar a month

Extracts from the minutes

Charles Thomson Secretary

Letter from the Delegates of this State in the Continental Congress to His Excellency the President dated Philadelphia 25 July 1776

Sir

Immediately upon the Receipt of your Letter we applied to Congress for Permission to order the East India Tea now in your Stores to be sold and to direct the Produce thereof to be carried into

the Colony Treasury to be appropriated in such manner as your Assembly should judge right In Consequence of this Application a Debate of some Length ensued in which the House indicated a strong Inclination to lay their Hands upon the Profits which should arise from the Sale either for the Use of the Continent at large or to be carried into a Fund to reimburse those Colonies whose Property should be seized in England There appeared neither Reason nor Justice in these measures and we endeavored to obviate the Objections which were made to the Application and to answer the arguments which had been advanced against it

We observed That this Property should be looked upon as belonging to the King of Great-Britain and not to the East-India Company as the latter had been divested of it both by the Seizure which the Custom-House officers had made of it and by the indemnification of the Parliament—that the Congress had therefore no more Right to apply this Tea to the use of the Continent at large than they had to dispose of the Cannon in our Forts or the Crown Lands within the Limits of the Colony—But that if it was the East-India Company's Property they had occasioned such an Expence to the State of Carolina as to justify them fully in the seizures—That it would be repugnant to the Principles of Justice to insist that this Tea should be sold for the Benefit of those whose Property had been or might be seized in England in Exclusion of those whose Property had been seized in America and that it would be impracticable to bring every species of Loss into one common account

That the Seizure of Property had been a common misfortune of which as well as of public Expences we have had our full Proportion and that therefore it would be injurious to our state not to be permitted to make use of the advantage in this Instance which the Possession of the Tea had given—It was confessed that we had a Right to sell it if we chose and apply the Profits as we pleased But as we had asked the opinion of the House upon the Subject we should now be governed by the Disposition which they should think proper to make and that they should take Time to consider of it—The Delegates being by this Time fully convinced that there were many in the House who wished to dispose of it in a manner injurious to the Interest and Right of our State agreed to withdraw the motion for which they obtained the Leave of Congress and we now with one voice advise you to recommend to your assembly immediately to sell the same and apply the Profits thereof to Colonial Purposes, Indeed we were not a little surprized at your requesting us

to lay the same before Congress and we hope that you will determine for yourselves in future in all Cases where the Concern is of a Provincial and not of a Continental nature we are with Regard

Your Excellency's

most obed<sup>t</sup> hum<sup>l</sup> Serv<sup>ts</sup>

Thomas Lynch

Edward Rutledge

Arthur Middleton

Thomas Heyward Junior

Thomas Lynch Junior

Philadelphia July 24<sup>th</sup>. 1776

Sir

The Congress being of Opinion that the Service of the United States will be promoted by taking into Pay a number of Troops in the State of South-Carolina who are to act either as Infantry or Light Horse as Occasion may require have come to the inclosed Resolves which I do my self the Honour of transmitting in Obedience to their Commands

In Consideration that these Troops will go thro' more than ordinary Duty and be put to greater Expence than others the Congress have augmented their Pay in Proportion

I have delivered blank Commissions to the Delegates of your State with most hearty and sincere wishes for your Health and Happiness and the Prosperity of the State over which you preside I have the Honour to be with great Respect

Your most obed. & very hum<sup>l</sup> Serv<sup>t</sup>.

John Hancock President

The Hon<sup>ble</sup>. John Rutledge Esq<sup>r</sup>

Governor of South Carolina

In Congress July 24, 1776

Resolved That the Regiment of Rangers now in the Pay of the State of South Carolina be placed upon Continental Establishment and that it consist of a Lieutenant-Colonel Commandant, a Major, Ten Captains, Twenty Lieutenants a Surgeon a Pay master Twenty Sergeants and Five Hundred Privates

That the Pay of the Lieutenant-Colonel Commandant be the same as a Colonel of Foot a Major that of a Lieutenant Colonel a Captain that of a Major and the Lieutants that of a Captain and Sergeants that of Ensigns of Foot of the Continental Forces—That the Surgeon be allowed Thirty Three and one Third Dollars per month the Paymaster Twenty six and Two Thirds and the Privates Twelve

and an Half Dollars per Month to provide themselves with Horses Guns and Provisions for themselves and Horses

That the said Rangers be liable to act on Horseback or Foot as Occasion may require

That the like number of Rangers be raised in the State of Georgia and put upon Continental Establishment

That these be intitled to the same Pay and subject to the same Duties as the Carolina Rangers

That the Rangers raised in the State of South Carolina be subject to the Articles formed by the Convention of that State for the Government of the Forces raised therein

By Order of Congress

John Hancock President

In Congress July 24 1776

Resolved That all the Resolutions of this Congress passed on the 23d Day of April last relating to Ships and other Vessels their Tackle Apparel and Furniture and all Goods Wares and Merchandize belonging to any Inhabitant or Inhabitants of Great-Britain taken on the High Seas or between high and low water mark be extended to all ships and other Vessels their Tackle Apparel and Furniture and all Goods Ware and Merchandize belonging to any subject or Subjects of the said King except the Inhabitants of the Bermudas and Providence or Bahama Islands

By Order of Congress

John Hancock President

The House thereupon came to the following Resolutions to wit

Resolved That this House do acquiesce in the Resolves of the Continental Congress of the 18th of June and 24th of July. 1776 relating to the putting the Two Regiments of Infantry the Regiment of Rangers the Regiment of Artillery and the Two Regiments of Riflemen in the service of this State on the Continental Establishment

Resolved That this House will Defray the Expence between the Continental Bounty Cloathing and Pay and the Bounty Cloathing and Pay allowed to those Regiments respectively by the Acts of this State

Ordered That a Copy of the above Resolves be sent to the Legislative Council for their Concurrence and to the President for his assent

Ordered That Colonel Pinckney and M<sup>r</sup>. Thomas Middleton Junior do attend the Legislative Council with the said Message

Ordered That an Ordinance be brought in for making the Provisions aforesaid and for settling the manner of ordering General Courts-martial And that Colonel Pinckney Colonel Motte and Captain Scott do prepare and bring in the same

Ordered That Leave be given to bring in an Ordinance for appointing Commissioners to sell the Tea now in the Cellars under the Exchange and to Lodge the money arising from such Sale in the Treasury of the State And that Colonel Pinckney Mr. Attorney General and Mr. Ward do prepare and bring in the same

Ordered That Leave be given to bring in a Bill pursuant to the Resolution and Recommendation of the Continental Congress of the 14th of March 1776 for disarming all Persons notoriously disaffected to the Cause of America or who have not associated and shall refuse to associate to defend by Arms these United Colonies against the hostile attempts of the British Fleets and Armies and to dispose of such arms And that Mr. Ward Mr Stobo and Mr Ralph Izard do prepare and bring in the same

Resolved That a Committee be appointed to revise the present Militia Law and to bring in a Bill for the better Regulation of the Militia

Ordered That Colonel Gervais Major Hicks Colonel Pinckney Mr Attorney-General Captain Vanderhorst Captain Roger Smith Captain Forgartie Captain Stone Captain Benjamin Waring Captain Withers Captain William Skirving Captain Eveleigh Captain Leger Captain De Saussure Honourable Mr. Justice Mathews Mr. Philip Smith and Mr Cantey be a committee for the above Purposes

Colonel Gervais reported That Mr. Izard and himself had waited on the President and delivered the message they had in Charge And that His Excellency was pleased to say he would receive this House to present their Address in the Council-Chamber To-morrow morning ten of the Clock

And then the House adjourned till To-morrow morning nine of the Clock

Saturday the 21st Day of September. 1776

The House met according to adjournment

Read the Journal of Yesterday's proceedings

Colonel Garden Mr. William Moore Mr. John Williams and Mr Anthony White took the Oath prescribed by the Constitution and their seats as members of this House

A Petition of Edward Fenwicke Esquire was presented to the House and read in the words following

That John Stuart Esquire late of this State by Letter dated the 23d Day of December 1775 did direct his attorney Robert Balingall to remove Twenty of such negroes from his Plantation at Maple-Cane to plant on your Petitioners Lands at Ashepoo as he the said M<sup>r</sup> Balingall should judge best and did also direct M<sup>r</sup> Charles Shaw by a Letter of the same Date to put your Petitioner in Possession of Ten more Negroes from the Plantation on Lady's Island—That the said M<sup>r</sup> Stuart by a Letter at the same Time to your Petitioner acquainting him therewith and that he intended them as a Part of the Portion he meant to give your Petitioner with his Daughter That these Letters lay a considerable Time in the Post-office at Georgia and never came to Hand till some Time in may last previous to which the then Colonial Congress had appointed certain Committees to possess themselves of all the said M<sup>r</sup> Stuart's Estate who had accordingly done it and removed Mess<sup>rs</sup> Balingall and Shaw from the Possession thereof so that they have been hitherto unable to comply with M<sup>r</sup> Stuarts Orders. Your Petitioner therefore humbly hopes that your Honourable House will be pleased to take his case into your Consideration and issue your Order to those Committees commanding them to permit the said M<sup>r</sup>. Balingall to put your Petitioner in Possession of Twenty negroes from the Maple-Cane Plantation and M<sup>r</sup>. Shaw to deliver to your Petitioner Ten Negroes from the Plantation on Lady's Island.

Your Petitioner further shews unto your Honourable House that the several attachments have been sued against the said M<sup>r</sup>. Stuart's Estate and many of his negroes seized and sold by the sheriff of Charles Town District in consequence thereof, That your Petitioner is advised that the Crops of the said M<sup>r</sup> Stuart are legally as much liable to be attached and sold as any other Part of his Estate and as they are of a perishable nature your Petitioner therefore also prays that your Honourable House would be pleased to issue further orders to the respective committees commanding them to restore the said crops to your Petitioner in order that they in the first Instance may be sold for Payment of the Debts already sued for

Ordered That the said Petition be referred to the Consideration of a Committee And that they do examine the matter thereof and report the same as it shall appear to them to the House

And it is referred to the Honourable M<sup>r</sup>. Lowndes M<sup>r</sup>. Cantey and Captain Trapier

Message from the President by the Clerk of the Legislative Council

Mr. Speaker

The President is now in the Council Chamber ready to receive the House with their Address

And then the messenger withdrew

Ordered That Mr Speaker do sign the ingrossed Address to be presented to the President

Then Mr Speaker with the House attended His Excellency in the Council Chamber

And being returned

Mr Speaker reported That he with the House having attended the President in the Council Chamber with their address in answer to his speech His Excellency had been pleased to reply in the following words

Mr. Speaker and Gentlemen

This most honourable Reward cannot fail to make the deepest Impression upon generous minds—it will increase the laudable Ambition of those on whom it is conferred and excite others to emulate that Fame which they have acquired

May the happiest consequences be derived to the United States from the Independence of America who could not obtain even Peace Liberty and safety by any other means

Your Disposition and assurances afford a confident Expectation That this Session will be usefully employed

John Rutledge

21 September. 1776

Ordered That His Excellency's Speech delivered to both Houses the address of this House in answer thereto and His Excellency's Reply be forthwith printed and made Public

Message to the President

May it please your Excellency,

This House being informed That a number of waggons laden with woolens and other merchandize the Property of John Mitchell of Meldrum in the Parish of St David are now on their way from Philadelphia to this State having the Infection of the small-Pox among some of the Drivers or Passengers request that your Excellency will be pleased to give immediate Directions to the District Committee of the said Parish to take every necessary Precaution and use every means in their Power to prevent the Infection from spreading by causing all Persons and merchandize infected therewith to be carried

to some distant Place from the Settlements and to place a proper Guard thereon till such Time as they shall be fully satisfied that no Infection remains or to pursue any other mode that they shall think most proper.

That your Excellency may see the necessity for pursuing the above measures we herewith send you a copy of the Report as agreed to by the House in Consequence of the foregoing Information.

Ordered That the message be ingrossed and that Mr. Speaker do sign the same

Ordered That Mr Pegues and Major Hicks do carry the message to the President

Message from the President by the Clerk of the Legislative Council.

Mr. Speaker and Gentlemen,

On considering Captain Lamprieres Letter herewith sent and other Representations respecting the Ship Prosper it was thought expedient at the Time of the late Invasion to apply her Guns to the use of some of the Batteries and put her out of the way of Danger.

In my Opinion it will be most for the Public Advantage to sell her or employ her in Trade, but I think my self not authorized to do so you will therefore Judge in what manner it will be best to dispose of her

The appointing Commissioners to superintend the naval affairs of this State would I hope place them upon a better Footing than the present—I therefore recommend it as a matter worthy of your attention

John Rutledge

21 September. 1776

Read Captain Lamprieres Letter which accompanied the message dated the 28th May last—which Letter is preserved among the Papers of the present Sessions

upon motion

Resolved

That a Committee be appointed to examine the Public Treasury accounts and report to the House an exact and circumstantial account of the State of the Treasury what sums have been issued and for what particular services arranging under distinct Heads the particular Services for which the monies have been expended

Ordered That Mr. Neufville the Honourable Mr. Edwards Mr. Josiah Smith Junior Captain Roger Smith Mr. Corbett Mr. Jones and Mr. Webb be a Committee for the above Purpose



Colonel Pinckney presented to the House according to Order an Ordinance for appointing commissioners for selling certain East India Teas imported into this State from Great Britain and for applying the monies arising therefrom to the use of the said State And the same was received and read the First Time

Resolved That the Ordinance be read a a Second Time

And the same being read accordingly

Ordered That the Ordinance be sent to the Legislative Council

Ordered That the Honourable Mr. Justice Matthewes and Mr. Middleton do carry the same to the Legislative Council

The House being informed That Captain Joseph Turpin Commander of the armed Brigantine Comet belonging to this State is absent and gone to Georgia without Leave

Ordered That Captain Turpins Letter of the 16th Instant addressed to this House laid before them on the 17th Instant and then ordered to lie on the Table be now read

And the same being read accordingly is as followeth

Honourable Gentlemen

Having had the Honour to serve in your navy with some Reputation—think it my Duty to acquaint you before I quit that Service with my Reasons for so doing—

The Navy of England have ever been invincible from no other Cause than the great Encouragement they give their Officers and People and the wise and honourable Footing they are set on.

All Prizes taken from their Enemies are divided into Eighths in the following manner.

Three Eighths to the Captain

One to the Lieutenants master and Officers of Marines, if a Captain

One to the warranted Officers

One to the Petty Officers

And Two to the men before the mast

One of these Two Eighths George the Second gave to the Seamen in the year Forty, as an Encouragement

All Ships of War either King's Ships or Privateers taken from the Enemy or destroyed the King allows Ten Pounds for each man and Ten Pounds for each Gun the Enemy had on Board

Captains of the Navy serving under an Admiral gives up one of his Three Eighths to that Officer no other Deductions are made whatever

As to Rank—all Post-Captains rank with Colonels of Horse or Foot in the Land Service Commanders who have not taken Post with Majors and the Lieutenants of the Fleet with Captains of the Army

To conclude—I humbly offer this Plan for your Perusal and on those Terms shall be ready and proud of the Honour to serve you And am Honourable Gentlemen

Your most obedient &  
most humble Servant  
Joseph Turpin

Charles Town South Carolina

16th September, 1776

Resolved That this House will on Monday next ballot for another Commander of the Brigantine Comet

upon motion

Resolved That the armed Ship Prosper belonging to this State be sold and that the monies to arise from such sale be deposited in the Public Treasury

Ordered That a Copy of the above Resolve be sent to the Legislative Council for their Concurrence

Ordered That the Honourable M<sup>r</sup> Justice Matthews and M<sup>r</sup>. Middleton do carry the Resolve to the Legislative Council

Ordered That a message be sent to the President requesting that His Excellency will be pleased to give directions for the sale of the ship Prosper her apparel and Furniture

Message to the President

May please your Excellency

This House having resolved That the armed ship Prosper belonging to this State with her apparel and Furniture be sold and the money arising by such Sale lodged in the Treasury request that your Excellency will be pleased to give Directions accordingly

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That the Honourable M<sup>r</sup>. Edwards and M<sup>r</sup> Chiffelle do wait on His Excellency with the said message

M<sup>r</sup>. Pegues reported That Major Hicks and himself had delivered the Message they had in Charge to the President

M<sup>r</sup> Dupont reported from the Commissioners appointed by an Ordinance passed the 9th of April last to take a State of the Treasury and to settle the accounts of the late Powder-Receiver And he

read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read

Upon a Doubt expressed by the said Commissioners in Respect to settling with the late Powder-Receiver

Ordered That the Report be re-committed and that the Commissioners be authorized to select and accept from the late Powder-Receiver such Bonds as they shall approve of for the Balance of Monies due from him to the Public of this State and to procure from the Obligors in such Bonds in lieu thereof Bonds payable to the present Commissioners of the Treasury for the use of the State And that they do report their Proceedings thereon additional to the Report re-committed to this House

The Honourable M<sup>r</sup> Edwards reported That M<sup>r</sup>. Middleton and himself had delivered the Message they had in Charge to the President

Resolved That the Commissioners of the Treasury be authorized and required to receive Payment of the Bonds payable to the King and notes payable to the late Joint Public Treasurers mentioned in the foregoing Report or in Lieu thereof to take new Bonds payable to the said Commissioners for the use of this State

Ordered That the Commissioners of the Treasury be immediately served with a Copy of the above Resolve

Ordered That Leave be given to bring in a Bill for appointing Commissioners to superintend and direct the Naval Affairs of this State And that the Honourable M<sup>r</sup> Edwards Captain Roger Smith M<sup>r</sup>. Corbett M<sup>r</sup>. Neufville and M<sup>r</sup>. Ward be a Committee to prepare and bring in the same

And the House adjourned till Monday morning nine of the Clock

Monday the 23d Day of September. 1776

The House met according to adjournment

Read the Journal of last Saturdays Proceedings

Ordered That Colonel Gervais M<sup>r</sup> Loockock the Rev<sup>erend</sup> M<sup>r</sup>. Tennent M<sup>r</sup>. Moore M<sup>r</sup>. John Williams M<sup>r</sup>. Robinson Major Hicks M<sup>r</sup>. Pegues M<sup>r</sup>. John Caldwell of St. Matthews / M<sup>r</sup>. Cantey and M<sup>r</sup>. Harrington be a Committee to consider and report to the House proper Places of Election and the Names of Persons proper to receive Votes and make Returns in the different Districts where there are no Churches or Church-Wardens And that the said Committee do sit upon that Business without Loss of Time

The Honourable M<sup>r</sup> Matthews reported That M<sup>r</sup> Middleton and himself had delivered the Ordinance and also the Message they had in charge to the Legislative Council

Ordered That the Order of the Day to ballot for another Commander of the Brigantine Comet be discharged

Ordered That a Committee be appointed to receive the Names of Persons desirous or proper to be appointed to the Command of the Brigantine Comet that they do sit forthwith for that Purpose and give Public notice thereof

Ordered That the Honourable M<sup>r</sup>. Edwards M<sup>r</sup> Corbett M<sup>r</sup> Hall M<sup>r</sup>. Chiffelle and M<sup>r</sup>. Ward be a Committee for the above Purpose

Ordered That Colonel Garden M<sup>r</sup>. Harrington Captain Singleton Captain White and Captain Maham be added to the Committee for revising the present militia Law and to bring in a Bill for the better Regulation of the Militia

Message from the Legislative Council by their Clerk

M<sup>r</sup> Speaker

The Legislative Council have read twice the Ordinance for appointing Commissioners for selling certain East India Teas imported from Great-Britain into this State and for applying the monies arising therefrom to the use of the said State

And then the messenger withdrew

Resolved That the said Ordinance be now read a Third Time

And the same being read accordingly

Resolved That the Ordinance do pass

Ordered That M<sup>r</sup>. Ward and Captain M<sup>c</sup>Queen do carry the Ordinance to the Legislative Council.

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker and Gentlemen

Colonel Powell having represented the necessity of a Stockade-Fort at the Cheraw-Hill I gave him Directions some Time ago (by advice of the Privy Council) to have one built there But on receiving from him the Petitions and Estimate herewith laid before you some of which Petitions prayed that it might be built at that Place and others at Long-Bluff And being informed by several Inhabitants of St Davids Parish that a Fort at either of those Places was altogether unnecessary I thought it proper (the Time of your meeting being then not very distant) to suspend the matter till I could

have your Opinion respecting it And I now refer this Subject to your consideration

John Rutledge  
23d Septem. 1776

And then the messenger withdrew

Read the Petitions referred to in the message—which with the Estimate are preserved among the other Papers of the present Sessions

Ordered that the message with the Papers accompanying the same be referred to a Committee

And they are referred to M<sup>r</sup>. Harrington Major Hicks M<sup>r</sup>. Pegues Captain Withers Captain White M<sup>r</sup>. Young and Cap<sup>t</sup>. Trapier

Ordered Captain Tucker have Leave of absence from the Service of this House

Upon Motion

Resolved That M<sup>r</sup> Speaker be desired to write to the Delegates of this State in the Continental Congress that they will cause this House to be furnished with a complete Copy of the Journals of the Proceedings of the said Congress for the use of this State

And then the House adjourned till To-morrow morning nine of the Clock

Tuesday the 24th Day of September. 1776

The House met according to Adjournment

Read the Journal of Yesterdays Proceeding

M<sup>r</sup>. Joseph Palmer Captain Samuel Wise and M<sup>r</sup> Daniel Rave-nell took the Oath prescribed by the Constitution and their Seats as members of this House

M<sup>r</sup>. Jonathan Scott the returning Officer of the Election for the Parish of Christ Church attended according to order and being called in amended the Return by rasing the Name of Levi Durand Esquire and inserting instead thereof the name of William Scott Junior Esquire

The Honourable M<sup>r</sup> Lowndes reported from the Committee to whom the Petition of Edward Fenwick Esquire was referred and he read the Report in his Place and afterwards delivered it in at the Clerks Table where the same was read and is as followeth

That in September last as M<sup>r</sup>. Fenwicke informed your Committee he received a Letter from M<sup>r</sup>. Stuart informing him that he had sent for an Inventory of his Slaves in order to enable him the better to judge what Part he would allot to M<sup>r</sup>. Fenwick in Part of his Lady's Portion—which Letter is mislaid

That Mr. Fenwick produced a Letter dated 23d December from Mr Stuart directed to Mr. Balingall wherein he tells Mr. Balingall that if it is agreeable to him he leaves it to him to move Twenty of his Hands from Maple-Cane to Mr. Fenwick's Plantation at Ashpoo And that he Mr. Stuart proposed also to give Orders to Mr. Charles Shaw to remove Ten more from Lady's Island so as to be at Mr Fenwick's in February following

That Mr Fenwick informed the Committee that Mr Shaw did in Consequence receive such Directions from Mr Stuart concerning the Ten Negroes to be removed from Lady's Island That Mr Shaw is now in Town and although he has not the Letter to produce he is willing to make Oath to the Purport of it as above Mr Shaw appearing before the Committee confirmed this Article

That Mr. Fenwick informed the Committee that he also had received a Letter from Mr. Stuart acquainting him that he had wrote Letters to Mr. Balingall and Shaw to the above Purpose That the Letter was detained in the Post Office at Georgia a considerable Time and taken up (opened) by Mr. Rose who brought it to Mr. Fenwick in May last That Mr. Fenwick in Consequence went up to Mr. Balingall who acknowledged the Receipt of Mr. Stuart's Letter but informed Mr. Fenwick that the Effects of Mr. Stuart were taken out of his Hands by Order of the Congress otherwise he would have complied with Mr. Stuart's Directions Shaw also declared to Mr. Fenwick that he would have delivered up the Ten Negroes mentioned in his Letter had Mr. Stuart's Effects remained in his Custody.

That Mr. Fenwick has no Bill of Sale or other Instrument of writing transferring the said Slaves to him but is assured from the Letter received from Mr. Stuart first referred to that it was Mr. Stuart's Intention to have given him those Slaves as Part of his wife's Portion and that the Orders given to Mr. Balingall he considers as an Evidence of such his Intention

That Mr. Fenwick informed the Committee that there are now brought to Charles Town seized on attachment Ten of the Slaves belonging to Mr. Stuart from Maple Cane besides a considerable number already sold That the Crop now on the Ground must be lost for want of Negroes to harvest the Crop That if the Crop of the last year lying on Hand together with the Indico made the present year were put into his Hands he could by the Proceeds thereof pay of the attachments on which the negroes were seized and redeem the negroes now in the Custody of the Sheriff which would afford

them the means of saving some Part of the Crop on the Ground which must now inevitably be lost

That he will give Security to apply the Effects put into his Hands solely to the Payment of the Just Debts of M<sup>r</sup>. Stuart and account with any Person the House will appoint for the Residue of the Sales

That on the above State of Facts which M<sup>r</sup>. Fenwick is ready to attest upon Oath the Committee are of opinion That it appears to have been the Intention of M<sup>r</sup>. Stuart to have given to M<sup>r</sup>. Fenwick his Son-in-Law Thirty negroes in Part of his wife's Portion But inasmuch as there is no Deed or regular Transfer for that Purpose from M<sup>r</sup> Stuart obligatory upon him the Committee are of opinion that the Presumption arising from the Letters wrote by M<sup>r</sup> Stuart is not sufficient in Law to vest the Property of the said Slaves absolutely in M<sup>r</sup>. Fenwick: But as it is clear and evident by the Directions given to Balingall and Shaw that M<sup>r</sup>. Stuart intended at least to give to M<sup>r</sup>. Fenwick the Temporary use and service of Thirty Slaves to work on his Plantation at Ashepoo and that those Persons would have put M<sup>r</sup>. Fenwick into the quiet Possession of them if they had not been prevented by the Orders of the Congress which dispossessed them of the Powers over M<sup>r</sup> Stuart's Effects the Committee recommend—that M<sup>r</sup>. Fenwick may now take the Liberty of availing himself of the Temporary use of the said Slaves and that M<sup>r</sup>. Balingall and M<sup>r</sup> Shaw may be permitted to deliver over to him the said Negroes or such Part thereof as are in their Power agreeable to M<sup>r</sup>. Stuart's Directions M<sup>r</sup>. Fenwick holding himself answerable for the said Negroes and obliged to deliver them whenever thereunto required by the Resolution of this House

That the Committee are of Opinion it would be detrimental and grievous to sell the negroes of M<sup>r</sup> Stuart for the Payment of his Debts while there is a sufficient Value in perishable Commodity for that Purpose on Hand the more especially as this present Crop on the Ground would thereby be totally lost The Committee therefore further recommend That M<sup>r</sup>. Fenwick be permitted to take in his Possession the Rice and Indico belonging to M<sup>r</sup>. Stuart dispose of the same and apply the Proceeds to the Payment of the just and legal Debts of M<sup>r</sup> Stuart holding the Residue if any there is in his Hands subject to the Disposal of this House and that M<sup>r</sup>. Fenwick lodge in the Hands of the Commissioners of the Treasury a faithful and exact account attested on Oath of such Sale and Payments

Ordered That the said Report be taken into Consideration Tomorrow

William Scott Junior Esquire took the Oath prescribed by the Constitution and his Seat as a member for the Parish of Christ Church

A Petition of William Hort Esquire was presented to the House and read the words following

That a Part of the Land on which the Troops lately encamped at Haddrels Point is the Property of your Petitioner That they had while there totally destroyed a Field of Corn and other Provisions a large Garden with a great number of Choice Fruit Trees and burnt and destroyed all his Fences and otherwise injured him Your Petitioner humbly hopes that you will take his Case into Consideration and grant him such Relief as to you in your wisdom shall seem meet

Ordered That the Petition be referred to the Consideration of a Committee

And it is referred to Mr. Capers Captain Vanderhorst Mr. Benjamin Elliott Mr. John Boone and Mr. William Scott Junior

Mr. Corbett reported from the Commissioners appointed by the late Congress to purchase materials for and superintend the making of Gun Powder And he read the Report in his Place and afterwards delivered it in at the Clerks Table where same was read and is as followeth

That they did employ William Bartey a man skilled in the art of making Gun-powder That they have allowed him Twenty Shillings Currency per Pound for all the Gun-powder that he produced out of the materials with which the Commissioners furnished him with charging him with those materials That they have worked up into Gunpowder all the nitre they have received or could produce which is as follows

200t	from Mr John Neufville paid for by the Treasury	
100	}	from Mr Daniel DeSaussure paid for by the Treasury
48½		
<hr style="width: 100%;"/>		
348½		

348½	}	The Commissioners bought in Charles-Town and paid for
100		
30		
<hr style="width: 100%;"/>		

In all 478½tt of nitre



From which they have made and delivered to the Gun-powder Receiver and Officers of the Army (per Receipts for the same) six Hundred and Twenty-five Pounds weight of Gun-powder

That the Commissioners have also received a Cask of Brimstone from Mr. Neufville and two Casks from Mr. DeSaussure paid for by the Commissioners of the Treasury and two Thousand nine Hundred and Five Pounds of Brimstone which the Commissioners for Gun-powder bought and have paid for in Charles Town out of which they have used only seventy Pounds, Mr Bartey having Brimstone of his own which he furnished in the making of Gun-powder Part of the Brimstone is lodged in the Public Magazine by Order of the late Council of Safety the Rest Mr. Calvert is ordered to put into the arsenal; The Expences attending this Business are charged in an account delivered herewith on which there is a Balance due to the Commissioners of One Hundred and Eighteen Pounds Thirteen Shillings and Four Pence Currency

The Account referred to being likewise read

Ordered That the Commissioners of the Treasury do pay to Mr. Thomas Corbett and the Reverend Mr. William Tennent Commissioners for purchasing materials for and to superintend the making of Gun Powder a Balance of One Hundred and Eighteen Pounds Thirteen Shillings and Four Pence which appears to be due to them on that account

Mr Loocock reported from the Committee to consider of and report proper Places of Election and proper Persons to receive the votes of Electors and make Returns thereof in such Districts where they are not already appointed And he read the Report in his Place and afterwards delivered it in at the Clerks Table where the same was read and is as followeth.

That the Election for the District between Savannah River and the North Fork of Edisto should be held at Kelly's old Cowpen—and the Commissioners be George Robinson John Collins John Sally Esquires Mess<sup>rs</sup>. Henry Peoples and William Robinson or any one or more of them

That the Committee find the Places already fixed in every Parish and District within this State except the above and also Church Wardens or Commissioners accommodated to each Place of Election And

That the Committee apprehending all or most of the Commissioners for the Spartan or upper District may be absent at the Time of

the next Election recommend That Lieutenant Colonel Wofford and Mr. John Nuccols may be added to the same

Resolved That the Report be taken into Consideration immediately  
And the same being taken into Consideration accordingly

Resolved That this House do agree with the Report of the Committee

Upon Motion

Resolved That in all such Districts throughout this State where Commissioners are appointed to attend and receive Votes for electing members of the General Assembly and to make Returns of such Elections any One or more of the said Commissioners shall be sufficient for those Purposes

Ordered That the Resolves of this House of the 11th of April last on the above subject together with the foregoing be forthwith printed and sent to the several Districts

Captain McQueen reported That Mr. Ward and himself had delivered the Ordinance they had in Charge to the Legislative Council

The Clerk of the Legislative Council brought from the House an Ordinance for appointing Commissioners for selling certain East-India Teas imported from Great-Britain into this State and for applying the monies arising therefrom to the use of the said State and read a Third Time in the Legislative Council

Ordered That the Ordinance be ingrossed

Mr. Ward presented to the House according to Order an Ordinance for disarming Persons notoriously disaffected to the Cause of America or who shall not associate and shall refuse to associate to defend by Arms the United States of America and the State of South Carolina in particular against the hostile attempts of the British Fleets and Armies And the same was received and read the First Time

Resolved That the Ordinance be read a second Time To-morrow

A Copy of the Presentments of the Grand Jurors at a Court of Oyer and Terminer Assize and General Delivery begun and holden at Ninety-six for the District of Ninety-six on Thursday the 30th of May 1776 was presented to the House and read with the Orders of the Court thereupon directing the following to be laid before the Legislature viz

First The want of Places of Public Worship and Free Schools

Second The want of a proper Vagrant Law

Third That writs are issuable from and returnable to Charles Town only and that the Records are not kept in the different Districts

Fourth The want of Provision for many poor and indigent Persons—and recommend that the Committee in the different Districts where there are no Parishes be empowered to assess for that Purpose

Fifth The want of Public Roads through the Province in General and the bad Repair in which several are kept and particularly the want of a Road to lead from the upper Parts of Savannah River Rocky River and Little River heading the South Fork of Edisto and Salcatchee Rivers to Hort's Ferry on Edisto River and from thence to Slann's Bridge

Ordered That the said Presentments do lie on the Table for the Perusal of the Members

Ordered That M<sup>r</sup> Bacot and M<sup>r</sup>. Theodore Gaillard jun<sup>r</sup> be added to the Committee appointed on the 21st Instant to examine the Public Treasury Accounts and report it to the House an exact and circumstantial Account of the State of the Treasury what Sums have been issued and for what particular services arranging under distinct Heads the particular services for which the monies have been expended

Resolved That the House will proceed to the Choice of a Captain and Commander of the Brigantine Comet To-morrow morning Ten of the Clock

Ordered That Colonel Pinckney and the Honourable M<sup>r</sup>. Justice Matthews do wait on the Legislative Council to request their attendance in this House Tomorrow morning Ten of the Clock to join in balloting for a Captain and Commander of the Brigantine Comet

And then the House adjourned till To-morrow morning Nine of the Clock.

Wednesday the 25th of September. 1776

The House met according to adjournment

Read the Journal of Yesterdays Proceedings

Jacob Richman Henry Patrick and Benjamin Screven Esquires took the Oath prescribed by the constitution and their Seats as members

Ordered That M<sup>r</sup>. Richman, M<sup>r</sup>. Singleton, M<sup>r</sup>. Moore, M<sup>r</sup>. Williams, M<sup>r</sup>. Caldwell, M<sup>r</sup>. Harrington, M<sup>r</sup>. Robinson Colonel Gervais and M<sup>r</sup>. Ward be a Committee to revise the List of Magistrates and report the Names of Persons proper to be added thereto

The Order of the Day being read to take into Consideration the Report of the Committee to whom the Petition of Edward Fenwick Esquire was referred

And the Petition of Edward Fenwick Esquire being also read

A Petition of John Berwick Esquire was presented to the House and read in the words following

That on or about the night of the 16th of July last while your Petitioner was called from the Care of his private Concerns and bearing Arms in Charles Town in Defence of this State against the cruel Invaders of its just Rights and Priviledges an armed Vessel supposed to be that commanded by Captain Osborn commissioned by the Province of East Florida to cruize against the United States of America landed his men and carried off by violence Eight of his most valuable Slaves compelling the Overseers Wife to conduct them to those Houses where the best of his negroes were known to reside to the great Injury of the Estate of your Petitioner said Slaves together with a Loss sustained in his Crop being in the Opinion of your Petitioner to the value of Seven Thousand Pounds Currency at a moderate Computation

Your Petitioner also begs' Leave to represent to the House that he is well informed that John Moultrie Esquire Lieutenant Governor of East-Florida from whence the said piratical cruizer was commissioned and John Stuart Esquire late Superintendent of Indian Affairs are possessed of certain Estates or other Property within this State and the said John Moultrie and John Stuart Esquires having taken an active Part with our Enemies against these United States

Your Petitioner therefore encouraged by some recent Precedents in which Individuals have been permitted to make Reprisals and to indemnify themselves for their Losses by seizing upon the Property of the Enemy within this State prays that the House would take the Premises into Consideration and enable your Petitioner to attach and convert to his own use so much of the Property or Effects of the said John Moultrie or John Stuart Esquires or any other known Enemy of this State and of the Liberties of America in general found within this State as shall fully indemnify him for his great Losses or that the House would be pleased to grant your Petitioner such other mode of Redress as to their wisdom may seem more fit and proper

Ordered That the Petition be referred to a Committee

And it is referred to the Honourable M<sup>r</sup>. Lowndes Captain Joiner M<sup>r</sup> Benjamin Elliott M<sup>r</sup>. DeSaussure M<sup>r</sup> Stobo and M<sup>r</sup>. Young

Ordered That the Order of the Day be discharged

Ordered That the Consideration of the Report on M<sup>r</sup> Fenwick's Petition be postponed till the Committee appointed to consider M<sup>r</sup> Berwick's Petition shall have reported thereupon

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker and Gentlemen

I send you some other Petitions which have been lately presented to me relative to a Fort at the Cheraw-Hill

John Rutledge

25th September. 1776

Read the Petitions referred to which are preserved among the other Papers of the Session

Ordered That the Petitioners be referred to the same Committee to whom the Presidents Message of the 23d Instant and other Petitions upon the same Subject were referred

It appearing to the House that Thomas Farr junior Esquire Clerk to the late Commons House of assembly had in Pursuance of an Order of the Council of Safety dated 24th of October last removed the Journals Books and other Papers belonging to the said House to Dorchester and there delivered them to the Commissioners appointed for that Purpose and taken their Receipt for the same which Receipt was produced to the House

Ordered That M<sup>r</sup> Farr be discharged from any further Charge of the said Journals Books and Papers and that the same be taken into the Care of the Clerk of this House

A Member presented to the House a Certificate of an Election for the District of Saxe-Gotha And he read the Certificate in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as follows

South Carolina }  
Saxe-Gotha District }

In Pursuance of a Letter from the Honourable William Henry Drayton informing the Committee for this District that a writ of Election was issued and sent up for a Member in the House of General Assembly (though the said writ never came to Hand) the Electors of Saxe-Gotha District were duly summoned to meet at Congarees on Friday the 13th Instant for the Purpose of electing a member for the said District and the said Election having been held it appeared that the Honourable William Henry Drayton was duly and unanimously elected to represent the said District in the

present General Assembly which Proceedings are hereby certified and returned by us the Commissioners for the District Signed the 22d Day of September. 1776

William Arther  
Jacob Friday  
Ralph Humphreys

To the Speaker of the General House  
of Assembly for South Carolina }

After some Debate

A Motion was made That M<sup>r</sup> Drayton be called in to qualify

And the Question being put

The House divided

The Yeas went forth

Teller for the Yeas M<sup>r</sup> Attorney General—32

Teller for the Noes Honourable M<sup>r</sup>. Lowndes—52

So it passed in the negative

Hopson Pinckney Esquire took the Oath prescribed by the Constitution and his Seat in the House as a member for the Parish of St Thomas and St Dennis

Message from the President by the Clerk of the Legislative Council  
M<sup>r</sup>. Speaker and Gentlemen

Colonel Williamson lately desired my Instructions with respect to telling the men engaged in the Expedition against the Cherokees that such of those Indians as should be taken Prisoners would become slaves and the Property of the Captors which notion I find prevailed in his Camp insomuch that an Indian woman who had been taken Prisoner was sold as a slave—I send you an Extract of my Letter in answer to His on this Subject—And agreeable to my Promise to him recommend the giving suitable Encouragement to those who shall distinguish themselves in the war against the Cherokees which I doubt not you will—I wish to be enabled to assure Colonel Williamson soon with Certainty what they may expect

John Rutledge

25th September. 1776

Read the Paper referred to entitled Extract of a Letter 3d September in answer to Colonel Williamsons of August 25th

Ordered That the Message and Extract accompanying the same be referred to a Committee

And it is referred to the Honourable M<sup>r</sup>. Lowndes the Honourable M<sup>r</sup>. Edwards Colonel Gervais Colonel Pinckney M<sup>r</sup> Neufville M<sup>r</sup>. Cantey and M<sup>r</sup>. Waring

Colonel Pinckney reported That the Honourable M<sup>r</sup>. Justice Matthews and himself had according to order waited upon the Legislative Council to desire their attendance in this House in Order to join in balloting for a Captain and Commander of the Brigantine Comet

The Members of the Honourable the Legislative Council being introduced into this House accordingly

The Members of both Houses proceeded to ballot

And the Ballots being reckoned

M<sup>r</sup>. Speaker reported That James Dogharty Esquire was duly elected Captain and Commander of the Brigantine Comet

Ordered That the Honourable M<sup>r</sup>. Edwards and Captain Joiner do wait on the President to acquaint him that this House and the Honourable the Legislative Council have jointly by Ballot duly elected James Dogharty Esquire Captain and Commander of the armed Brigantine Comet belonging to this State and to request that His Excellency will be pleased to cause him to be sent for Express and to commissionate him accordingly

A Memorial of the Vestry of Saint Philip's Charles Town was presented to the House and read in the following words

That many Difficulties occurred which rendered it altogether impossible for memorialists to make a just and equitable assessment for a Poor-Tax on the Inhabitants of Charles-Town according to the Directions of the act of Assembly but more particularly the Removal from Town for several months past of great numbers of those Inhabitants who were liable by Law to be taxed for that Purpose and though some of them have lately returned it is nevertheless now out of the Power of memorialists to make an assessment because the Time limited by Law for doing it is expired.

That Memorialists were obliged some Time since to borrow a large Sum of money (exclusive of what hath been already lent by your Honourable House) in order to defray the Expence of supporting the Poor of this Town and transient Poor from the different Parts of the Country and also from our Sister States who are daily applying for an Increase of their monthly allowance because of the exhorbitant Prices that are demanded for all the necessaries of Life

Memorialists therefore pray that your Honourable House will take the Case into your most serious Consideration and accordingly make Provision for the subsistence of said Poor until a Tax can be legally assessed or Memorialists will be reduced to the unavoid-

able necessity of yielding up their Trust and leaving the Poor altogether to the Care of Heaven or begging their daily Bread from Door to Door

Ordered That the memorial be referred to a Committee

And it is referred to M<sup>r</sup> Hall M<sup>r</sup>. John Berwick M<sup>r</sup> Verree M<sup>r</sup> Brown M<sup>r</sup> Toomer M<sup>r</sup> Josiah Smith Junior and M<sup>r</sup> Eveleigh

Upon Motion

Resolved That M<sup>r</sup> Speaker do forthwith issue writs for electing members of the present General Assembly for the following Parishes and Districts where Vacancies have happened. (viz.)

One Member for the Parishes of St Philip and St Michael Charles-Town in the Room of Cato Ash Esquire deceased.

One Member for the Parish of St Andrew in the Room of the Honourable Thomas Fuller elected into the Legislative Council.

One Member for the Parish of St James Goose-Creek in the Room of the Honourable John Parker elected into the Legislative Council.

Two Members for the Parish of St James Santee in the Room of the Honourable Daniel Horry elected into the Legislative Council and of Levi Durand Esquire who having been returned for Christ-Church and also for St James Santee had made his Election for the former

One Member for the Parish of St Helena in the Room of the Honourable William Moultrie elected into the Legislative Council  
And

One Member for the District of Saxe-Gotha in the Room of the Honourable William Henry Drayton elected Chief Justice of this State

Ordered That the Election Days for filling up the said Vacancies be Monday and Tuesday the seventh and eighth Days of October next and that the writs be made returnable the ninth Day of the same Month

It being suggested to the House that the Writ which had been issued in August last for the Election of a Member for the Parish of St Bartholomew had been founded on a mistake

Ordered That the said Writ and all the proceedings had thereon be quashed.

The Order of the Day being read for reading a Second Time and Ordinance for disarming Persons notoriously disaffected to the Cause of America or who shall not associate and shall refuse to associate to defend by arms the United States of America and the State



of South-Carolina in particular against the hostile attempts of the British Fleets and Armies

Ordered That the said Order be discharged and that the second Reading of the Ordinance be postponed

The Honourable Mr. Edwards reported That Captain Joiner and himself had delivered the message they had in Charge to the President And that His Excellency was pleased to say the Request of the House should be complied with

And then House adjourned till To-morrow Morning Ten of the Clock

Thursday the 26th Day of September. 1776

The House met according to adjournment

Read the Journal of Yesterdays proceedings

Joseph Howe Francis Adams Thomas Janes John Janes and Lachlan Macintosh Esquires took the Oath prescribed by the Constitution and their Seats as Members of the House

The Honourable Mr Lowndes reported from the Committee to whom the Petition of John Berwick Esquire was referred And he read the Report in his Place and afterwards delivered it in at the Clerks Table where the same was read and is as followeth.

That inasmuch as there are several of the Inhabitants of this State who have received the like Injuries with Mr Berwick by the Depredations of the Enemy and many more may probably have the same cause of complaint during the present struggle with Great Britain Your Committee are of Opinion that it will be most eligible and equitable to fix one General Rule of Retribution that may comprehend equally all the sufferers that the same Measure of Justice may be extended to all That partial and particular Remedies to Individuals before a general account can be obtained and stated would probably exclude may sufferers from the means of satisfaction and occasion murmurings and Complaints

That as the Grievance complained of must necessarily be felt throughout the Continent it is presumable the Honourable the Continental Congress may make some Order thereupon respecting the measures to be taken by the different States respectively which will establish a uniformity of Proceedings among them

Your Committee to avoid any Embezzlement or Deminution of the Estates of any Persons absent from this State who are known to hold Principles inimical to the Liberties of America recommend that this House take proper steps to secure such Estates from being

alienated embezzled or diminished to serve as a Fund hereafter if the House think proper to make Compensation in equal Degree to all Persons who have or shall sustain Losses by the British Forces And that Leave be given to bring in a Bill for those Purposes

Resolved That the Report be taken into Consideration immediately

And the said Report being read a Second Time was agreed to by the House

Ordered That Leave be given to bring in a Bill for the Purposes mentioned in the last clause of the said Report And that Colonel Pinckney Mr. Attorney General Mr. Loockock Mr. John Berwick and Mr. Ward do prepare and bring in the same

Message from the President by the Clerk of the Legislative Council

Mr Speaker and Gentlemen

With the advice and Consent of the Privy Council I appointed John Colcock Esquire Secretary and John Calvert and Benjamin Lord messengers to that Board and Thomas Farr Esqr. Paymaster of the Militia I therefore desire that you will provide such allowances or salaries for them as may be reasonable and adequate to their respective services

John Rutledge

26th Sept<sup>r</sup>. 1776

Ordered That the Message be referred to the following Committee viz Mr. Attorney-General Mr. Ward Mr. McQueen Colonel Garden and Mr. Ralph Izard

Then the House proceeded to take into Consideration the Report of the Committee to whom Mr. Fenwick's Petition had been referred

The First Second Third Fourth Fifth Sixth and Seventh Paragraphs being read were agreed to by the House

The Eighth Paragraph being read and a Debate arising thereon

A Motion was made that the House disagree to the recommendatory Clause

And the Question being put

Resolved in the affirmative

And then the last Clause of the Report was read and after several Amendments made thereto agreed to by the House And the Report is as followeth

That in September last as Mr. Fenwick informed the Committee he received a Letter from Mr Stuart informing him that he had sent for an Inventory of his slaves in order to enable him to judge

what Part he would allot to M<sup>r</sup> Fenwick in Part of his Lady's Portion—which Letter is mislaid

That M<sup>r</sup> Fenwick produced a Letter dated 23d December from M<sup>r</sup> Stuart directed to M<sup>r</sup> Balingall wherein he tells M<sup>r</sup>. Balingall that if it is agreeable to him he leaves it to him to move Twenty of his Hands from Maple Cane to M<sup>r</sup>. Fenwick's Plantation at Ashepoo And that he M<sup>r</sup> Stuart proposed also to give Orders to M<sup>r</sup>. Charles Shaw to remove Ten more from Lady's Island so as to be at M<sup>r</sup>. Fenwick's in February following

That M<sup>r</sup>. Fenwick informed the Committee that he also had received a Letter from M<sup>r</sup> Stuart acquainting him that he had wrote Letters to M<sup>r</sup> Balingall and M<sup>r</sup> Shaw to the above Purpose That the Letter was detained in the Post Office at Georgia a considerable Time and taken up (opened) by M<sup>r</sup>. Rose who brought it to M<sup>r</sup>. Fenwick in May last That M<sup>r</sup>. Fenwick in Consequence went up to M<sup>r</sup> Balingall who acknowledged the Receipt of M<sup>r</sup> Stuart's Letter but informed M<sup>r</sup> Fenwick that the Effects of M<sup>r</sup> Stuart were taken out of his Hands by Order of the Congress otherwise he would have complied with M<sup>r</sup>. Stuarts Direction Shaw also declared to M<sup>r</sup> Fenwick that he would have delivered up the Ten Negroes mentioned in his Letter had M<sup>r</sup> Stuart's Effects remained in his Custody

That M<sup>r</sup>. Fenwick had no Bill of Sale or other Instrument of writing transferring the said Slaves to him but is assured from the Letter received from M<sup>r</sup> Stuart first referred to that it was M<sup>r</sup> Stuart's Intention to have given him those those slaves as Part of his Wife's Portion and the Orders given to M<sup>r</sup>. Balingall he considers as an Evidence of such his Intention

That M<sup>r</sup>. Fenwick informed the Committee that there are now brought to Charles Town seized on attachment Ten of the Slaves belonging to M<sup>r</sup> Stuart from Maple Cane besides a considerable number already sold That the Crop now on the Ground must be lost for want of negroes to harvest it That if the Crop of the last year lying on Hand together with the Indico made the present year were put into his Hands he could by the Proceeds thereof pay off the attachments on which the negroes were seized and redeem the negroes now in the Custody of the sheriff which would afford them the means of saving some Part of the Crop on the Ground which must otherwise inevitably be lost

That he will give security to apply the Effects put into his Hands solely to the Payment of the Just Debts of M<sup>r</sup> Stuart and account

with any Person the House will appoint for the Residue of the sales

That on the above State of Facts which Mr Fenwick is ready to attest upon Oath the Committee are of Opinion that it appears to have been the Intention of Mr Stuart to have given to Mr Fenwick his Son-in-law thirty negroes in Part of his Wife's Portion But inasmuch as there is no Deed or regular Transfer for that Purpose from Mr Stuart obligatory upon him the Committee are of Opinion that the Presumption arising from the Letters wrote by Mr Stuart is not sufficient in Law to vest the Property of the said slaves absolutely in Mr Fenwick. But as it is clear and evident by the Directions given to Balingall and Shaw that Mr Stuart intended at least to give to Mr Fenwick the temporary use and service of Thirty slaves to work on his Plantation at Ashepoo and that those Persons would have put Mr. Fenwick into the quiet Possession of them if they had not been prevented by the Orders of the Congress which dispossessed them of the Power over Mr Stuart's Effects

That the Committee are of Opinion it would be detrimental and grievous to sell the Negroes of Mr Stuart for the Payment of his Debts while there is a sufficient value in perishable commodities for that Purpose on Hand the more especially as the present Crop on the Ground would thereby be totally lost Thee Committee therefore recommend That the parochial Committees who are in Possession of the Rice and Indico belonging to Mr Stuart be directed to dispose of the same and apply the Proceeds to the Payment of the just and legal Debts of Mr Stuart holding the Residue if any there is in their Hands subject to the Disposal of this House And that they lodge in the Hands of the Commissioners of the Treasury a faithful and exact account of such sale and Payments

Ordered That Leave be given to bring in an Ordinance for providing Juries for Beaufort District at the next November Court

Mr Attorney General presented to the House according to Order an Ordinance for providing Juries for Beaufort District at the next November Courts—And the same was received and read the First Time

Ordered That the Ordinance be read a Second Time

Ordered That Colonel Pinckney and Mr Ralph Izard together with some member of the Legislative Council examine and compare the ingrossed Ordinance for appointing Commissioners for selling certain East-India-Teas imported from Great-Britain into this State

and for applying the monies arising therefrom to the use of the said State

An Ordinance for providing Juries for Beaufort District at the next November Courts was read a Second Time

Ordered That the Ordinance be sent to the Legislative Council

Ordered That the Honourable Mr. Justice Matthews and Colonel Garden do carry the Ordinance to the Legislative Council

Ordered That Colonel Pinckney and Mr. Attorney General be added to the Committee appointed to bring in a Bill for appointing Commissioners to superintend the naval affairs of this State

Colonel Pinckney reported That Mr. Izard and himself with two members of the Honourable the Legislative Council had examined and compared the ingrossed Ordinance they had in Charge and that they found it exact

Ordered That the Honourable Mr Edwards and Mr Ralph Izard do wait upon the President with the ingrossed Ordinance in order to have the Seal affixed and to desire to know when His Excellency will be pleased to be attended by the House to present the said Ordinance for his assent

Mr. Harrington reported from the Committee to whom the President's Message of the 23<sup>d</sup> Instant and Papers relative to erecting a Fort at Cheraw-Hill were referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That they having examined the Petition for and against building a stockade Fort at the Cheraws are of Opinion That a Fort in that secure part of the Country is intirely useless

And are further of Opinion That the keeping of Guard of Three Hundred Men in June and July last and of Fifty men in August and the present Month at the said Place was a measure not only unnecessary and expensive to the state but detrimental and destructive to the Crops of many of the Poor Inhabitants—They therefore recommend That the said Guard of Fifty men be immediately discharged

And whereas a Quantity of Gun-Powder and Lead was by Order of Congress lodged in the Hands of the Committee for St David's Parish for the use of the Militia Part of which Powder and Lead has been drawn out of their Hands by Orders of the Commanding Officer: your Committee therefore recommend That Orders be given to the said Commanding Officer to return the said Powder and Lead to the aforesaid Committee

Ordered That the Report be taken into Consideration To-morrow.

The Honourable M<sup>r</sup> Edwards reported That M<sup>r</sup> Izard and himself had according to Order waited on the President with the ingrossed Ordinance and Message they had in Charge And that His Excellency was pleased to say The House should hear from him.

And then the House adjourned till To-morrow Morning Eleven of the Clock.

Friday the 27th Day of September 1776

The House met according to adjournment,

Read the Journals of Yesterday's Proceedings,

The House being informed by a member that a Cargo of Salt had arrived in this Harbour yesterday, and that the Time limited for the Purchase of that Article by certain Commissioners had expired the Day before

Resolved That Mess<sup>rs</sup>. John Dawson, Edward Lightwood, John Poaug, Joseph Atkinson, William Ancrum, James Fisher, and Alexander Chisolme be and they are hereby appointed Commissioners to purchase the salt now in this Harbour on board the sloop Margaret And that they have authority to allow such a liberal Price for the same as may encourage the further Importation thereof and to draw upon the Public Treasury for the amount of the said Purchase.

Ordered That Colonel M<sup>c</sup>Intosh M<sup>r</sup> Howe M<sup>r</sup> Moore M<sup>r</sup>. Robinson Captain Townsend Captain Leger and M<sup>r</sup> Young be a Committee to consider and report to the House the most equitable way of disposing and distributing of salt amongst the Inhabitants of this State

Resolved That if any Salt-Works shall hereafter be set up or established on any Part of the Sea-Coast of this State at the Expence and Risk of Individuals and the same shall be destroyed or damaged by any Enemy of this State This House will indemnify the sufferer or sufferers One Half of his or their Loss or Damage so sustained provided he or they shall not have sold any Salt made at such Works for more than Twenty-five shillings per Bushel.

Ordered That the foregoing Resolution be printed and made public

A Petition of John Vauchier of the Town of Purrysburg was presented to the House and read in the following Words.

That for the Term of Twelve Years and upwards the Petitioner hath kept at his own Expence a Ferry with proper Boats and Hands for the Purpose of conveying and transporting Passengers with

their Horses and Carriages from Purrysburg aforesaid to Abercorn and the Town of Savannah in Georgia That as far as the same hath been in the Power of the Petitioner he hath used every Dispatch and given every necessary attendance that could be expected from a man in his slender Circumstances and for the same received certain Rates of Ferriage as have been paid and given for a number of years That from the great advantage that would arise by a quick Communication between the Two States of South Carolina and Georgia the Petitioner is emboldened to state the same to the Honourable House And therefore humbly prays that the House will be pleased to take the same into Consideration and by some necessary Law to be passed for that Purpose to vest the said Ferry in the Petitioner and his assigns for a Term of years, so that the same be considered as a public Ferry from Purrysburg as aforesaid to Abercorn or Savannah as may be most convenient to Travellers and that he by Law be intitled to receive such Rates of Ferriage as may be regulated by the House so that the same be equivelent to the Expence he may be at And further that the House will be pleased to take his case fully into Consideration and grant him such Relief as the same may require.

Read also a Certificate with thirteen names subscribed thereto annexed to the Petition that a Public Ferry from the Town of Purrysburg would be of great service to South Carolina and Georgia And a Letter dated the 17th Instant subscribed by thirty-five Inhabitants of the Parish of St Peter and addressed to Philotheos Chiffelle against Mr. Vauchier's Petition.

Ordered That the said Petition and Letter be referred to the following Committee (viz) Major Cattell Mr Brisbane Mr. McPherson Colonel Garden and Colonel McIntosh

The Honourable Mr Lowndes reported from the Committee to whom the Presidents Message of the 25th Instant was referred And he read the Report in his Place and afterwards delivered it at the Clerk's Table where the same was read and is as followeth,

That subjecting Prisoners of War to a state of Slavery independent of any Consideration of the Illegality of such a measure would involve this State in many Difficulties obstruct and impede a future Peace give the Indians a Precedent that may be fatal to those of our own People who may unfortunately fall into their Hands and prevent a mutual Exchange of Prisoners an object of too much Consequence to be put out of our Power.

That in the Opinion of the Committee it is not adviseable or proper to give any Encouragement to the Forces now acting against the Cherokee Indians to expect that the Property of such Indians as may be taken Prisoners should be vested in the Captors and be made Slaves but on the Contrary that public Declarations should be made to prevent any such Expectations.

Your Committee as an Encouragement to those who shall distinguish themselves in the War against the Cherokees recommend the following Rewards

For every Indian Man killed and Certificate thereof given by the Commanding Officer and the scalp produced as an Evidence thereof in Charles Town by the Forces in the Pay of this State One Hundred Pounds Currency

For every Indian Man Prisoner One hundred and Twenty-five Pounds

For every other Prisoner One Hundred and Pounds

Resolved That the Report be taken into Consideration immediately

The First and Second Clauses of the Report being read were severally agreed to by the House

The Third Clause being read and a Debate arising thereon

A Motion was made that the Reward for Indian Men's Scalps should be seventy-five Pounds

A the Question being put

The House divided

Teller for the Yeas Colonel Pinckney—48

Teller for the Nays Major Cattell—29

So it was Resolved in the Affirmative

A Motion was made that the Reward for taken Indian Men Prisoners should be One Hundred Pounds.

And the Question being put

Resolved in the Affirmative

A Motion was then made That the Reward for every other Prisoner should be One Hundred Pounds

And the Question being put

It passed in the negative

A Motion was made That the said Reward should be Ninety-Pounds

And the Question being put

That also passed in the Negative



A Motion was then made that the said Reward should be Eighty Pounds

And the Question being put  
Resolved in the Affirmative.

And the Report as amended and agreed to is as followeth.

That subjecting Prisoners of War to a state of Slavery independent of any Considerations of the Illegality of such a Measure would involve this State in many Difficulties obstruct and impede a future Peace give the Indians a Precedent that may be fatal to those of our People who may unfortunately fall into their Hands and prevent a mutual Exchange of Prisoners an Object of too much Consequence to be put out of our Power

That in the Opinion of your Committee it is not adviseable or proper to give any Encouragement to the Forces now acting against the Cherokee Indians to expect that that the Property of such Indians as may be taken Prisoners should be vested in the Captors and be made Slaves—But on the Contrary that Public Declarations should be made to prevent such Expectations

Your Committee as an Encouragement to those who shall distinguish themselves in the War against the Cherokees recommend the following Rewards (to wit.)

For every Indian Man killed upon Certificate thereupon given by the commanding officer and the Scalp produced as an Evidence thereof in Charles-Town by the Forces in the Pay of this State Seventy-five Pounds Currency.

For every Indian Man Prisoner One Hundred Pounds like Money  
For every other Prisoner Eighty Pounds like Money.

Ordered That a Message be sent to the President with a Copy of the above Report as agreed to by the House

Message to the President

May it please your Excellency,

This House having referred your Excellency's Message of the 25th Instant recommending that suitable Encouragement should be given to those shall distinguish themselves in the War against the Cherokees to the Consideration of a Committee who reported thereon do herewith send your Excellency a Copy of the said Report as agreed to by the House.

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Colonel Pinckney and Colonel Gervais do wait on his Excellency with the said Message

Message from the President by the Clerk of the Legislative Council

Mr Speaker

His Excellency the President is now in the Council Chamber ready to receive this House with the Ordinance they have to present,

And then the Messenger withdrew

The House accordingly attended the President in the Council-Chamber

And being returned

Mr Speaker reported That this House having attended the President in the Council-Chamber His Excellency had been pleased to give his Assent to,

An Ordinance for appointing Commissioners for selling certain East-Indi Teas imported from Great-Britain into this State and for applying the Monies arising therefrom to the Use of the said State

The Clerk of the Legislative Council brought from that House an Ordinance for providing Juries for Beaufort District at next November Courts—Read twice in the Legislative Council

Resolved That the Ordinance be read a Third Time

And the same being read accordingly

Resolved That the Ordinance do pass

Ordered That the Honourable Mr Justice Matthews and Colonel Garden do carry the Ordinance to the Legislative Council for their Concurrence

Mr Hall reported from the Committee to whom the memorial of the Vestry of St Philip's Parish was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth,

That by inquiring they find the annual Expence of maintaining the Poor of Charles Town to be about Fourteen Thousand Pounds Currency—That the Vestry of St Philip's Parish who have that Trust reposed in them have been under the necessity of borrowing the Sum of Six Thousand Pounds towards supporting the said Poor of Charles-Town exclusive of what this House have already lent them both which Sums are expended and many accounts now unpaid

That it is at present impracticable to assess the Inhabitants of Charles-Town for a Poor Tax the Time limited by Law being expired and the Removal of so many of them from Town would if it were practicable make the Tax so heavy upon those who had Virtue

enough to remain in Town during the Time of Trial and Danger as to render the Burthen intolerable and by no means equitable

Your Committee therefore recommend That this House do lend the Vestry of St Philip's a sum not exceeding Fourteen Thousand Pounds Currency whereby they may be enabled to pay off the Debt they have contracted and to support the Poor until a Just and equitable Tax may be levied by Order of this House.

Ordered That the Report be taken into Consideration To-morrow.

Ordered That the Order of the Day for considering the Report on the Message and Papers relative to a Fort at Cheraw Hill be discharged And that the Consideration of the said Report be postponed.

Ordered That Mr. Joseph Howe, Mr Caldwell Mr Williams and Mr Robinson be added to the Committee on the Militia Law.

The Honourable Mr Edwards presented to the House according to Order a Bill for establishing a Board of Commissioners to superintend and direct the Naval Affairs of the State of South Carolina And the same was received and read the First Time

Ordered That the Bill be read a Second Time

Mr. Attorney General reported from the Committee to whom was referred the Presidents message respecting the Salaries of the Secretary and Messengers of the Privy Council and a Paymaster to the Militia And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

That they are of Opinion the following Salaries or allowances to the said Persons in manner herein after mentioned are reasonable and adequate to the respective services of such Persons (that is to say)

To the secretary of the Privy Council Two Thousand Pounds Currency to be allowed him annually by the State for the services of that Office.

To the Two Messengers of the Privy Council the sum of Three Hundred and Fifty Pounds Currency each to be allowed annually by the State, And

To the Paymaster of the Militia the Sum or allowance of Three Pounds and Ten Shillings and Two Rations for each Day during the Continuance of that Office.

Ordered That the Report be taken into Consideration To-morrow

It being moved and seconded That a Message be sent to the Presi-

dent requesting that His Excellency would lay before this House such Letters and Papers as he may have received relative to burning the Houses and seizing and selling the Goods of Richard Pearis,

Ordered That a Message be prepared to be sent to his Excellency accordingly

And then the House adjourned till To-morrow morning Half past Ten of the Clock.

Saturday the 28th Day of September. 1776

The House met according to adjournment

Read the Journal of Yesterday's Proceeding

Ralph Humphries, Thomas Taylor and William Strother Esquires took the Oath required by the Constitution and their seats as Members of the House

Colonel Pinckney reported that Coloner Gervais and himself had delivered the Message they had in Charge to the President

Message to the President

May it please your Excellency

This House request That your Excellency will be pleased to lay before them such Letters and Papers as your Excellency may have received relative to burning the Houses and seizing and selling the Property of Richard Pearis

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Colonel Pinckney and Mr DeSaussure do attend His Excellency with the said Message

Ordered That the Second Reading of the Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the State of South Carolina be postponed till Thursday next

The House then proceeded on the Order of the Day to take into Consideration the Report of the Committee to whom the President's message of the 23d Instant and Papers accompanying the same relative to a Fort at Cheraw-Hill were referred

And the First Clause of the Report being read was agreed to by the House

A Motion was made and seconded That the further Consideration of the Report be postponed And that a message be sent to the President requesting that His Excellency will be pleased to lay before this House the Reasons for ordering and keeping a Guard of Three Hundred Men at the Cheraws in June and July last and of Fifty men in August and the present Month at the same Place.

Message to the President

May it please your Excellency,

It appearing to this House from the Report of a Committee That a Guard of Three Hundred men had been kept at the Cheraws in June and July last and of Fifty Men in August and the present Month This House requests That your Excellency will be pleased to lay before them the Reasons for ordering and keeping up the said Guards.

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Colonel Pinckney and Colonel Gervais do carry the said Message to the President

A Motion being made That a Person now about to depart this State for Philadelphia be authorized to purchase a proper Vessel there and load the same with Flour Ship Bread Iron and Steel upon account of this State

A Debate ensued

And the Question being put whether Flour should be one of the Articles to be so imported

It passed in the Negative

Ordered That Mr Loockock Mr. Corbett and Mr. Hall be a Committee to consider and report the Quantity and different Articles necessary to be imported from Philadelphia under the Direction of the Delegates of this State in the Continental Congress.

It being suggested to the House that the Property of Colonel Christopher Gadsden at the North End of Charles-Town had been much injured by the salt works erecting thereon and by the Stores upon the Wharf having been turned into Barracks for Soldiers, Therefore

Resolved That the Commissioners for erecting salt works in Charles-Town be forthwith directed to desist from erecting such works and to cause the Banks there to be immediately put into as good Condition as they were when taken Possession of for the Public Service And that a message be sent to the President requesting that His Excellency will be pleased to give Directions that the Stores upon the said Wharf and which have been turned into Barracks be forthwith evacuated and restored to their former State.

Ordered That the Consideration of the Reports on the memorial of the Vestry of St Philips Parish and the Presidents message respecting Salaries for the Officers of the Privy Council be postponed.

Ordered That the Resolve of Yesterday appointing commissioners to purchase a Cargo of Salt brough in the Sloop Margaret be amended by inserting the words "*receive and store*" after the word "Purchase" in the beginning thereof and the words "*and Charges*" at the End

And then the House adjourned till Monday morning Ten of the Clock

Monday the 30th Day of September, 1776

The House met according to adjournment

Read the Journal of last Saturday's Proceedings

Michael Leitner Esquire took the oath prescribed by the Constitution and his Seat as a member

Colonel Pinckney reported That Colonel Gervais and himself had waited upon the President and delivered the message they had in Charge

M<sup>r</sup> Loocock reported from the Committee to consider and report the Quantities and different Articles necessary to be imported from Philadelphia under the Direction of the Delegates of this State And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the following words

That it is their Opinion application should be made to our Delegates at Philadelphia to endeavour to procure Two Frigates on the Continental Establishment to be stationed at this Port particularly during the winter when they can be of little service to the northward which with our own armed vessels may in a great measure secure our Trade by obliging the Enemy to keep so many Cruizers as will soone tire them out

That if our Delagates think proper to make this application your Committee would recommend that the said Frigates take in as Ballast One Hundred Tons of Bar Iron besides the following Articles

But if the Frigates cannot be spared to this State then your Committee recommend that a staunch Brigantine of about One Hundred and Fifty Tons be procured to mount Twelve to Sixteen Carriage Guns be properly manned and to bring as many supernumerary seamen as can possibly be procured in which the said articles may be shipped viz

Thirty Tons of small flatt Bar Iron for Waggon Tire

Ten Tons broad thick flatt ditto for Axes

Six Tons small square Iron

Four Tons thick square Ditto for machine or Mill Work,

Forty Faggots square Steel  
 Two Faggots German flatt Ditto  
 Ten Tons Plough-shear moulds half with a thick Land Side and  
 Half for shovel Ploughs  
 One Groce Mill Saw Files  
 Four Groce Whip and Cross-cut Saw Ditto  
 Six Groce Hand Saw Ditto  
 Twelve Dozen Philadelphia made Club Axes  
 One Hundred and Fifty Barrels of well baked Ship Bread  
 (Amounting to about nine Thousand and Five Hundred Pounds-  
 Currency exclusive of the Brigantine)  
 If Cotton or Wool Cards can be procured a Groce of each  
 If Broad Hoes to be had reasonable Twelve Groce  
 Resolved That the Report be taken into immediate Consideration  
 And the same being taken into Consideration accordingly  
 The First and Second Clauses were read to the House and sever-  
 ally amended and agreed to

While the House was in Debate upon the Third Clause of the Report

A Motion was made and seconded That the sense of the House should be taken whether the Members of the late Congress who had been appointed to the Places of Emolument *before* the Constitution was established have a Right to sit and vote in the present General Assembly without being re-elected

And the sense of the House (without a Question thereon) was That such members had an undoubted Right

The House then proceed in the Consideration of the Third Clause of the Report and the same being read after several amendments made thereto was agreed to And the Report as amended and agreed to is as followeth

That it is their Opinion application should be made to our Delegates at Philadelphia to endeavour to procure Two or more Frigates on the Continental Establishment to be stationed at this Port particularly during the Winter when they can be of little service to the northward which with our armed Vessels may in a great measure secure our Trade and protect our Coasts.

That if our Delegates succeed in this Application your Committee would recommend That the said Frigate take in as Ballast One Hundred Tons of Bar Iron besides the articles under-mentioned

But if the Frigates cannot be obtained or if they should not be allowed to bring those articles then your Committee recommend that

proper small Vessels be procured to bring the said articles of a light Draught of water armed with Carriage or Swivel Guns properly manned and with as many Supernumerary Seamen as can be procured or that the Delegates do take such other steps as they shall think expedient to procure the said Articles to be sent to this State as soon as possible And that Mr. Archibald Gambell be recommended to the Delegates as a proper Person to assist them and that he be desired to follow their Directions in procuring the said Articles and forwarding the Vessel or Vessels in which the same are to be brought viz.

Sixty Tons of small flat Bar Iron for Waggon Tire

Twenty Tons broad flat thick Ditto for axes

Twelve Tons small square Iron

Eight Tons thick square Ditto fit for machine or mill work.

Eighty Faggots square Steel

Four Faggots German flatt Steel

Twenty Tons Plough-Shear moulds half with a thick Land side and half for shovel Ploughs

Twenty-four Dozen Philadelphia made Club axes

As many mill Saw Cross Cut and Whip Saw and Hand Saw Files and as many Wool and Cotton Cards as can be procured

Three Hundred Barrels of well baked ship Bread And

Five Hundred Reams of printing Paper

Message from the President by the Clerk of the Legislative Council

Mr Speaker and Gentlemen

According to your desire I send herewith Extracts of such Parts of Colonel Williamson's Thomas's and Neel's Letters to me as relate to burning the House and seizing and selling the Property of Richard Pearis which are all the Papers I have received on that subject except a Petition from him complaining of those Acts and praying for Redress

John Rutledge

30th September. 1776

Read the Extracts referred to in the message—from Colonel Williamson's Letter dated 28th July 1776 from Colonel Thomas's dated August 25th and from Colonel Neel's dated August 27th

Ordered That the said Message and Extracts be referred to the Committee upon Mr Pearis's Petition And that Mr Joseph Howe, Mr. Jeans, Mr. Williams, and Mr. Adams be added to the said Committee.



The Honourable M<sup>r</sup>. Justice Matthews reported that Colonel Garden and himself had delivered the Ordinance they had in Charge to the Legislative Council.

The Clerk of the Legislative Council brought from that House an Ordinance for providing Juries for Beaufort District at the next November Courts read a Third Time in the said House

Ordered That the Ordinance be ingrossed

It being suggested to the House that upon a supposition that the seat of the Honourable Thomas Heyward became vacant in Consequence of his being absent from this State as a Delegate at the Continental Congress a new Representative for Charles Town was elected in his Room and that such Proceeding was irregular and invalid,

It was therefore moved and seconded that the House do Resolve that M<sup>r</sup> Heyward has a Right to take his seat notwithstanding the said Election

And it was Resolved accordingly

It was then Debated whether the member who had been elected in the Room of M<sup>r</sup> Heyward had a Right to continue sitting as a member of the House

And after sometime spent in Debate

Ordered That the further Discussion of this subject be postponed till To-morrow morning

M<sup>r</sup>. Speaker laid before the House a Letter which he had received from George Gabriel Powell Esquire and the same being read is as follows

Sir

I understand there are Charges of an extraordinary nature against me laid before your Honourable House I humbly request therefore that I may be heard in my Defence by a Committee before any Resolution is taken thereupon trusting that I shall be able so to acquit myself as to stand fair in the Opinion of my Country which is above all Things desirable to

Honourable Sir

Your most obedient

Humble Servant

G. G. Powell

Charles-Town

30th September. 1776

Ordered That the Consideration of the said Letter be postponed  
Upon Motion

Resolved That all members absent from the service of this House who reside within Fifty miles of Charles Town and are able to attend be sent for at their own Expence

Ordered That the Clerk do write Letters to such members accordingly

And then the House adjourned till To-morrow morning nine of the Clock.

Tuesday the 1st Day of October. 1776

The House met according to Adjournment

Read the Journals of yesterday's Proceedings

Major Cattell reported from the Committee to whom the Petition of John Vauchier was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That they have considered the Petition of said Vauchier and it appears to your Committee that a quick Communication between the Two States of Georgia and South-Carolina will be of great Utility to both Countries And as a Ferry fixed at Purrysburg from thence to Savannah and Abercorn in Georgia may be one means to procure Dispatch to Travellers are of Opinion that a public Ferry should be established at Purrysburg from thence to Savannah and Abercorn in Georgia.

And as Mr Vauchier has been at some Expence in purchasing Boats to accommodate Travellers recommend that the Ferry be vested in him and his assigns for a Term not exceeding seven years

And they further recommend That a Law may be brought in for those Purposes

Resolved That the Report be taken into Consideration immediately

And the said Report being read a Second Time was agreed to by the House.

Ordered That Leave be given to bring in a Bill accordingly

Ordered That Mr DeSaussure Mr. Williamson Colonel Garden Major Huger and Mr. Josiah Smith Junior be a Committee to consider and report the best way of procuring and keeping a Guard upon Bloody Point.

Message to the President

May it please your Excellency

This House having appointed a Committee to consider and report what Articles were necessary to be imported from Philadelphia for the Use of this State the said Committee accordingly reported a Copy of which Report as amended and agreed to by the

House we take Leave to send you herewith and to request that your Excellency will transmit the same and write to the Delegates for this State to cause the several Articles and the Vessels therein mentioned to be procured and sent hither as soon as may be and to apply to the Congress to advance the money that may be necessary upon the Occasion for which proper Credit will be given by this State in the Pay of the Troops money advanced to the Indian Commissioners and otherwise in the General Cause of the United Colonies

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup>. Williamson and Doctor Haig do carry the message to the President

Message from the President by the Clerk of the Legislative Council  
M<sup>r</sup>. Speaker and Gentlemen

On the 7th of May I was informed by a Letter from the Committee of Secrecy War and Intelligence in North Carolina of their having received advice that the Enemy who then lay in Cape-Fear River had planned a Descent at the mouth of Little-River near the Borders of this Colony in order to attempt a Passage into the Back Country of that by the Lake of Waccamaw Having Occasion to confer with the Honourable Colonel Powell on this Subject He urged very strongly the absolute necessity of building a stockade Fort and keeping a Garison at the Cheraw-Hill as a security against Incursions of the Disaffected about Cross-Creek and for preventing or suppressing Insurrections which they might occasion amongst our own People near the North-Carolina Line—Events which might be feared especially if the intended junction between the British Forces and the Malcontents in that Province had taken Place I thought so much attention and Respect due to the Representation of a Gentleman in his Station who was well acquainted with that Part of the Country and had the Command of a large Regiment there as to lay it before the Council for their advice which I did He attended them and on considering what he offered on this Head they were unanimously of Opinion that it was necessary to erect such a Fort and keep such a Garison in Consequence of which I gave orders for that Purpose

John Rutledge  
30th Septem<sup>r</sup>. 1776

A Petition of Philip Will was presented to the House and read in the following words<sup>1</sup>

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<sup>1</sup>The petition was not copied, and there is still a blank space in the journal where it was intended to be entered.

Ordered That the Petition be referred to the same Committee to whom the Presidents Message of the 26th past respecting the salaries to the Secretary and Messengers to the Privy Council and Pay Master to the Militia was referred and that Colonel M<sup>c</sup>Intosh Major Cattell and Major Huger be added to the said Committee

Then the House proceeded to take into Consideration the Report of the Committee to whom the Memorial of the Vestry of the Parish of St Philip was referred

And the said Report being read was agreed to by the House

Ordered That the Commissioners of the Treasury do advance upon Loan to the Vestry of St Philip's Parish a Sum not exceeding Fourteen Thousand Pounds Currency to enable them to pay off the Debt they have contracted and to support the Poor until a Just and equitable Tax may be levied by Law

Resolved That this House will ballot for Commissioners to superintend and direct the Naval Affairs of the State of South Carolina

And the House having proceeded to ballot accordingly

It appeared That Edward Blake Thomas Savage, Josiah Smith junior Thomas Corbett Roger Smith George Abbot Hall and the Honourable Thomas Shubrick Esquires had the Majority of Votes

A Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the State of South Carolina was read a Second Time

And the names of the Commissioners being inserted and several amendments made to the Bill

Ordered That the Bill be sent to the Legislative Council

Ordered That Doctor Haig and M<sup>r</sup> Hopson Pinckney do carry the Bill to the Legislative Council

Colonel Pinckney presented to the House according to Order "An Ordinance for ascertaining the manner of issuing Orders for holding General Courts-martial for the trying hearing and determining of Crimes and Offences committed by any Persons belonging to the South Carolina Regiments on the Continental Establishment against the Rules and Articles for their Government" And the same was received and Ordered to be read the First Time To-morrow

Ordered That the Commissioners appointed to purchase the salt lately imported in the sloop Margaret do sell to Francis Adams Thomas Jeans and Joseph Howe Esquires members for the District called the new Acquisition Fifty Bushels of the said Salt to be sent into the said District and sold and distributed to the Inhabitants

thereof at such Prices and in such Proportions as the said Commissioners shall direct

Ordered That Doctor Haig and M<sup>r</sup> Hopson Pinckney do with some Member of the Legislative Council examine and compare the ingrossed Ordinance for providing Juries for Beaufort District at the next November Courts.

Ordered That M<sup>r</sup>. William Moore and M<sup>r</sup>. John James have Leave of absence from the Service of this House

And then the House adjourned till To-morrow Nine of the Clock.

Wednesday the 2d Day of October. 1776

The House met according to adjournment

Read the Journal of Yesterday's Proceedings

M<sup>r</sup> Williamson reported That Doctor Haig and himself had delivered the Message they had in Charge to the President

M<sup>r</sup>. Young reported from the Committee to consider and report the most equitable way of distributing salt amongst the Inhabitants of this State And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the following words

That it is the Opinion of the Committee That every Person applying for salt shall produce to the Commissioners for the sale thereof a Certificate from any Two of the members of the District Committee in which such Person is resident certifying the number of Persons in Family And that every Family consisting of six Persons shall be allowed one Bushel on paying for the same and so in Proportion if a greater or less number

That the several Committees be directed to grant such Certificates at the Times of their stated meeting and that no Person be intitled to more than one Certificate

Resolved That the Report be taken into immediate Consideration.

And the Report being taken into Consideration accordingly and amended was agreed to and is as followeth.

That it is the Opinion of the Committee that every Person applying for salt shall produce to the Commissioners for the sale thereof a Certificate from any Two members of the District Committee in which such Person is resident certifying the Number of white Persons in Family that every Family consisting of six, such Persons shall be allowed One Half Bushel on paying for the same and so in Proportion if a greater Number.

That the several District Committees or any Two members of such Committees be directed to grant such Certificates upon Application and that no Person be intitled to more than One Certificate But Persons who continue inimical to this State shall not be intitled to any such Certificate

Ordered That the above Resolutions respecting the Sale and Distribution of salt be forthwith printed and Copies thereof delivered to the Members of this House

An Ordinance for ascertaining the manner of issuing orders for holding General Courts-martial for the trying hearing and determining of Crimes and Offences committed by any Persons belonging to the South Carolina Regiments on the Continental Establishment against the Articles for their Government" was read the First Time

Ordered That the Ordinance be read a Second Time

And the same being read accordingly

Ordered That the Ordinance be sent to the Legislative Council

Ordered That Doctor Haig and M<sup>r</sup> Pinckney do carry the Ordinance to the Legislative Council

Colonel Pinckney gave notice that he should at the Third Reading of the Ordinance move for Leave to bring in a Clause to be added thereto which he read to the House for Information

Doctor Haig reported That M<sup>r</sup> Pinckney and himself had delivered the Bill and the Ordinance they had in Charge to the Legislative Council

Ordered That Leave be given to bring in a Bill authorizing the President and Commander in Chief to call upon the Committees in the several Parishes and Districts throughout this State for such a Number of Slaves as shall be thought necessary to assist at the Public Works and Fortifications and to empower the said Committees to fix and determine the Number to be sent by the Inhabitants of their respective Districts

Ordered That the Honourable M<sup>r</sup> Lowndes the Honourable M<sup>r</sup> Edwards and Colonel Pinckney be a Committee to prepare and bring in such a Bill

Doctor Haig reported That M<sup>r</sup> Pinckney and himself with a Member of the Legislative Council had examined the ingrossed Ordinance for providing Juries for Beaufort District at the next November Courts and they found the same truly ingrossed.

Ordered That Captain Joiner and M<sup>r</sup> Howe do attend the President with the said Ordinance in order to have the Seal affixed to the

same and to know when His Excellency will be pleased to receive this House to present the Ordinance for his assent

The House then proceeded to consider whether the Member who was elected in the Room of the Honourable Mr Heyward has a Right to continue his seat in this House and also whether the other Members for Charles-Town who were elected on the 9th and 10th Days of September last upon a mistaken supposition of Vacancies ought to continue in their Seats

After sometime spent in Debate

A Motion was made That Charles-Town having chosen too great a number of Members on the 9th and 10th Days of September last founded upon a mistake the said Election should be declared void

And the Question being put

Resolved in the affirmative

Resolved That the Elections on the said 9th and 10th Days of September last for the Parishes of St James Santee and Prince George Winyah being likewise founded on mistakes are also declared null and void

Message from the President by the Clerk of the Legislative Council  
Mr Speaker and Gentlemen

Lieutenant Dogharty declines accepting the Command of the Brigantine Comet

John Rutledge

2d October 1776

The Clerk of the Legislative Council brought from that House an Ordinance for ascertaining the manner of issuing orders for holding General Courts-martial for the Trying hearing and determining of Crimes and offences committed by any Persons belonging to the South Carolina Regiments on the Continental Establishment against the Articles for their Government—Read twice in the said Council

Ordered That the Report of the Committee to whom the President's message and other Papers relative to the building of a Fort at Cheraw Hill were referred be recommitted That the President's Message of yesterday upon the same Subject and Colonel Powell's Letter be referred to the same Committee and that Major Huger Major Simons Mr. Cantey and Captain Roger Smith be added to the said Committee

Ordered That Major Simons Mr DeSaussure Captain Harleston and Mr Thomas Waring be added to the Committee on the State of the Treasury in the Room of Josiah Smith Junior Thomas Jones, and John Webb Esquires whose Seats have been declared vacant

Ordered That the Honourable M<sup>r</sup> Heyward and Captain Savage be added to the Committee to bring in a Bill to secure the Estates of Persons absent from this State who are known to be inimical to the Liberties of America from being alienated embezzled or diminished to serve as a Fund hereafter to make compensation in equal Degree to all Persons who have or shall sustain Losses by the British Forces" in the Room of M<sup>r</sup> Attorney General and Joshua Ward Esquire whose Seats also have been declared vacant

The House then proceeded to take into Consideration the Report of the Committee to whom the President's Message respecting the salaries or allowances to the Secretary and Messengers of the Privy Council and a Paymaster to the Militia was referred

And the First Clause of the Report being read was amended and agreed to by the House

Upon reading the Second Clause

A Motion was made That the Messengers be allowed a Salary of Five Hundred Pounds a year each

And the Question being put

It was Resolved in the Affirmative

And the said Clause being amended accordingly was agreed to

Upon reading the Third Clause a debate arose

After sometime spent thereon

Ordered That the further Consideration of the said Clause be postponed till To-morrow

And the said Report so far as amended and agreed to is as followeth

That the Committee are of opinion the following salaries or allowances to the Persons and in the manner herein after mentioned are reasonable and adequate to the respective Services of such Persons. (that is to say.)

To the Secretary of the Privy Council Fourteen Hundred Pounds Currency to be allowed him annually by the state for the services of that office

To the Two Messengers of the Privy Council the Sum of Five Hundred Pounds each to be allowed annually by the State

Captain Joiner reported That M<sup>r</sup> Howe and himself had waited upon the President with the Ordinance and Message they had in Charge and that His Excellency was pleased to say "the House should hear from him"

Colonel Gervais reported from the Committee to whom the Memorial of Richard Pearis was referred And he read the Report in his



Place and afterwards delivered it in at the Clerk's Table where the same was read in the following words

That the injuries complained of by the memorialist would be matter more proper for the Inquiry of the Courts below than for the Consideration of this House in the Ordinary Course of affairs But inasmuch as Prosecutions against the Parties complained of and their attendance to answer might at this Juncture prove detrimental to the Public Service Your Committee recommend that Colonel Thomas be required immediately to transmit and lay before this or the next House a true state of the Case And also that he will immediately lodge in the Public Treasury such Money Bonds or other Securities as he may have taken for the sale of Mr. Pearis's Goods And that the sum of Seven Hundred Pounds be advanced by this House to the Memorialist upon the Security of such Money Bonds &c to serve for his Occasions until the matter can be more fully considered

Resolved That the Report be taken into Consideration To-morrow

And then the House adjourned till To-morrow Morning nine of the Clock

Thursday the 3d Day of October. 1776

The House met according to Adjournment

Read the Journal of Yesterday's proceedings

Joshua Toomer Esquire took the Oath prescribed by the Constitution and his seat as a Member of this House

The House according to the Order of Yesterday resumed the Consideration of the Third Clause of the Report of the Committee on the allowances to the Secretary and Messengers of the Privy Council and a Paymaster to the militia

After sometime spent in Debate

Ordered That it be referred to the Committee appointed to bring in a new Militia Law to prepare and insert a Clause therein ascertaining the Duties and stating the Pay of a Paymaster General of the Militia.

It being suggested to the House that the Place appointed on the 11th Day of April last for the Election of Members of the General Assembly for the District called the New Acquisition is inconvenient and improper

Resolved That the next Election for the New Acquisition shall be held at the House of Mr John Carnachan in the said District and not or near Colonel Thomas Neel's

On Motion,

Resolved That Expresses be forthwith sent by the Clerk of this House into the several Parishes and Districts throughout this State to acquaint the Church-Wardens and other Persons appointed to manage Elections of the Times and Places where the said Elections are to be held and to deliver to them printed Instructions for managing the said Elections as well as blank notices to be filled up and posted and other necessary Papers

The Clerk of the Legislative Council brought from that House A Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the state of South Carolina" Read a second Time in the said Council

On Motion

Resolved That the Commissioners for the Sale of Salt be impowered to sell Salt to the Owner of each Waggon and Horses that bring Provisions from North-Carolina in the same Proportion as they are directed to do to the Inhabitants of this State upon Affidavit of the number of white Persons in their respective Families

Mr Harrington gave notice that he should on or about the 17th Instant move for an adjournment of this House

The Honourable Mr Lowndes presented to the House according to Order An Ordinance to direct the manner of procuring Negroes to be employed in the public Service And the same was received and read the First Time.

Ordered That the Ordinance be read a Second Time

And the same being read accordingly

Ordered That the Ordinance be sent to the Legislative Council

Ordered That Mr Ladson and Mr MacPherson do carry the Ordinance to the Legislative Council

An Ordinance for ascertaining the manner of issuing orders for holding General Courts-Martial for trying hearing and determining of Crimes and offences committed by any Persons belonging to the South Carolina Regiments on the Continental Establishment against the Rules and Articles<sup>d</sup> for their Government" was read a Third time

Colonel Pinckney moved for Leave to bring in a Clause which he had prepared to be added to the ordinance

And the same being presented to the House was received and read Three several Times and agreed to.

Resolved That the same be added to and made a Part of the Ordinance

And the same being added accordingly

Resolved That the Ordinance do pass

Ordered That Captain Scott and Captain Joiner do carry the Ordinance to the Legislative Council for their Concurrence

A Petition of John Thompson and Richard Thompson was presented to the House and read

Ordered That the Petition be referred to a Committee

And it is referred to Major Cattell Mr. Charles Elliott and Colonel Gervais

Ordered That Jacob Richman Esquire have Leave of absence from the Service of this House on account of the Illness of his Family

And then the House adjourned till To-morrow morning nine of the Clock

Friday the 4th Day of October 1776

The House met according to adjournment

Read the Journals of yesterday's Proceedings

Ordered That the attendance of such members of this House as are Church-Wardens in any of the Parishes where Elections are to be held on Monday and Tuesday next be dispensed with on those Days  
Message to the President

May it please your Excellency

This House request that your Excellency will be pleased to give Directions that the stores upon Colonel Gadsden's Wharf be forthwith evacuated and put into as good a Condition as they were when taken Possession of for the Public service

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Mr John Berwick and Mr. Elias Horry Junior do attend His Excellency with the said Message

Mr Berwick reported That Mr Horry and himself had delivered the Message they had in Charge to the President

The House proceeded to a Third Reading of a Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the State of South Carolina

But it appearing upon Reading the First Clause of the Bill that the Honourable the Legislative Council had struck out the name of one of the Commissioners who had been balloted for by this House and inserted the name of another Gentleman in Stead,

Resolved That this House will immediately proceed to ballot for another Commissioner

The House proceeded to ballot accordingly

And the Ballots being reckoned

Mr. Speaker reported That George Smith Esquire had the Majority of Votes

Ordered That the name inserted in the Bill by the Legislative Council be struck out and that the Name of George Smith Esquire be inserted instead thereof

Which being done accordingly

The Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the State of South Carolina was read a Third Time

Resolved That the Bill to do pass and that the Title be "an Act"

Ordered That Mr Thomas Waring and Mr Keating Simons do carry the Bill to the Legislative Council for their Concurrence

Mr. Waring reported that Mr Simons and himself had delivered the Bill they had in Charge to the Legislative Council

Mr. DeSaussure reported from the Committee to consider and report the best way of procuring and keeping a Guard upon Bloody Point And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

• That it appears to the Committee absolutely necessary that a Guard should be kept for the Protection of the Southern Parts of this State And

Recommend That a Detachment of One Hundred Men One Captain and Four subalterns be sent from either of the Regiments of Regulars to do Duty at the different Places now guarded by the Militia of Colonel Bulls Regiment Or otherwise by raising an independent Company of the like Number of men and officers for that service

Resolved That the Report be taken into Consideration immediately

And the First Clause of the Report being read was agreed to by the House

Upon reading the Second Clause

On Motion

Resolved That a Message be sent to the President requesting that His Excellency would procure and order to be laid before the House a state of the Army now in this State where situate and upon what services And that the further Proceeding in the Report be postponed till such state shall have been laid before the House

The further Proceeding in the Report was postponed accordingly

Message to the President

May it please your Excellency

We request that your Excellency will be pleased to procure and order to be laid before this House a state of the army now in this State where situate and upon what services

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the the same

Ordered That Captain Harlston and M<sup>r</sup> White do attend the President with the Message

Captain Scott reported That Captain Joiner and himself had delivered the ordinance they had in Charge to the Legislative Council

M<sup>r</sup> Ladson reported That M<sup>r</sup> Macpherson and himself had delivered the ordinance they had in charge to the Legislative Council

M<sup>r</sup> Harrington reported from the Committee to whom the Second Clause in the Report on the President's Message of the 23d Ultimo and the Papers accompanying the same respecting the building a Stockade Fort at Cheraw Hill was re-committed and His Excellency's Message of the 1st Instant and Colonel's Powell's Letter of the 30th of September was committed. And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and agreed to by the House

The Third Clause of the said Report being then read and amended was also agreed to by the House

And the Report as amended and agreed to is as followeth That, They having examined the Petitions for and against building a stockade Fort at Cheraw-Hill are of Opinion That a Fort in that secure Part of the Country is enterely useless

That they have heard Colonel Powell on the subject of keeping a Garrison at the Cheraws and on full Consideration of the Matter are of opinion that a Garrison in that Part of the Country is unnecessary

And whereas a Quantity of Gun-Powder and Lead was by order of Congress lodged in the Hands of the Committee of St David's for the use of the Militia part of which Powder and Lead has been drawn out of their Hands by orders of the Commanding Officer the Committee do therefore recommend that orders be given to the said Commanding officer to return such Part of the said Powder and Lead as remains unused to the aforesaid Committee

Colonel Pinckney presented to the House according to Order a Bill establishing a proper Oath of Qualification to be taken by the members of the General Assembly and for other Purposes therein mentioned. And the same was received and read the First Time

Ordered That the Bill be read a Second Time

Major Cattell reported from the Committee to whom was referred the Petition of John and Richard Thompson And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

That the Committee on Examination into the allegations set forth in the Petition found the Petitioners had been confined Two years and seven months for the non-payment of Fines set upon them by the Courts of Justice And on inquiring into the Effects of John Thompson whose Fine is One Thousand Pounds Sterling he has sent a List of his Property annexed to this Report And he declares he is ready to make oath that it is a true state of his Estate The other Petitioner whose Fine is one Hundred Pounds Sterling appears to the Commee not to have any Property whatever; In Consideration of the long and close Imprisonment of the Petitioners and the Ill state of Health of John Thompson the Committee has been induced to recommend that a Resolution of this House be sent to the Honourable the Legislative Council for their Concurrence and to His Excellency the President for his assent to remit the Fines laid on the said Thompsons on the express Condition that they shall quit the State in Three Months after their Releasment.

Read also a Paper annexed intituled a particular account of the Property of John Thompson now in his Possession.

Ordered That the Report be taken into Consideration To-morrow.

The Clerk of the Legislative Council brought from that House an Ordinance to direct the manner of procuring Negroes to be employed in the Public Service Read twice in the said Council, also,

An Ordinance for ascertaining the manner of issuing Orders for holding General-Courts-Martial for the trying hearing and determining of Crimes and offences committed by any Persons belonging to the South Carolina Regiments upon the Continental Establishment against the Rules and Articles made for their Government And for the Encouragement of Persons to enter into the service of this State

And the following Message to wit

In the Legislative Council

the 4th Day of October 1776

Mr. Speaker and Gentlemen

Upon reading a Third Time an Ordinance for ascertaining the manner of issuing orders for holding General Courts Martial for the trying hearing and determining of Crimes and Offences committed by any Persons belonging to the South Carolina Regiments on the Continental Establishment against the Rules and Articles made

for their Government—This House is of opinion that the following amendment is necessary to be made to the first enacting Clause of the said Ordinance (viz.)

Between the word “State” and the word “be” the words “not under the Rank of a Colonel in the said service” be inserted—To which we desire the Concurrence of your House and have returned you the ordinance to make the amendment accordingly

By Order of the House

Thomas Shubrick President.

Ordered That the Ordinance to direct the manner of procuring negroes to be employed in the Public Service be read a Third Time To-morrow

Message to the Legislative Council

Honourable Gentlemen

This House concur with your Honours in the amendment proposed to the ordinance mentioned in your message of this Date and desire you will insert the words “not under the Rank of a Colonel in the said service” between the word “State” and the word “be”—for which Purpose the Ordinance is herewith returned

Ordered That the message be ingrossed and that Mr Speaker do sign the same

Ordered That Mr Hopson Pinckney and Mr. John Cordes do carry the message to the Legislative Council

And then the House adjourned till To-morrow morning nine of the Clock.

Saturday the 5th Day of October. 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

Resolved That the Inhabitants in the several Parishes and Districts throughout this State do at the Time of the Election of Members of the General assembly also ballot for and elect Committees in their different Parishes and Districts equal to the numbers heretofore appointed for the Purposes mentioned in the Eleventh Article of the Continental Association (to wit) attentively to observe the Conduct of all Persons touching the said association and also for the Purposes resolved on by the Congress of this State held in January 1775, respecting the giving Permission to bring suits at Law and for such other Purposes as the Committees are authorized by Resolutions of Congress or are or shall be authorized by Laws of this State That the Committees or any Three or more of the members of such Com-

mittees respectively except the Committees for Charles Town not less than Eleven of whom can do Business have authority to put the said Laws and Resolutions in Execution and to grant Liberty for commencing Suits And that the Church Wardens and other managers of Elections of members of the General Assembly do also manage the Election of the said Committees respectively And that the Clerk of this House do forthwith give them notice of this Resolve.

The Report of the Committee to whom the Petition of John and Richard Thompson was referred was read and agreed to by the House without any Amendment

Resolved That the Fines imposed upon John and Richard Thompson confined in Charles-Town Jail be remitted on the express Condition that they quit the State within Three months

Ordered That the said Resolution be sent to the Legislative Council for their Concurrence and to the President for his assent

The House then proceeded according to the order of the Day to the Third Reading of "an Ordinance to direct the manner of procuring negroes to be employed in the Public Service"

The First and Second Sections being severally read amended and agreed to

upon reading the Third Section

A Motion was made and the Question put whether the words "*or to make such other just and equitable arrangement or Regulation in the Premises as may best suit the particular Circumstances of the People or most effectually promote the Public Good*" between the word "*Time,*" and the word "*Provided*" should remain a Part of the section

And it was Resolved in the affirmative

The other Clauses of the Ordinance being severally read amended and agreed to

Resolved That the Ordinance do pass

Ordered That the Ordinance be sent to the Legislative Council for their Concurrence

Ordered That Captain M<sup>c</sup>Queen and M<sup>r</sup> Ladson do carry the same to the Legislative Council

The Report of the Committee to whom the memorial of Richard Pearis was referred being read

Resolved That this House do agree with the Report of the Committee

And then the House adjourned till Monday Morning nine of the Clock.



Monday the 7th Day of October. 1776

The House met according to Adjournment

Read the Journal of Saturday's Proceedings

George Pawley Esquire took the Oath prescribed by the Constitution and his seat as a Member

Resolved That the Speaker of this House do issue an Order upon the Treasury for the Sum to be advanced to Richard Pearis as recommended in the Report agreed to last Saturday

Mr Neufville presented to the House a Memorial of divers Inhabitants of Charles Town And the said memorial was received and read in the following words

That your memorialists have for many months last past from a Zeal for the Interest of their Country and for the Preservation of this Town in particular constantly done every kind of military Duty therein That they have greatly injured their Fortunes by neglecting their private Concerns by being obliged to attend to such Duty both Night and Day in guarding the Town and the several Batteries about the same That they apprehend such Duty may now be well done by a Watch Company established under proper Regulations and that the Expence incident thereto will be but little short of what is paid to the several Companies now doing Duty

That your memorialists are always ready and willing to step forth in Defence of their Country when invaded or otherwise required thereto

Your memorialists therefore humbly pray that this Honourable House will be pleased to take the Premises into Consideration and direct (if thought expedient) that one or more Watch Companies be immediately raised for guarding the Town and the several Batteries and Out-posts in and about the same

And your memorialists as in Duty bound will ever pray

Which memorial was subscribed by Two Hundred and ninety seven names

Ordered That the memorial be referred to a Committee

And it is referred to the Honourable Mr Heyward Mr Neufville Mr Anthony Toomer Captain Roger Smith and Captain Leger

The House then proceeded to read a Second Time a Bill establishing a proper Oath of Qualification to be taken by the members of the General Assembly and for other Purposes therein mentioned

The First Section of the Bill being read and amended was agreed to

Upon reading the Second Section

A Motion was made for an amendment thereto

A Debate ensuing

The Question was put

And it passed in the negative

Then the said Section being read through was also agreed to.

The Third Section being read was amended and likewise agreed to.

A Member then moved for Leave to bring in four additional Clauses to the Bill

And the same being presented to the House were received severally read twice amended and agreed to

Ordered That the said Clauses be added to and made Parts of the Bill

The Bill being read through a second Time

Ordered That the Bill be sent to the Legislative Council

Ordered That Mr William Scott and Mr. Simon Berwick do carry the Bill to the Legislative Council

A Member gave notice that he should To-morrow move the House for Leave to bring in a Bill of General Amnesty

The Honourable Mr Heyward moved for Leave to bring in a Bill to amend an Act entitled an Act to impower the Court of Admiralty to have Jurisdiction in all cases of Capture of Ships and other Vessels of the Inhabitants of Great-Britain Ireland and British West-Indies Nova Scotia and East and West Florida to Establish the Trial by Jury therein and for other Purposes therein mentioned passed the 11th Day of April 1776

Ordered That Leave be given accordingly

Mr. Corbett reported from the Committee to examine the Receipts of the Paymasters of the several Regiments in the Service of this State and to compare them with the Pay Bills which are or ought to be lodged in the Treasury and to order the Balance if any to be paid into the Treasury And he read the Report in his Place and afterwards delivered it in at the clerk's Table where the same was read

Ordered That the said Report be re-committed And that the Committee have it in charge to inquire and Report to the House how the money paid to the Colonels over and above their Pay by the Paymasters and by order of the President and Council of Safety and by the Public Treasurers has been disposed of And that the said Committee have Power to send for Persons Papers and Records

M<sup>r</sup> Howe having suggested to the House that there is some Property of Joseph Robinson (commonly called Major Robinson) an Enemy to the American States in the Possession of a Committee

Ordered That the matter suggested by M<sup>r</sup> Howe be referred to the Committee appointed to bring in a Bill for establishing a Reprisal Fund And that M<sup>r</sup> Howe be added to the said Committee

And then the House adjourned till To-morrow morning nine of the Clock

Tuesday the 8th Day of October 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

It being suggested to the House that there was no Pilot or Pilot Boat for the Bar and Harbour of Beaufort nor any Fund from which they could be supplied and maintained

Ordered That M<sup>r</sup> DeSaussure Captain Joiner Colonel Garden Captain Savage and Major Simons be a Committee to consider and report proper ways and means of procuring maintaining and regulating a Pilot Boat to attend the Bar and Harbour of the Port of Beaufort

M<sup>r</sup> Scott reported That M<sup>r</sup> Berwick and himself had delivered the Bill they had in Charge to the Legislative Council

Ordered That the Order of yesterday for Leave to bring in a Bill to amend an act passed the 11th of April last intituled an Act to impower the Court of Admiralty to have Jurisdiction in all cases of Capture of the ships and other Vessels of the Inhabitants of Great-Britain Ireland the British West Indies Nova Scotia and East and West Florida to establish the Trial by Jury therein and for other Purposes therein mentioned be discharged

Ordered That Leave be given to bring in a Bill to repeal the said Act and for the like and other Purposes And that Colonel Pinckney and the Honourable M<sup>r</sup> Heyward do prepare and bring in the same

M<sup>r</sup> Ladson reported That M<sup>r</sup> M<sup>c</sup>Queen and himself had delivered the Ordinance they had in charge to the Legislative Council

Ordered That the Honourable M<sup>r</sup>. Heyward and M<sup>r</sup> Young do with a member of the Legislative Council examine and compare the ingrossed Bill for establishing a Board of Commissioners to superintend and direct the naval affairs of the State of South Carolina

The Honourable M<sup>r</sup> Heyward reported That M<sup>r</sup> Young and himself had compared and examined the ingrossed Bill and that they found it right

Ordered That the Honourable M<sup>r</sup> Edwards and M<sup>r</sup> Capers do wait on the President with the Bill that the seal may be affixed thereto and to desire to know when His Excellency will please to receive this House to present the same for his assent

Colonel Pinckney according to Order presented to the House a Bill to empower the Court of admiralty to have Jurisdiction in all cases of capture of the Ships and other Vessels of the Inhabitants and subjects of Great-Britain to establish the Trial by Jury in the said court in cases of capture and for other Purposes therein mentioned And the same was received and read the First Time

Ordered That the Bill be read a Second Time

The Honourable M<sup>r</sup> Edwards reported that M<sup>r</sup> Capers and himself had attended the President with the Message they had in Charge and that His Excellency was pleased to say he would receive the House in Half an Hour in the Council-Chamber

The Clerk of the Legislative Council brought from that House an Ordinance for ascertaining the manner of issuing orders for holding General Courts martial for the trying hearing and determining of crimes and offences committed by any Persons belonging to the South-Carolina Regiments on the Continental Establishment against the Rules and Articles for their Government—Read a Third Time in the said Council

Ordered That the ingrossing of the said ordinance be postponed

The Clerk of the Legislative Council brought from that House an Ordinance to direct the manner of procuring negroes to be employed in the Public service—Read a Third Time in the said Council

Ordered That the Ordinance be ingrossed

Ordered That Leave be given to bring in a Bill of General Amnesty for all offenses and misdemeanours against the Laws of this State antecedent to the fifth Day of August last the Day on which the Declaration of the Independency of the States of America was made in this State with an Exception of State Prisoners and others which it might be injurious to the welfare of the State to include in such General Amnesty And that the Reverend M<sup>r</sup> Tennent Colonel Pinckney the Honourable M<sup>r</sup> Edwards M<sup>r</sup>. Cannon and M<sup>r</sup> Young do prepare and bring in the same

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker

His Excellency the President is now in the Council Chamber ready to receive this House with any Bills or Ordinances they may have to present

And then the Messenger withdrew

Mr Speaker with the House accordingly attended His Excellency in the Council Chamber

And being returned

Mr Speaker reported That this House having attended the President in the Council Chamber he had presented to His Excellency

An Ordinance for providing Juries for Beaufort District at the next November Courts

And also,

An Act for establishing a Board of Commissioners to superintend and direct the naval affairs of South Carolina

To both which His Excellency had been pleased to give his Assent

Ordered That Hopson Pinckney Esquire be Cashier to this House

A Petition of Henry Drew was presented to the House received and read—also

A Petition of Robert Pearis

Ordered That both Petitions be referred to a Committee And they are referred to the Reverend Mr Tennent and Colonel Gervais

Mr Pinckney reported That Mr Cordes and himself had delivered the ordinance and message they had in Charge to the Legislative Council

And then the House adjourned till To-morrow Morning Ten of the Clock—under a Fine of Twenty Shillings on every member who shall neglect to attend precisely at that Hour to be paid immediately

Wednesday the 9th Day of October 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

Message from the President by the Clerk of the Legislative Council

Mr Speaker and Gentlemen

I herewith lay before you a Letter from Brigadier General Howe it being his Desire that the Sentiments contained in it should be conveyed to you some of the matters which he recommends are anticipated by steps already taken to the same Effect I am perswaded however that you will pay due attention to the Rest and doubt not that the executive Power will have sanction and support of the Legislature for the Execution of every measure necessary for the Security and Defence of the State

John Rutledge

8th October 1776

The Letter referred to in the message being read is as follows  
Sir

The Command of the military Department in this State devolving upon me I feel it my Duty to lay before your Excellency and by your means before the Honourable Council and Assembly my sentiments respecting the situation of this Country and the measures which appear to me necessary to place it in a proper state of Defence—I am happy to find that the works at Fort Moultrie and those requisite for establishing in case of accident a secure Retreat to the Garison are progressing so rapidly when the Fort is finished I have no doubt of its being able to repel any attack made upon it in Front but without a considerable number of works to secure it from being assailed in Reverse it would not in my opinion be long maintained against any formidable attempt in that Quarter—The methods best calculated to preserve it would be to erect proper works on the Point of Sullivant's Island next to Long-Island where it is probable the Enemy would attempt to Land and by a chain of Redoubts or other works from thence to the Fort be prepared to dispute the Ground with them Inch by Inch should they effect a Landing; I at present imagine it may be necessary to throw up some Defence where Colonel Moultrie kept his Quarter Guard but the transient view I had of the Island leaves me unprepared to speak with precision either as to the number or Form of the works or the particular spots on which they ought to be erected it is sufficient however that a variety of them are wanted that a great many Hands are requisite to carry them on the number need not be ascertained as the more there are employed the sooner we shall finish and that the necessity for erecting such works is absolute and immediate—The Post at Haddrel's ought directly to be put in a much more respectable state than it is at present that station would be important even if it had no Connexion with Sullivant's how much more so must it appear when we consider that should the Enemy possess it our soldiers on Sullivant's could neither retreat or be supported indeed circumstances that make it important multiply upon me as I write I shall however suppress the Expression of them as I presume the consideration I have mentioned is alone sufficient to induce the attention of your Legislature

The Walls of Fort Johnson require to be well cased with Palmetto Logs without which I conceive a smart cannonade would so shock the Foundation that it would not support the superstructure but was there no Danger of this it ought not to remain as it is as the Fragments of Brick which would be shattered off by the shot would

inevitably destroy a great Number of our men and this both Policy and Humanity call upon us to prevent I confess myself not pleased with the lower Battery and if we have Time after we have got over those matters more immediately wanted I should wish for an alteration

I come next to an Object very near my Heart I mean the the Preservation of this Capital the spirited conduct of it's Inhabitants in Opposition to the Incroachments of Tyranny even at a Time when their Property was likely to fall a sacrifice to their laudable Zeal demonstrates that they nobly prefer public Good to private Considerations however interesting and gives them a just Claim to assistance from their neighbours though the common cause was not concerned in their safety But sir when we contemplate the situation of this Town fixed at the confluence of several Rivers which open a Passage into the very Bosom of your Country commanding almost your whole inland navigation and if possessed by the Enemy all your exterior Traffic with Houses sufficient to barrack comfortably a great Body of Troops and an Harbour extensive enough to admit almost any number of ships surrounded almost by water which the Enemy would command and approachable only by a narrow neck of Land which they would fortify it would be perhaps the most secure and noble Place of arms for them imaginable from which they could with the same Body of Troops execute the Purposes of Disposition on three different States and the Possession give their arms an Eclat the Influence of which might be dreadfully diffusive it would bring upon our Backs every Tribe of Indians and call to their Banners an Host of domestic Insurgents all these Circumstances must make it a capital Object to them and combine to prove that the Loss of this Town may be reckoned among the deepest wounds the cause of Freedom could receive in this Department—Public Good therefore and private Interest unite to induce us immediately to put it into a proper state of Defence to hesitate one moment might possibly be to lose the opportunity which Providence has lent us and all Idea of Expence however great should be lost in the Importance of the object One step towards obtaining this desirable End would be to prevent if possible the approach of ships to the Town and this I conceive may probably be effected by throwing obstructions across the channel opposite to Fort Moultrie at those Places which would expose them most to the Fire of the Fort. I am made happy at being informed this work is begun and trust such Hands are employed as will execute it properly. I must however take the Liberty to say that

when I consider the amazing Impetus with which ships under full sail come in contact with any Body that obstructs their motion that I doubt whether any single work can be made substantial enough to be effectual the method I should recommend would be to have one work within another the second so near the first that it should take up the vessel if she surmounted the first Difficulty before she had Time to regain her way.

The next Thing Sir, is to put the Town in such a state of Defence that the Enemy in case they get up with their ships may meet with the most obstinate opposition, it gives me concern to think that it is far from being in this State at present several of the Batteries having capital Errors require to be pulled down and rebuilt and it will I am persuaded be found necessary to erect others at different Places the extempore works thrown up about the Town are by no means to be depended upon they were executed in a Hurry and under the expectation of an immediate attack they ought to be altered in many Places and at all to be made more effectual. As the Interest of the Inhabitants and Good of the Common Cause will I doubt not dispose the People of this Country to defend their Capital to the last Extremity and as the working of a number of Traverses across the streets are not only necessary to the obstinate Defence of it but will prevent the great Execution which might otherwise happen from an Enfilade the materials for building these works should directly be provided they would at present perhaps incommode the Passage of the Inhabitants so need not be immediately erected but the necessary apparatus should be deposited at convenient Places to be ready occasionally—I have much to regret the exceedingly weak state of the Back Part of your Town assailable at many Places at none prepared to repel an attack it requires our immediate attention nor am I less anxious about the neck that leads out of Town the officer we may have to deal with this winter is an officer of Enterprize and Resources with Judgment to discern and a Disposition to take all advantages he cannot but observe should the neck remain as it is how easy it would be for an inferior Army to shut in a superior and it admits not of a Doubt but he will if he can avail himself of it to prevent this, many works are requisite and the sooner they are undertaken the better.

I shall now Sir proceed to some Circumstances of Defence of a more general Tendency among these the building of some Row-Gallies appear to me as very consequential I think it far from being improbable that they may be so constructed as to be formidable to men of war in their Progress over your Bar and it is certain they



must be so should the ships ever get up and lay before the Town they will prevent all Tenders or other small armed vessels from marauding those Inhabitants who live upon the River make it difficult if not impossible for the Enemy to transport their Troops by water into the country a circumstance essentially important to the very Being of this State they will convey your Troops to Georgia with safety and Expedition should that State require your Aid and facilitate the arrival of theirs should your Exigencies make it necessary in short the advantages of them are so manifold that I earnestly hope they may claim your attention.

As this State and some neighbouring ones are unhappily unequal in themselves to any formidable Invasion they must depend intirely upon that assistance they can mutually yield to each other Every Thing therefore which can retard the march of Troops should be removed and every measure fallen upon which can contribute to bring them up with the utmost Expedition If North Carolina and Georgia would join your State in establishing magazines of Provisions at proper Places between your countries it would certainly prevent a great deal of Delay but this I am afraid will be a work of Time.

I beg leave Sir to urge the absolute necessity of keeping a great Number of waggons always in the Public Service Experience has taught me how difficult it is to procure them when suddenly wanted and the Time is probably at Hand when the least Delay may be attended with very fatal Consequences.

The great Delay I have met with in marching men at the Ferries of every State and at none more particularly than in this induces me to wish that in future they may be better provided with Boats few if any of them have more than on Flat and that generally not a good one so that it will take a whole Day to get over a Battalion and it's Baggage I leave you sir to Judge what may be the Event of this when the Fate of a country may depend upon a single Hour—The Roads at all Times an object of Public notice become of peculiar Importance at this crisis as upon the Goodness of them an Expeditionary march in a great measure depends—I would urge as a circumstance exceedingly necessary the collecting and keeping for Public use a great number of canoes and other rowing Boats as in a Country so cut to Pieces with water Courses and penetrable at such a variety of Places it is very uncertain where you may have Occasion to Convey your Troops or from whence to bring them a Provision of this kind therefore seems to be an act of necessity certain I am that in the late military operations of this Country the want of them

was severely felt by the General and the service greatly injured by it

The short Time I have been in this Country renders it impossible for me to be so well acquainted with the Geography of it as I wish or as I hope soon to be I therefore cannot undertake to point out every Place where it might be necessary to erect works or take other methods to prevent or render difficult the Enemy's Access I am happy however in the Consideration that you Sir and many members of your Legislature from the perfect knowledge of this Country are adequate to this and in the firm Persuasion that it will be properly attended to

The building of Barracks at those Places where in case of an Invasion we should be obliged to station Troops particularly at Hadrel's is a matter that ought by no means to be neglected the Inconveniences which the soldiers suffered for want of them and the ill Effect it had upon their Health even in the Summer Season makes it evident That they cannot endure a winter campaign without them, I am loth to mention a Provision which I am fearful it will be difficult to make I mean of Cloaths and Blankets for the men but I should be wanting in attention to them not to express a wish that every method may be fallen upon to procure them—I know not whether the Islands along your Sea-Board have any Live Stock upon them but if they have and are suffered to remain there I cannot but consider them as the absolute Property of the Enemy I therefore think it my Duty in the most earnest manner to urge that they be immediately removed indeed I think the Proprietors of these Islands ought not to be suffered to occupy them at all, at present that the Enemy may have no Temptation to make or receive no benefit by making a Lodgment on them.

There are other matters which strike me as necessary to the Defence of this Country and from further Observation many more may occur to me but as I presume Government in the Recess of assembly will be furnished with Powers to provide for Contingencies I have no Occasion to trouble you with them now

I enter into the next Object of my Consideration with exceeding Diffidence and Anxiety lest I should be thought to have exceeded the Bounds of Propriety by touching upon it at all if Sir unfortunately for me that should be the case will your Legislature do me the Justice to impute it to the Zeal I have for the Service of this State and kindly admit the Cause to execute the Effect—The Number of regular Troops allotted to this Country are not enough for it's Defence though all the Battalions were full this Sir militates strongly in

Favour of a well regulated militia and I am happy to hear it is the subject of your present Deliberations but as a military system exclusive of militia has been established in Virginia which Experience has shewn to be a very good one I presume just to hint it to you I mean the Establishment of minute Battalions in order to this their State was divided into Districts and each District furnished a Battalion of minute men Persons of the greatest Consequence and Influence were appointed as officers who inlisted the men from the Body of the militia these men besides attending a number of private musters were at stated Periods obliged to embody in Battalions for a specified number of Days and go through all the Discipline and maneuvres of a Camp during this Time they were paid and provisioned by the Public and were at all Times liable to be called into the service I had the Honour to command a great number of them the last winter and it is but Justice to them to say that they deserved to be ranked among the best of our Troops The men of these Battalions being inlisted upon the express condition of turning out occasionally are always in Expectation of and will be always prepared for it they are generally better armed and will probably be better disciplined than militia and may either make it unnecessary to call out the Latter at all or make a stand against the Enemy while they are collecting but whether such Establishment may suit the Policy of this Country the wisdom of your Legislature will determine.

Permit me Sir again in the most earnest manner to urge the absolute necessity of immediately taking measures to place us in the best state of Defence possible our private Interest and our Fidelity to the Common Cause exact it of us to lose the opportunity we now have is to neglect the first and betray the latter Happy should I have been had not the necessity of service deprived you of the Commander in Chief of the Southern Department at this critical Juncture from whose indefatigable attention to his Duty and from whose spirit and abilities in the Execution of it you could not but have derived every possible Benefit

I Sir have nothing to offer you but an assurance of the most unwearied attention to the Duties of my station the utmost Exertion of such abilities as I have and that I shall by my most strenuous Efforts in the service of your Country demonstrate the Zeal and

attachment I feel for the Glorious Cause of Freedom to which I have devoted myself

I have the Honour to be with the greatest Respect Sir  
Your Excellency's most obedient  
and very humble servant

Charles Town  
6th October 1776 }

Robert Howe

Another Message from the President by the Clerk of the Legislative Council

Mr= Speaker and Gentlemen

I send you several Resolves of the Continental Congress and an Extract of a Letter which I lately received from Mr Edward Rutledge

As the men hereafter inlisted into the six Battalions to be furnished from this State should I apprehend be engaged till the End of the war and the Bounty allowed by Congress is considerably increased your late Resolution is now inadequate It will therefore be necessary that you should determine what allowance or Encouragement shall be given by this State to the men who may be inlisted here agreeable to those Resolves

John Rutledge

9th October 1776

The Extract of a Letter from the Honourable Mr. Edward Rutledge dated Philadelphia 25th September 1776 being read is as followeth

The Congress are resolved to raise Eighty eight Battallions to continue during the war we mean to re-inlist all those who are now engaged if they will serve—It is not intended by the Resolutions that you should raise six Battalions over and above what you now have but that they should be re-inlisted to serve during the war

The Resolves of the Continental Congress of the 14th 16th 18th and 19th of September 1776 being read are as follows

In Congress September. 14 1776

Whereas the Delegates of South Carolina have represented that by an arrangement made in Congress on the 18th Day of June last the Regiment of Artillery and Two Regiments of Rifle men raised in that Province will obtain Precedency over a Regiment of Rangers though the latter was raised before either of the former which may be attended with Consequences extremely prejudicial to the service, Therefore

Resolved That the said Regiment of Rangers commanded by Colonel William Thomson do still keep the same Station it had in the Provincial Arrangement and be intituled to Rank in the same way as other Regiments in the Continental service

Extract from the minutes

Charles Thomson Secretary

In Congress September 16<sup>th</sup>, 1776

Resolved That Eighty-eight Battalions be inlisted as soon as possible to serve during the present war and that each State furnish their respective Quotas in the following Proportions viz

New-Hampshire.. . . . .	3	Battalions
Massachusetts Bay.. . . . .	15	Ditto
Rhode Island.. . . . .	2	Ditto
Connecticut.. . . . .	8	Ditto
New-York.. . . . .	4	Ditto
New-Jersey.. . . . .	4	Ditto
Pennsylvania.. . . . .	12	Ditto
Delaware.. . . . .	1	Ditto
Maryland.. . . . .	8	Ditto
Virginia.. . . . .	15	Ditto
North Carolina.. . . . .	9	Ditto
South Carolina.. . . . .	6	Ditto
Georgia.. . . . .	1	Ditto

That Twenty Dollars be given as a Bounty to each non-commissioned officer and private Soldier who shall inlist to serve during the present war unless sooner discharged by Congress

That Congress make Provison for granting Lands in the following Proportions to the officers and soldiers who shall so engage in the service and continue therein to the close of the war or until discharged by Congress and to the Representatives of such officers and soldiers as shall be slain by the Enemy such Lands to be provided by the United States and whatever Expence shall be necessary to procure such Land the said Expence shall be paid and borne by the States in the same Proportion as the other Expences of the war viz

To a Colonel.. . . . .	500	Acres
a Lieutenant Colonel.. . . . .	450	Ditto
a Major.. . . . .	400	Ditto
a Captain.. . . . .	300	Ditto
a Lieutenant.. . . . .	200	Ditto
an Ensign.. . . . .	150	Ditto
Each non-commissioner officer and soldier.. . . . .	100	Acres

That the appointment of all officers and filling vacancies (except General officers) be left to the Governments of the several States and that every State provide Arms Cloathing and every necessary for it's Quota of Troops according to the foregoing Estimate the Expence of the Cloathing to be deducted from the Pay of the Troops as usual

That all officers be commissioned by Congress

That it be recommended to the several States that they take the most speedy and effectual measures for inlisting their several Quota's That the money to be given for Bounties be paid by the Paymaster in the Department where the soldier shall inlist

That each Soldier receive Pay and Subsistence from the Time of their Inlistment

September 18 1776

That if Rations be received by the officers or Privates in the Continental Army in money they be paid at the Rate of Eight nineteenth Parts of a Dollar per Ration

That the Bounty and Grants of Land offered by Congress by a Resolution of the 16th Instant as an Encouragement to the officers and Soldiers to engage to serve in the Army of the United States during the war shall extend to all who are or shall be inlisted for that Term the Bounty of Ten Dollars which any of the Soldiers have received from the Continent on account of a former Inlistment to be reckoned in Part Payment of the Twenty Dollars offered by said Resolution

That no Officer in the Continental Army is allowed to hold more than one Commission or to receive Pay but in on Capacity,

September 19 1776

That the Adjutants in the Continental Army be allowed the Pay and Rations of Captains and have the Rank of First Lieutenants

In Order to prevent the officers and Soldiers who shall be intituled to the Lands hereafter to be granted by the Resolution of Congress of the 16th from disposing of the same during the war

Resolved That this Congress will not grant Lands to any Person or Persons claiming under the assignment of any officer or soldier

By Order of the Congress

John Hancock President

Ordered That the messages from the President of yesterday and this Day's Dates and the several Papers accompanying the same be referred to a Committee

And they are referred to the Honourable M<sup>r</sup>. Lowndes the Honourable M<sup>r</sup> Edwards the Honourable M<sup>r</sup>. Justice Bee M<sup>r</sup>. Attorney General Coloney Pinckney M<sup>r</sup>. John Waring Major Simons Colonel M<sup>c</sup>Intosh M<sup>r</sup>. Williamson and Captain Savage

The following Gentlemen were returned duly elected members of the present General Assembly viz

Alexander Moultrie Esquire for Charles Town in the Room of Cato Ash Esquire deceased

The Honourable Thomas Bee Esquire for the Parish of St Andrew in the Room of the Honourable Thomas Fuller Esq

William Parker Esquire for St James Goose Creek in the Room of the Honourable John Parker

Ordered That the said new elected members have immediate notice by the Messenger to attend this House

A Letter from Edward Blake Esquire addressed to the House was laid before them and read in the following words

October 9th. 1776

Gentlemen

The Commissioners of the Navy Board on Inquiry find that a Captain is wanted for the Brigantine Comet They beg Leave to recommend Captain Stephen Seymour and Captain Edward Allen as fit Persons for the Legislature to make Choice of

Edward Blake, First Commissioner

Resolved That this House will proceed to ballot jointly with the Honourable the Legislative Council for a Captain of the Brigantine Comet

Ordered That the attendance of the members of the Legislative Council in this House be desired to join in balloting for a Captain of the Brigantine Comet

The Honourable M<sup>r</sup> Bee and M<sup>r</sup> Attorney-General attending according to order and being called in took the Oath prescribed by the Constitution and their seats as members

John Bull Esquire also took the Oath prescribed by the Constitution and his Seat as a member for Prince William's Parish

Ordered that M<sup>r</sup> Ralph Izard and M<sup>r</sup> Thomas Waring do examine and compare with some Member of the Legislative Council an ingrossed Ordinance to direct the manner of procuring negroes to be employed in the Public Service

M<sup>r</sup>. Izard reported That M<sup>r</sup> Waring and himself had as ordered examined and compared the ordinance and that they found it truly ingrossed

Ordered That Mr Waring and Mr Izard do attend the President with the Ordinance in order to have the seal affixed thereto and to desire to know when His Excellency will please to receive this House to present the same for his assent

Mr. Waring reported That Mr Izard and himself had delivered the message they had in Charge to the President and that His Excellency was pleased to say he would receive this House in Ten Minutes in the Council-Chamber

Resolved That the Commissioners appointed by this House on the 27th September last to purchase a Cargo of Salt arrived here in the Sloop Margaret be and they are hereby authorized and required in like manner to purchase all other Salt that shall be imported here to the first Day of December next and to sell and distribute the Salt to be so purchased in the same manner and in such Proportions as is directed by order of this House of the 2d Instant

Resolved That the Commissioners of St David's Parish do take into Custody the salt now in Mr John Mitchell's store at Cheraw-Hill paying for the same at the Rate of Fifty shillings currency per Bushel And that they sell and distribute the said salt to and amongst such of the Inhabitants of this State who have not lately received a Dividend of the salt in Charles Town or at Winyah as shall apply for the same in the Proportion of One Half Bushel to six white Persons in a Family

A Petition of Elizabeth Black Widow was presented to the House and read in the following words

That the Petitioner's late Husband Robert Black was late a soldier in the Second Regiment in the service of this State and was in the gallant defence of Fort Moultrie on Sullivant's Island on the 28th Day of June last grievously and mortally wounded and died on the 11th Day of July next after

That the Petitioner besides a Daughter married hath one Daughter fifteen years old another twelve years a son of a very sickly Habit of Body about eight years a Daughter about six and another son about four years old

That she hath no Friends or Relations in this State from whom she can expect the least assistance for the support of her self and this Family and that she is in very poor and indigent Circumstances

That the Petitioner having lately made application to His Excellency the President and the Honourable the Privy Council His Excellency was pleased with the advice of that Board to order Fifty



Pounds to be paid her and that she should be intitled to receive the Pay of her Husband until the sitting of this House

That the Petitioner is very desirous of returning from this State into which herself and children have been very sickly to her native State Friends and Relations in Pensylvania but is unable to bear the Expençe of such a Journey

The Petitioner therefore humbly prays that this Honourable House will take the Premises into Consideration and grant her such Relief as to them in their wisdom shall seem meet

Message from the President by the Clerk of the Legislative Council

Mr Speaker

His Excellency the President is now in the Council Chamber ready to receive this House with the Ordinance they have to present

And then the Messenger withdrew

Mr Speaker with the House accordingly attended the President in the Council Chamber

And being returned

Mr Speaker reported That the House having attended the President in the Council Chamber he had presented to His Excellency

An Ordinance to direct the manner of procuring Negroes to be employed in the Public Service

To which His Excellency had been pleased to give his assent

The Clerk of the Legislative Council brought from that House a Bill establishing a proper Oath of Qualification to be taken by the Members of the General Assembly to direct the method of choosing Parochial and District Committees for authorizing the returning officers of St Davids Parish to hold their Elections one Day at the Church and one Day at the Court House and for other Purposes therein mentioned—Read a Second Time in the said Council

The said Bill being read a Third Time

Resolved That the Bill do pass.

Ordered That the Bill be sent to the Legislative Council for their Concurrence

Ordered That Captain Harlston and Major Simons do carry the Bill to the Legislative Council

A Bill to impower the Court of Admiralty to have Jurisdiction in all cases of the Capture of the Ships and other Vessels of the Inhabitants and Subjects of Great-Britain to establish the Trial by Jury

in the said Court in Cases of Capture and for other Purposes therein mentioned was read a Second Time

Ordered That the Bill be sent to the Legislative Council

Ordered That Major Simons and Captain Harlston do carry the Bill to the Legislative Council

Colonel Gervais reported from the Committee to whom was referred the Petition of Henry Drew And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

They they repaired to the Jail and examined the Petitioner who they find is a Prisoner of war belonging to the 40th Regiment of Foot of His Britannic Majesty and therefore your Committee are of Opinion that his application would come more properly before General Howe Commander in Chief for the Time being of the Continental Troops here

The Report being read a Second Time

Resolved That this House do agree with the Report of the Committee

The Reverend M<sup>r</sup>. Tennent reported from the Committee to whom the Petition of Robert Pearis was referred And he read the Report in his Place and afterwards delivered in it at the Clerk's Table where the same was read and is as follows

That they went to the common Jail in Charles-Town and made the best Inquiry they could into the Case of the said Robert Pearis They found him confined as the Petition sets forth in an upper apartment prepared for common Criminals the windows of the room without Sashes or Glass to keep out the weather although so constructed as easily to admit of Glass They found that the Roof of the Jail was so defective as continually to leak when it rains not only to the Injury of the apartment in Question but of every other in the Jail to the manifest Danger of the Health of the unhappy Creatures confined there as well as to the great Damage of the Building

They also report that they conversed with M<sup>r</sup> Pearis on the Cause of his confinement and found him although disposed to take an Oath of Neutrality yet determined against every kind of opposition to the Arms of His Britannic Majesty considering himself a Subject of Great-Britain notwithstanding the Declaration of Independency

They can therefore only recommend that M<sup>r</sup> Pearis be admitted to come down into the lower Apartments of the Jail and to walk in the Garden in the Day Time upon his Parole that he will take no

Advantage of this Indulgence But that in Case of actual Invasion he with other Prisoners should be confined more strictly

Your Committee was afflicted to find that not only M<sup>r</sup> Pearis but some Prisoners of war although sick were shut up with common Criminals and confined to the same Provisions with them And although it was not expressly committed to them and only fell under their observation in the Course of their Inquiry into M<sup>r</sup> Pearis's Grievances yet common Compassion for the miserable and a Regard for the Honour of this State induce them to recommend it to the House to appoint a committee to examine into the State of the Jail and the Treatment of the Prisoners of war and injoin it upon them to report thereon as speedily as possible

The Report being read a Second Time

Resolved That this House do agree with the Report of the Committee

Ordered That the Reverend M<sup>r</sup> Tennent Colonel Gervais and Captain Scott be a committee to examine and report to this House the state of the Jail and the Treatment of the Prisoners of war

M<sup>r</sup> DeSaussure reported from the Committee to consider the best means of providing maintaining and regulating a Pilot-Boat and Pilot for Beaufort And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

That no less than Five Commissioners be appointed whose Power shall be to superintend the Pilotage for said Port to cause a Pilot-Boat to be built and for the Payment of which this House do grant them a sum not exceeding Three Thousand Pounds Currency to be paid to the their order by the Treasurers

That this House do also grant to said Commissioners the sum of One Thousand Pounds currency per annum for a Salary to a Pilot As also the sum of Two Hundred Pounds Currency per Annum for keeping in Repair said Boat which sums the Commissioners shall draw on the Treasury in Half yearly Payments

Ordered That the Report be taken into Consideration To-morrow

Ordered That during the Recess of the House the late and the present Clerks do together open the Packages containing the Journals Books & other Papers belonging to this House and make out a catalogue or schedule thereof to remain in the Hands of the present Clerk with the Custody of the said Journals Books and other Papers

And then the House adjourned till To-morrow morning Eleven of the Clock

Thursday the 10th Day of October. 1776

The House met according to adjournment

Read the Journal of Yesterday's Proceedings

The Members of the Honourable the Legislative Council having been desired to attend in this House to join in balloting for a captain and commander of the Brigantine Comet

Their Honours attended accordingly

The Members of both Houses then proceeded in the balloting  
And the Ballots being reckoned

M<sup>r</sup> Speaker reported That Captain Edward Allen was by a Majority of votes duly elected Captain and Commander of the Brigantine Comet

Message to the President

May it please your Excellency

This House having jointly with the Legislative Council by Ballot duly elected Captain Edward Allen to be Captain and Commander of the Brigantine Comet armed in the service of this State request that your Excellency will commissionate him accordingly

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup> Skirving and M<sup>r</sup> Ladson do attend the President with the Message

Petitions from John Gray John Morgridge and Stephen Prosser Prisoners in Charles-Town Jail were presented to the House and read

Ordered That the said Petitions be referred to the Committee appointed yesterday to examine and report the state of the Jail and the Treatment of the Prisoners of War

Colonel Pinckney presented to the House according to Order a Bill for the better Regulation of the Militia of this State and for repealing all the militia Laws and Resolves of the late Provincial Congresses respecting the militia heretofore made And the same was received and read the First Time

Ordered That the Bill be read a Second Time

Message to the President

May it please your Excellency

This House having resolved That a Fort and Guard at the Cherraws are unnecessary request that your Excellency will be pleased to give orders to discontinue the building of the said Fort and for the discharge of the Guard now there and that such Part of the Powder and Lead which the colonel of the Regiment of that Dis-

trict had received for the use of such Guard as remains unused be delivered to the care and custody of the committee for St Davids Parish

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup> Skirving and M<sup>r</sup> Ladson do carry the message to the President

The House then proceeded on the Order of the Day to consider the Report of the Committee appointed to consider and report the best means of providing maintaining and regulating a Pilot-Boat and Pilot to attend the Bar and Harbour of Beaufort

And the said Report being read and debated on was agreed to by the House

Ordered That Leave be given to bring in a Bill for the Purposes therein mentioned

Resolved That the Bill for the better Regulation of the Militia of this State and for repealing all the militia Laws and Resolves of the late Provincial Congresses respecting the militia heretofore made be read a second Time on Saturday next And that all the Members of this House who can attend be summoned

Message from the Legislative Council by the Clerk of that House  
In the Legislative Council

the 10th Day of October 1776

M<sup>r</sup> Speaker and Gentlemen

Upon reading a Third Time "a Bill establishing a proper Oath of Qualification to be taken by the members of the General Assembly directing the method of choosing Parochial Committees for authorizing the returning officers of the Parish of St David to hold their Elections one Day at the Church and one Day at the Court House and for other Purposes therein mentioned"

This House propose the following amendment may be made to the latter End of the clause of the said Bill which discharges the members of the General Assembly from taking the State Oath viz "*But instead thereof the members of the General Assembly respectively at the Time of their taking the Oath of Qualification as aforesaid shall before the same Justice of the Peace take the following Oath or affirmation viz I, A B do swear or affirm that I will to the utmost of my Power support maintain and defend the Constitution of South Carolina as established by Congress on the 26th Day of March 1776 until the Legislative Authority of this State shall determine otherwise*"

This House likewise propose the following clause should be made Part of the said Bill, "And be it further Enacted by the Authority aforesaid That all church wardens or other Persons who shall hereafter manage Elections for members to represent the several Parishes and Districts respectively within this State shall and they are hereby authorized and impowered before they receive the vote from any Elector who they may suspect and believe hath not taken the Oath of Fidelity to this State administer the same to all and every such Elector or Electors and in Case of their Refusal to take the said Oath he or they shall not be permitted to give his or their vote"—to which we desire the concurrence of your House

Resolved That this House do concur with the Honourable the Legislative Council in the amendments proposed in the foregoing message

Message to the Legislative Council  
Honourable Gentlemen

This House concur with your Honours in the amendments proposed to be made to the Bill mentioned in your message of this Date and desire your Honours will amend the Bill accordingly

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup> Elias Horry Junior and M<sup>r</sup> Benjamin Waring do carry the Message to the Legislative Council

Message to the Legislative Council  
Honourable Gentlemen

We herewith send to your Honours Copy of a Resolve of this House to remit certain Fines imposed on John Thompson and Richard Thompson to which we desire your Honours Concurrence

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup> Benjamin Waring and M<sup>r</sup> Elias Horry Junior do carry the Message to the Legislative Council

And then House adjourned till To-morrow morning Ten of the Clock.

Friday the 11th Day of October 1776

The House met according to adjournment

Read the Journal of Yesterday's Proceedings

M<sup>r</sup> Skirving reported That M<sup>r</sup> Ladson and himself had waited on the President with the Message they had in Charge And that His Excellency was pleased to say he would issue the orders re-

quested in the one and commissionate Captain Allen as desired in the other,

Resolved That it is the Opinion of this House That no Person in this State indebted to any Persons subjects to the King of Great-Britain (the Inhabitants of Bermuda's and the Bahama Islands excepted) or any attorney within this State for any such subjects (except as aforesaid) ought to remit or pay directly or indirectly to any such subjects (except as before excepted) or for their use any sum of money or merchandize whatever until it shall be otherwise directed by Law except attorneys for Persons usually Residents in this State now in Great-Britain and intending to return as soon as possible to this State and the Parents and Guardians of youth now residing and educating in Great-Britain or in any other Part of Europe which last mentioned attorneys Parents and Guardians may be at Liberty to remit for the use of their Constituents Children and Wards such sums as they shall think necessary and expedient for their support or Education and maintenance

Resolved also That it is the Opinion of this House that all absentees holding Estates in this State should use every means in their Power forthwith to return to this State

Ordered That a Copy of the above Resolves be sent to the Legislative Council for their concurrence and to the President for his assent

Message to the Legislative Council

Honourable Gentlemen

We herewith send a Copy of Resolves entered into by this House to which we desire your Honours concurrence

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Mr. Middleton and Mr. McQueen do carry the Message to the Legislative Council

Mr. DeSaussure presented to the House according to Order an Ordinance for allowing and keeping in Repair a Pilot Boat to attend the Bar and Harbour of Beaufort and for settling and regulating the Pilotage of the said Harbour And the same was received and read the First Time

Ordered That the Ordinance be read a Second Time

And the same being read accordingly

Ordered That the Ordinance be sent to the Legislative Council

Ordered That Mr Benjamin Waring and Mr. Thomas Waring do carry the same to the Legislative Council

Resolved That the Commissioners for purchasing and delivering salt shall for One Month after this Date deliver Salt to Persons applying for it (without Certificates from Committees) upon such Persons making Oath of the Number of Families they apply for and that they will distribute the salt in the allotted Proportions amongst such Persons

Ordered That the Petition of Elizabeth Black presented to this House on Wednesday last be referred to a Committee

And it is referred to the Reverend Mr Tennent Major Cattell and Mr Ralph Izard

Resolved That the Commissioners of the Treasury as a further Encouragement to the Commander and Marines belonging to the vessel called the Revenge do pay and advance to the said Commander and Men out of the amount of the Sales of the Cargo taken from on board the Transport Brigantine called the Glasgow-Packett One Sixth of the neat Amount of Sales of the said Cargo

Ordered That a Copy of the above Resolve be sent to the Legislative Council for their Concurrence and to the President for his assent

Message to the Legislative Council

Honourable Gentlemen

We herewith send Copy of a Resolution this Day entered into by this House to which we desire your Honours Concurrence

Ordered That the Message be ingrossed and that Mr Speaker do sign the same

Ordered That Captain Roger Smith and Mr. Chiffelle do carry the same to the Legislative Council

The Honourable Mr. Heyward reported from the Committee to whom the memorial of divers Inhabitants of Charles Town was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That it is their Opinion Leave should be given to bring in a Bill for establishing and keeping Three Watch Companies in Charles Town

Resolved That the Report be taken into Consideration immediately

And the same being accordingly taken into consideration and agreed to by the House

Ordered That Leave be given to bring in such a Bill and that the Honourable Mr Heyward do prepare and bring in the same



The Honourable M<sup>r</sup> Heyward according to order presented to the House a Bill for establishing and keeping Three Watch Companies in Charles-Town and the same was received and read the First Time

Ordered That the Bill be read a Second Time To-morrow

The Clerk of the Legislative Council brought from that House a Bill to empower the Court of Admiralty to have Jurisdiction in all Cases of Capture of the ships and other vessels of the Inhabitants and Subjects of Great-Britain to establish the Trial by Jury in the said Court in Cases of Capture and for the other Purposes therein mentioned—Read a Second Time in the said Council, also

A Bill for establishing a proper Oath of Qualification to be taken by the members of the General Assembly directing the method of choosing Parochial and District Committees for authorizing the returning Officers for the Parish of St David to hold their Elections one Day at the Church and one Day at the Court House and for the Purposes therein mentioned—Read a Third Time in that House

Ordered That the Title of the Bill be “an Act” and that the Act be ingrossed

The Reverend M<sup>r</sup> Tennent presented to the House according to Order a Bill of Free and General Pardon And the same was received and read the First Time

Ordered That the Bill be read a Second Time

Ordered That the Clerk of this House do cause all the Acts and Ordinances passed by the Legislature of this State to be printed as soon as may be after their passing for the use of the members of both Houses

And then the House adjourned till To-morrow morning nine of the Clock

Saturday the 12th Day of October 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

M<sup>r</sup> Capers reported from the Committee to whom the Petition of William Hort Esquire was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That they have considered the Petition of M<sup>r</sup> Hort and are of opinion the Prayer of the Petition ought to be granted But inasmuch as there are many Inhabitants of this State in the same Situation

with M<sup>r</sup> Hort your Committee recommend that this House enter into a Resolve desiring all Persons that have received Damages in the like Case to make them known within six months in order that Provision may be made for the same And that notice be given in the Gazette for that Purpose

Ordered That the Consideration of the Report be postponed in order to proceed upon the Order of Day

The Order of the Day being read

Ordered That the Messengers do go out and summon all the absent members to give their immediate attendance

A Motion was then made that the Order of the Day for reading a Second Time a Bill for the better Regulation of the Militia of this State and for repealing all the Militia Laws and Resolves of the late Provincial Congresses respecting the Militia heretofore made" be postponed

A Debate ensued

And the Question being put

The House divided

Teller for the yeas Colonel Pinckney—46

Teller for the noes the Honourable M<sup>r</sup> Lowndes—42

So That it was Resolved in the affirmative

Daniel Heyward Junior Esquire took the Oath prescribed by the Constitution and his Seat as a member of this House

Message from the Legislative Council by their Clerk

M<sup>r</sup>. Speaker and Gentlemen

Upon reading your Message to this House of yesterday with the Resolution which accompanied it for remitting the Fine imposed upon Richard Thompson and John Thompson we are at a Loss to know what those Fines were and for what Cause they were imposed and therefore we shall be glad to be informed of the Particulars of those mens Cases if your House is possessed of any Information leading thereto

In the Legislative Council

12th Day of October 1776

By Order of the House

Thomas Shubrick Speaker

Ordered That the Honourable M<sup>r</sup> Justice Mathews do examine and compare with some member of the Legislative Council an ingrossed Bill for establishing an Oath of Qualification to be taken by the members of the General Assembly directing the method of choosing Parochial and District Committees for authorizing the re-

turning officers for the Parish of St David to hold their Elections one Day at the Church and one Day at the Court House and for other Purposes therein mentioned

The Honourable M<sup>r</sup> Justice Mathews reported that the Bill had been examined and compared according to order and that the same was truly ingrossed

Ordered That the Honourable M<sup>r</sup> Justice Mathews and M<sup>r</sup> Daniel Heyward Junior do wait on the President with the Bill to desire that the Seal may be affixed thereto and to know when his Excellency will please to receive this House to present the same

The Honourable M<sup>r</sup> Justice Mathews reported that M<sup>r</sup> Heyward and himself had waited on the President with the Bill and message they had in Charge And that His Excellency was pleased to say he would receive this House presently in the Council Chamber

Ordered That the Honourable M<sup>r</sup> Lowndes Colonel Gadsden the Honourable M<sup>r</sup> Justice Bee the Honourable M<sup>r</sup>. Justice Mathews the Honourable M<sup>r</sup> Heyward Colonel Pinckney Captain Trapier M<sup>r</sup>. Attorney-General and the Honourable M<sup>r</sup> Edwards be a Committee to revise the Constitution or Form of Government and to report to the House such alterations or additions as may be expedient to make thereto

Ordered That Leave be given to bring in an Ordinance for opening and improving the Inland Navigation in this State And that the Honourable M<sup>r</sup> Justice Bee do prepare and bring in the same

An Ordinance for allowing and keeping in Repair a Pilot Boat to attend the Bar and Harbour of Beaufort and for regulating the Pilotage of the said Harbour" was read a Third Time

Resolved That the Ordinance do pass

Ordered That the Ordinance be sent to the Legislative Council for their Concurrence

Ordered That Colonel Gadsden and M<sup>r</sup>. Osborn do carry the Ordinance to the Legislative Council

Colonel Gadsden reported That M<sup>r</sup>. Osborn and himself had delivered the Ordinance they had in Charge to the Legislative Council

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker

His Excellency the President is now in the Council-Chamber ready to receive this House with the Bill they have to present

And then the Messenger withdrew

Mr Speaker with the House accordingly attended the President in the Council Chamber

And being returned

Mr Speaker reported That this House having attended the President in the Council Chamber he had presented

An Act for establishing a proper Oath of Qualification to be taken by the members of the General Assembly directing the method of choosing Parochial and District Committees for authorizing the returning officers for the Parish of St David to hold their Elections one Day at the Church and one Day at the Court House and for other Purposes therein mentioned

To which His Excellency had been pleased to give his assent

The Clerk of the Legislative Council brought from that House an Ordinance for allowing and keeping in Repair a Pilot Boat to attend the Bar and Harbour of Beaufort and for regulating the Pilotage of the said Harbour” Read a Third Time in that House

Ordered That the Ordinance be ingrossed

Message to the Legislative Council

Honourable Gentlemen

In answer to your message just now received we herewith send you a Petition and a Report of a Committee thereon as agreed to by this House which will inform you the Particulars of the cases of Richard and John Thompson and of the Grounds of the Resolution of this House with respect to those Persons

Ordered That the message be ingrossed and that Mr Speaker do sign the same

Ordered That Mr Pinckney and Mr Thomas Waring do carry the message to the Legislative Council

The House then proceeded on a Second Reading of a Bill for establishing and keeping Three Watch Companies

And having made some Progress therein

Ordered That the further proceeding in the said Bill be adjourned till Monday next

Ordered That George Robinson George Pawley and Francis Adams Esquires have Leave of Absence from the Service of this House to attend the approaching Elections in their respective Districts

Resolved That all necessary Repairs to the Public Buildings be forthwith made and this House will provide for the Expence thereof

And then the House adjourned till Monday Morning Ten of the Clock.

Monday the 14th day of October 1776.

The House met according to Adjournment

Read the Journal of Saturdays Proceedings

Mr. Neufville reported from the Committee to examine the Public Treasury accounts and to report to the House an exact and circumstantial Account of the state of the Treasury what sums have been issued and for what particular Service arranging under distinct Heads the particular Services for which the monies have been expended, And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That the Commissioners of said Treasury have paid the following Sums on the accounts and to the several Persons under mentioned viz

The First and Second Regiments.....	£351256..18.	2
The 3d Regiment of Rangers.....	139322.. 8..	5
The 4th Regiment of Artillery.....	60936..18..	4
The 5th & 6th Regiments of Riflemen....	92029.. 7..	3
Rice .....	27782..13..	2
Flour .....	3754.. 2..	4
Indian affairs exclusive of 100 tt of Gun Powder .....	} 12865.. 9..	9
North Carolina for the Prisoners Dunn and Boote.....		
Vestry of St Philip's Parish.....	£10,000.. ..	
Brigantine William.....	1167..10.	6
Schooner Islington & her Cargo.....	21865..17..	5
Cargo per the Brigantine Notre Dame and Disbursments for the vessel.....	} 29656..10..	6
Fire Masters for Charles Town.....		
Edward & John Blake.....	6500.. ..	
Voyage per the Rebecca from George Town	2687.. 4..	4
Colonel Richardson's Expedition.....	192379..11..	4
Naval Department.....	101544.. 8..	1
Artillery Company at Port Royal.....	12256.. 1..	—
Contingencies .....	303765..18..	6
Fortifications .....	53200.. 5..	5
John Scott son of Jonathan.....	2365.. 4..	9
Joseph Darrell.....	3000.. ..	..

Georgia .....	4653.. 1.. 4
Nitre Works.....£2810..15..10	
William Bartey's account 350.. ..	
	<hr/>
Continental Congress.... 6115..17..	3160..15..10
And for payment of } Continental Troops.. }	31975.. .. ..
	<hr/>
Works on Sullivants Island.....	38090..17..—..
Commissary General.....	39052..11..10
Salaries to the Clergy.....	130000.. .. ..
Cargo per Schooner Peggy at George Town.....	5825..18.. 9
Commissioners for Buying Rifles.....	12737..11.. ..
Contingent Fund for His Excellency. the President.....	5719.. .. ..
Artillery Company at George Town and for the Fort there.....	2760.. .. ..
Militia .....	7362..14.. 6
Peter Lepoole and John Burnley for Rice shipped on the Brigantine Liberty Philip Conway master.....	209991.. 4.. 3
Robert Cochran.....	5227..13.. 4
Voyage for the schooner Little Thomas Captain Nelmes to Bermuda.....	951..10.. 6
Paul Pritchard.....	548..11.. 9
Virginia .....	1000.. .. ..
Commissioners for laying Obstructions on the Bar.....	65.. .. ..
Commissioners for Purchasing Salt Bal- ance of this account.....	£5646..12.. 6
Commissioners for Importing Cloaths for the Troops.....	4935.. 3.. ..
Fortifications on James-Island.....	43980..17.. 9
Commission's of Fort Lyttleton Port Royal .....	6307..14.. 1
Stockade Fort and keeping a Garison at Cheraws .....	2373.. 7.. 5
Captain Darrell's Company at Lyttleton's Bastian.....	7647..19.. 6
	2329..15.. 3

For the Care of John Stuart's Estate and M <sup>rs</sup> Stuart's allowance.....	} 553.. 5..—
Premiums for making Hemp.....	550..12.. 8
Premiums for making Linen and Thread..	180.. ..—
For the use of the Hospital.....	8389.. 5. 6
Naval Department at George Town.....	5722.. 6..—
Philip Will Barrack master and Post Rider	3108.. 1.. 3
Captain John Copithorn.....	355..15..—
Edward Darrell Commissary to the naval Department .....	3000.. .. ..
Tacitus Gaillard Quarter Master General..	200.. ..—
Paid John Scott the Balance on a Cargo per Schooner Polly.....	} 2695.. ..—
Cargo per the Constitution and Purchase of the said Vessel.....	} 9262..14..—
Indico per the sloop Swift Captain Morgan Baron Matzenback.....	16862..12.. 4 85.. ..—
Colonel Williamsons Expedition against the Indians.....	} 20039.. ..—
Bounty on Flour the Balance after de- ducting the Duty received on Flour....	} 449..10.. 1
Commissioners for carrying on Salt Works	337.. 4.. 9
Commissioners for the works at Dorchester General Lee.....	3046.. 2.. 2 487..10..—
Expedition to Savannah.....	1617.. ..—
Cargo per Schooner Polly John Besnard master .....	11643.. ..—

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£2,069,556..17..10

Balance remaining in the Treasury 3d October 1776 £6000 of which is ordered not to be issued.....	} ..380..537.. 2..10
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£2,450104.. 0.. 8

The Commissioners of the Treasury have received the following sums viz

of Edward Oats on Account of Ogn- brugs sold by him.....	} £7000.. ..
of Henry Peronneau and Benjamin Dart late Treasurers.....	} £31,368..12.. 6

Borrowed of Gabriel Manigault.....	15,500.. ..—
For Sugars per the ship Port Henderson..	46,217..18.. 2
of James Leakie on account.....	1556.. ..—
of George Abbot Hall from the Custom House.....	2606.. 2.. 6
Fines and Forfeitures to the State.....	581.. 6.. 8
Payments on the Bonds and notes deliv- ered up by Mess <sup>rs</sup> . Peronneau & Dart } late Treasurers.....	8893..18.. 7
Transient Duties.....	15.. 2.. 3
Grant of the 14th June 1775.....	1,000000.. ..—
Grant of 15th November 1775 in Part... from the Continental Congress 288,000 } Dollars.....	118365.. ..— 468,000.. ..—
Grant of 6th March 1776.....	750..000.. .. .
	<hr/>
	£2,450,104.. 0.. 8

Ordered That it be referred to the Committee on the State of the Treasury to consider and report to the House proper ways and means of supplying the Treasury in the Recess of the House with such monies as may be immediately wanted for the Public Service and how the monies issued that have been counterfeited may best be called in and the counterfeiting of money in future prevented

Ordered That the Honourable M<sup>r</sup> Justice Bee and the Honourable M<sup>r</sup> Heyward be added to the said Committee

The Reverend M<sup>r</sup> Tennent reported from the Committee to whom the Petition of Elizabeth Black was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the following words

That it is their Opinion that the Prayer of the Petition should be granted And the Sum of Three Hundred and Fifty Pounds be given the Petitioner to enable her to transport herself and Family to the State of Pensylvania or to any other northern State in which the Petitioner shall think the Health of her Family may be established

Resolved that the Report be taken into Consideration immediately

And the said Report being taken into Consideration accordingly was amended and agreed to and is as followeth

That it is their Opinion That the Prayer of the Petition should be granted And that the sum of Four Hundred Pounds Currency be given to the Petitioner to enable her to transport her self to the



state of Pennsylvania or to any other northern State in which she the Petitioner shall think the Health of her Family may be established in full and in Lieu of all Claims which she might have against the Public of this State

The Honourable Mr Lowndes reported from the Committee to whom it was referred to revise the Constitution or Form of Government and to report to the House such alterations or additions as may be expedient to make thereto And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read in the words following

That inasmuch as the Constitution or Form of Government agreed to and resolved upon on the 26th Day of March last was calculated for and suited to the then situation of Public affairs and looking forward to an accommodation of Differences with Great-Britain (an Event then desired) was Tempory only And whereas the American States are now constituted Independent States and the Political Connexion heretofore subsisting between them and Great-Britain is dissolved And it therefore becomes necessary in order to perfect and perpetuate the said Constitution or Form of Government that some Amendments and Alterations should be made thereto your Committee therefore humbly recommend the following

1. That instead of Province or Colony the Stile hereafter be the State of South Carolina

2. That the second Resolution of the said Constitution which requires that the Legislative Council be elected out of the Body of the Representatives of the People be altered and hereafter that the Legislative Council be elected either out of the Body of Representatives or from the People at large

3 That the fourth Resolution be altered so that no vacancies hereafter happening in the General Assembly by the Election of any member into the Legislative Council be filled up by a new election

4 Fifth That the number of the Privy Council be increased to nine members including the Vice President four to be chosen by each House either out of the Houses respectively or from the People at large the Quorum to consist of Five

5 Tenth That this Resolution shall not be construed to vacate the Seat of any member who is or may be a Delegate from this State to the Continental Congress (as such)

6 Eleventh That when the House can possess itself of proper information so as to estimate the particular and comparative Strength and Property of the different Parts of this State—that then

the House do proceed to a Reduction of the present Representation in the most equal and just Proportion Regard being always had to the number of white Inhabitants and Property of the People

7 Thirteenth That the President and Commander in Chief or any future President or Commander in Chief to be elected President at any of the stated Elections hereafter shall not be eligible to serve in the said Office after the Expiration of the Term of *their first* Election for and during the full End and Term of six years

8 Fourteenth That in Case of the Sickness or Absence from Charles-Town of the President and Commander in Chief the Vice-President being impowered thereto by the President shall act in his stead during such sickness or absence—agreeable to a Law passed 6th April 1776

9 Sixteenth That a Chancellor be appointed to preside in the Court of Chancery and this Clause giving Power to the Vice-President and Privy Council to exercise the Powers of a Court of Chancery be annulled.

10 That the House do also appoint or direct that proper Persons be impowered in the several Districts in this State to prove wills grant administrations and do such other matters as are incident to a Court of Ordinary that the People of this State may avoid the great Expence and Trouble of coming to Charles-Town on every such Occasion

11 That a Court of Appeals be also established in this State and Judges appointed to consist of Seven Persons to have Cognizance in all matters of Error That they be elected and Commissioned in the same manner the other Judges are directed to be and liable to be removed as prescribed in the twentieth Clause

12 Twenty-second That the Collector and the Controller of the Country-Duties be ballotted for and appointed in the same manner as the other officers are directed to be by the twenty second Resolve

13 Twenty-eight That all Resolutions of the Continental Congress shall be of full Force until altered by them

14 Thirty-third That the Oath enjoined to be taken by all Persons appointed to any Place of Trust be amended by leaving out the words “until an accommodation of the Differences between Great-Britain and America shall take Place

Your Committee further recommend That in order to avoid as much as possible unhappy Differences and Jealousies amongst the Inhabitants of this State with Regard to religious Principals that

no ministers of the Gospel or Priest of any religious Persuasion be permitted or allowed to be a member of either House

Ordered That the Report be taken into consideration To-morrow

It being moved and seconded That inasmuch as the fourth Clause of an Act intituled "an Act for appointing a Public Treasurer and other Public officers passed the 20th Day of September 1721 incapacitating members of the Council or Commons House of Assembly from being Public Treasurer Controller or Powder-Receiver is of Force therefore the House do resolve that the Seats of the present Treasurers who are members of this House are vacant

After some Debate thereon

Ordered That this matter be referred to the Committee of Privileges and Elçtions

M<sup>r</sup>. Attorney General reported from the Committee to whom the President's messages of the 8th and 9th Instant and the extracts of a Letter and Resolves of the Continental Congress accompanying the same were referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That in order to comply with the Recommendation of the Continental Congress to take the most speedy and effectual measures for inlisting our Quota of Troops they are of opinion That a Bounty of Ten Dollars over and above the Continental Bounty be given to such non-commissioned officer and private Soldier who shall inlist to serve during the present war in any of the South-Carolina Regiments on the Continental Establishment And

That in Lieu of the Bounty formerly given to officers for Recruits each recruiting officer be allowed besides his Pay Two dollars per Day for each Day he shall be actually on that service

Your Committee likewise recommend That the Two Regiments of Riflemen as soon as their present Time of inlistment is expired shall be put upon the same Establishment with Regard to Pay Bounty and Cloathing as the Two Regiments of Infantry

Ordered That the Report be taken into Consideration To-morrow

Ordered That Colonel Gervais M<sup>r</sup>. Williams Captain Singleton Captain Patrick Captain Harrington Major Cattell and the Honourable M<sup>r</sup> Justice Mathews be added to the Committee on the Presidents message accompanied by Brigadier General Howe's Letter

The House then proceeded in the Second Reading of a Bill for establishing keeping and maintaining Three Watch Companies in Charles-Town

Upon Reading the Sixth Section a motion was made to strike out these words at the End thereof. (viz) "*and when the militia of this State are called out and do actual Duty that then the officers and private men of the said watch Companies respectively shall be allowed such Rations as are provided for the officers and private men of the said militia*"

And the Question being put

It passed in the negative

The Bill being read the Second Time

Ordered That the Bill be sent to the Legislative Council

Ordered That Major Simons and Mr. Thomas Middleton Junior do carry the Bill to the Legislative Council

Mr. Pinckney reported That Mr Waring and himself had delivered the message they had in charge to the Legislative Council

And then the House adjourned till To-morrow morning Ten of the Clock

Tuesday the 15th Day of October 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

William Tucker Esquire was returned as duly elected a Representative of the District of Saxe-Gotha

Mr Tucker attending at the Door was called in and took the Oath prescribed by the Constitution and his Seat as a Member

The House being moved That the Order made on the 12th Instant for postponing the Second Reading of a Bill for the better Regulation of the militia of this State and for repealing all the militia Laws and Resolves of the Provincial Congresses respecting the militia heretofore made "be discharged

Ordered That the said Order be discharged

Ordered That the Order of the Day to take into Consideration the Report of the Committee to whom it was referred to revise the Constitution or Form of Government and to report to the House such alterations or additions as may be expedient to make thereto be postponed till To-morrow

The House then proceeded upon the other Order of the Day to take into Consideration the Report of the Committee to whom the President's message of the 8th and 9th Instant with the Papers accompanying the same were referred

And the Report being taken into Consideration accordingly was amended and agreed to by the House and is in the words following

That in order to comply with the Recommendation of the Continental Congress to take the most speedy and effectual measures for inlisting our Quota of Troops they are of Opinion That a Bounty be given to such non-commissioned officer and private soldier who shall enlist to serve during the present war in any of the South-Carolina Regiments on the Continental Establishment. And,

That in Lieu of the Bounty formerly given to officers for Recruits each recruiting officer be allowed besides their pay Two Dollars per Day for each Day he shall be actually on that service

Your Committee likewise recommend That the Fifth Regiment of this State shall immediately or as soon as may be put upon the same Establishment with Regard to arms Pay Bounty and Cloathing as the Two Regiments of Infantry are And that the Sixth Regiment shall likewise be put upon the same Establishment in the like respects as soon as the Field-Officers of the last mentioned Regiment shall agree thereto

Message from the President by the Clerk of the Legislative Council  
M<sup>r</sup> Speaker and Gentlemen

Your message of the 11th of April having been notified to the Crown officers therein described none of them chose to leave the Province except M<sup>r</sup> Savage and M<sup>r</sup> Simpson The Council therefore did not think it adviseable that they should be permitted to go and at the Time of the late Invasion judged it expedient to confine all those Persons—They are now restrained to their respective Houses—I desire your advice in what manner they should be disposed of in future

I think it proper to acquaint you that mess<sup>rs</sup>. James Brisbane John Champneys Henry Mickie John Tunno and James Carsan being deemed Persons whose going at large might endanger the safety of the Colony or the Liberties of America were by advice of the Council ordered to be and now are confined some in George Town and others in the Cheraws Jail

John Rutledge  
15th October. 1776

Ordered That the Message be taken into Consideration To-morrow  
A Bill of free and general Pardon and Amnesty was read a Second Time

And the Question being put whether the Bill should be sent to the Legislative Council

It passed in the negative

Resolved That the Bill be rejected

Resolved That this House will make Provision to defray the Expence of a way to a tempory Landing Place at Low-Water upon Mr. William Gibbes's wharf

Message to the Legislative Council  
Honourable Gentlemen

On the 11th Instant we sent you for your Concurrence therein a Resolution "That the Commissioners of the Treasury as a further Encouragement to the Commander and marines belonging to the Vessel called the Revenge do pay and advance to the said Commander and men out of the amount of the sales of the Cargo taken from on board the transport Brigantine called the Glasgow Packet One Sixth of the neat amount of sales of the said Cargo" And we now desire to know if your Honours have concurred accordingly and if you have, that you will please to order the same to be sent to His Excellency for his assent

Ordered That the message be ingrossed and that Mr Speaker do sign the same.

Ordered That the Honourable Mr Edwards and Mr DeSaussure do carry the message to the Legislative Council

Mr. Harrington reported from the Committee to revise the List of magistrates and to report the names of Persons proper to be added thereto and he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That they recommend the following names to be added to the List of magistrates

For Charles-Town District

Paul Townsend	Thomas Farr
John Colcock	William Nisbett
Richard Mercer	Charles Gaillard
William Holmes	Joseph Atkinson, and
John Ward of St Bartholomew's Parish	

For George-Town District

Benjamin Young

For Cheraw's District

Philip Pledger	Robert Lide
Samuel Wise	Benjamin Jackson
William Thomas	Alexander McIntosh
Thomas Powe	Ely Kershaw
Abel Kolb	Daniel Dubose

## For Camden District

Robert Goodwin	Isham Moore
Joseph Kirkland	John Wyll
Abijah Rambert	John Cook
John Howe	John Gabriel Guignard
Alexander Love	

## For Beaufort District

Richard Wayne

## For Ninety-Six District

Nicholas Eveleigh	James Moore
Nathaniel Spragins	William Norris
Russel Wilson	Thomas Leach
Benjamin Bell	Francis Cinquefield
Richard King	Thomas Green
Samuel Ficklin	William Moore
William Houseal	Michael Dickert

## For Orangeburg District

William Robinson	Briton Williams
George Pellis	Isaac Bush
George King	Jarrad Nielson
Charles Heatley	John Caldwell
Jacob Christopher Zahn	

Resolved That the Report be taken into consideration immediately

And the Report being taken into Consideration accordingly

Resolved That this House do agree with the Report of the Committee

Ordered That Commissioners of the Treasury do pay to Elizabeth Black or her order the sum of Four Hundred Pounds Currency for the Purpose mentioned in the Report of the committee to whom the Petition of the said Elizabeth Black was referred

Resolved That if any slaves employed in the Public service shall be killed maimed or disabled in such service this House will make Provision to endemnify the owner of such Slave

Resolved also That all such Slaves as shall be taken sick whilst employed in the Public Service shall be forthwith returned to their Owners if they require it or conveyed to a proper Hospital and there supplied with necessary sustenance medicines and attendance until they shall be able to return to work or be sent to their respective Owners

Message from the President by the Clerk of the Legislative Council

Mr Speaker and Gentlemen

Having applied to Brigadier-General Howe for such Returns of the Continental Battalions lately in the Pay and service of this State as you desire by your message of the 4th Instant He has furnished me with those of the 1st 2d 4th and 5th which I herewith lay before you He has received no Returns of the 3<sup>d</sup> and 6th but says the former is on Command—the latter is with Colonel Williamson on the Expedition against the Cherokee Indians

Captain Trapier's Artillery Company consists of forty two matrosses—I have no late Return of Captain Harden's at Beaufort but think he has about Eighty

John Rutledge

15th October. 1776

Captain Roger Smith reported from the Commissioners to whom was re-committed the Report on the State of the late Treasury and Settlement with the then Treasurers and Powder-Receiver And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That by the Books of the late Joint Public Treasurers they find the following Balances in Favour of the Public to the 30th Day of April 1776

1st On Account of the General Duty Fund.....	}	£3970.. 8.. 9
2d. Fund for a Pest House...		33,383..17....
3d. Fund for building an Ex- change.....		45,892..16.. 6
4th.....Repairs of Fort Johnson.....		1324..12.. 5
5th..... Fortification Fund.....		26,718..18.. 3
6th.....Tax on negroes imported.....		115,626.. 4.. 4
7th..... Transient Duty.		4132.. 2..11
8th..... New additional Duty on Flour &c.....	}	3937..17..11
		<hr/>
9th..... Balance of Tax collected in 1768 a surplus }		19,510.. 6....



10th . . . . .	Received of John Ernest Poyas arrears of Taxes . . . . .	} 224. 2. 2	
			—————19,734.. 8.. 4
11th . . . . .	Profit on the increased value of Gold and Silver . . . . .	} 1749.. 0.. 3.	
12th . . . . .	Received of the Powder Receiver . . . . .	11,658.. 14. 4	
13th . . . . .	Received Rents of the Cellars under the Exchange . . . . .	} 2042.. 18.. 8	
14th . . . . .	Fines and Forfeitures . . . . .	1108.. 17.. 1	
15th . . . . .	Received of the Commissary General . . . . .	54.. 15.. 6	
16th . . . . .	Received of William Harvey Esquire Receiver of Country Duties at Beaufort . . . . .	} 1901.. 12.. 8	
			—————18,515.. 18. 6
17th . . . . .	Balance of Orders issued in 1755 for Defence of His Majesty's Rights . . . . .	} 192.. 10.. —	
	Ditto issued in 1757 for Howarth's Regiment . . . . .	} 3892.. 10.. —	
	Ditto — 1757 for Fortifications . . . . .	370.. . . .	
	Ditto — 1760 for Lyttletons Expedition . . . . .	} 218.. 15.. —	
Ditto issued in 1760 for Middleton's Regiment . . . . .		£2290.. . . .	
Ditto . . . . .	1762 for Cherokee Trade . . . . .	565.. . . .	
Ditto . . . . .	1767 & 1768 for the Exchange &c . . . . .	27,322.. 10.. .	
Ditto . . . . .	1770 for Court House and Jails . . . . .	34,728.. 15.. .	

New lawful Bills issued in 1770 .....	14,547..11.. 3
Of Tax Certificates from the year 1758 to 1769 both in- clusive .....	75,940.. ..
	<hr/> 160,067..11..3
	<hr/> £433,304..16..2

The following Balances in Favour of the Joint Public Treasurers  
to the 30th April 1776

1st On Account of the Fund for building the Court Houses and Jails.....	37146..14. 11
2 <sup>d</sup> ....advanced to pay the Watch Company.....	19264..19.. 1 56411..14..—
3d .... Deficiency of the Gen- eral Tax collected in 1769	5118.. 7..10
4th .... Ditto of General Tax collected in 1771.....	2329.. 5.. 4
	<hr/> 7447..13..2
5th .... Bounty on Silk man- ufactory .....	3000.. ..
6th....Commissioners of the Markets .....	5530.. 2.. 7
7th .... Bounty on Flax, Linen & Thread.....	201.. 7..
8th....Balance due from the Estate of Jacob Motte Esquire .....	59,474..19.. 5
9th .... Advanced the Vestry and Church Wardens of St Michael's Parish.....	1500.. ..
10th....Advanced the Vestry and Church Wardens of St Philips Parish.....	4000.. ..
11th .... Bounty on Hemp...	46099.. 9.. 6

12th . . . . Amount of monies advanced from the 1st January 1769 to this Day per accounts. . . . .	}	59751..10.. 9
13th . . . . Paid by order of the Commissioners for issuing the lawful Bills in 1770..		2298..15..10
14th . . . . Paid the Judges and attorney General. . . . .		66954..15.. 3
		<hr/> 248,811.. 0..4
15th . . . . . Allowed for ex- changing £40,000 of new lawful Bills issued in 1752 & 1761 for the old. . . . .	}	..250.. . . . .
16th .. Burnt of the lawful Bills in 1748. . . . .		...7604..10..—
		<hr/> 7854..10—
17th . . . . Five orders burnt and destroyed which were issued in 1742 for the as- sistance of Georgia. . . . .	}	.....25.—
		<hr/> 320,549..17.6
Balance in favour of the Public. . . . .		112754..18.8
		<hr/> £433,304..16.2

By which there appears a Balance in Favour of the Public of One Hundred and Twelve Thousand Seven Hundred and Fifty-four Pounds Eighteen Shillings and Eight Pence Currency (exclusive of Thirty Thousand Eight Hundred and Eighty-two Pounds Twelve Shillings and Four Pence Currency paid the Judges and attorney-General which has been disallowed by the House) which Balance your Commissioners have received in the following manner

533 Old lawful Bills of £20. . . . .	10660.. —
1750 <sup>3</sup> / <sub>4</sub> . . . . .	10. . . . . 17507..10.—
1446 <sup>1</sup> / <sub>4</sub> . . . . .	5. . . . . 7231.. 5.—
2110 <sup>1</sup> / <sub>4</sub> . . . . .	2. . . . . 4220..10.—
6191 <sup>1</sup> / <sub>2</sub> . . . . .	20/ .. 6191..10.—
4062 <sup>3</sup> / <sub>4</sub> . . . . .	10/ .. 2031.. 7.. 6
5529 . . . . .	7/6.. 2073.. 7.. 6

1204 . . . . .	6/3..	376.. 5..—	
2585 <sup>1</sup> / <sub>4</sub> . . . . .	5/ ..	646.. 6.. 3	
2039 . . . . .	2/6..	254..17.. 6	
		<hr/>	51,192..18..9

30 <sup>3</sup> / <sub>4</sub> new lawful Bills of £20....		615.. ..	
50 <sup>1</sup> / <sub>4</sub> . . . . .	10....	502..10..—	
17 <sup>3</sup> / <sub>4</sub> . . . . .	5....	88..15..—	
30 <sup>7</sup> / <sub>8</sub> . . . . .	2....	61..15..—	
61 . . . . .	20/ ..	61.. . —	
77 . . . . .	6/3..	24.. 1.. 3	1353.. 1 3
		<hr/>	£52,546.. ..—

Which sum of Fifty-two Thousand Five Hundred and Forty Six Pounds has been since when this State was attacked by the British Forces burnt by order of His Excellency the President the same being so torn and obliterated as to be wholly unpassable and it being also difficult to remove it then out of Town with the other Public money

3 new lawful Bills of	£20.....	60.. ..—	
4 . . . . .	10.....	40.. ..—	
2 . . . . .	2.....	4.. ..—	
		<hr/>	104.. ..—
107 <sup>3</sup> / <sub>4</sub> Tax Certificates of 50.....		5387.. ..—	
5 Ditto Lyttletons Expedition of £50..	250.. ..		
12 <sup>1</sup> / <sub>4</sub> Ditto. . . .Ditto. . . . .	25.. 306.. 5..—		
		<hr/>	556.. 5..—
10 Middletons Regiment.....	20.....	200.. ..—	
3 Ditto Howarth's Regiment....	20.. 60.. ..—		
4 <sup>3</sup> / <sub>4</sub> Ditto....Ditto.....	10.. 47..10..—	107..10..—	
209 <sup>1</sup> / <sub>4</sub> Ditto.....Exchange.....	20..4185.. ..—		
189 <sup>3</sup> / <sub>4</sub> Ditto....Court Houses.....	10..1893..15..—		
7 Ditto—Indian Trade.....	£10.. 70.. ..		
Certificates issued by the General Assembly Congress Bills and Bank Notes.....		18864..12..—	
		<hr/>	
12 Bonds payable to the King...11693..12..10		£83,914..12..—	

78 Notes payable to Henry Peronneau and Benjamin Dart Esquires....	}	17146..13.10	22840..6.8
		<hr/>	
		£112,754..18.8	

All which your Commissioners have paid into the Hands of the Commissioners of the Treasury and taken their Receipt for the same

Your Commissioners have also examined the accounts of the Powder-Receiver and find that the Powder which ought to have been in the magazine on the 8th Day of January 1776 amounts to Thirteen Thousand Five Hundred and Thirty-seven Pounds weight after deducting One Thousand One Hundred Pounds weight said to be taken out of the magazine at Hobcaw by Persons unknown charging the said Powder at Ten shillings per Pound weight amounts to.....

£6768..10..—

Deduct One Quarters Salary to the Deputy Powder Receiver and watch men which became due pre- vious to an order of the House to discontinue the same.....	}	190.. ..
--	---	----------

Paid Carpenter mending the Door of the magazine .....	}	10..7..6
--	---	----------

Blacksmith mending the Lock.....	1..10..—	201..17.. 6
	<hr/>	
	£6566..12.. 6	

Balance due to the Public by the Powder-Receiver being Six Thousand Five Hundred and Sixty-six Pounds Twelve Shillings and six Pence Currency—which Sum and Balance your Commissioners have paid into the Public Treasury in the following manner viz

By Thomas Savage and Edward Blakes Bond dated October 10th 1776 on Interest for....	}	£2500.. ..
By Samuel Prioleau junior and Samuel Prioleau's Bond of same Date for.....		2200.. ..—
By Samuel Prioleau and Samuel Prioleau junior Bond of same date for.....	}	1200.. ..—

By John Gaborial and Timothy Crosbys Bond	}	390.. ..—
of same Date for.....		
By Cash paid.....		£ 276..12.. 6
		<hr/>
		£6566..12. 6
		<hr/>

For which amount your Committee have the Commissioners of the Treasury's Receipt herewith to produce

And then the House adjourned till To-morrow morning Ten of the Clock

Wednesday the 16th Day of October. 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

Resolved That it is the Opinion of this House That the Commissioners of the navy do forthwith furnish and supply Colonel Gadsden with all the assistance of vessels and Hands in their power to Procure to carry on the Public Work he is now about And that a copy of this Resolution be served on the said Commissioners

Mr Neufville reported from the Committee to consider and report to the House proper ways and means of supplying the Treasury in the Recess of the House with such monies as may be immediately wanted for the Public service and how the monies issued that have been counterfeited may best be called in and the counterfeiting of the same prevented And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That One Hundred and Thirty Thousand Pounds be emitted in Bills of One to Ten Dollars which with the Emissions of Congress will make an even sum of Two millions And to authorize and empower the Commissioners of the Treasury when they shall be so ordered to do by the President with the advice of the Privy Council to obtain on Loan from any Persons disposed to lend the same such sums as the Exigencies of the State may require and to pay Interest at the Rate of six per centum per annum

That it be recommended to all magistrates to be vigilant and attentive in apprehending and conveying to Jail every Person who shall counterfeit or utter knowing them to be counterfeit the Certificates issued by the late Houses of Assembly or the Continental or Colonial Currency which hath been already or shall be hereafter

issued And that the Law be duly executed for punishing of this Offence

Resolved That the Report be taken into Consideration immediately

And the Report being taken into Consideration accordingly was amended and agreed to in the following words

That it is their Opinion and they therefore recommend That One Hundred and Thirty Thousand Pounds be emitted in Bills of One to Ten Dollars which with the Emissions of Congress will make an even Sum of Two millions And that the Commissioners of the Treasury be authorized and impowered when they shall be so ordered to do by the President with the advice of the Privy Council to obtain on Loan from any Persons or Bodies corporate disposed to lend the same such sums as the Exigencies of the State may require not exceeding the sum of Five Hundred Thousand Pounds Currency and to pay Interest for the same at the Rate of Six per Centum per Annum

That a Message be sent to the President to desire that he will issue his Proclamation ordering and requiring all magistrates to be vigilant and attentive in causing to be apprehended and sent to Jail for due Trial every Person who shall be accused of counterfeiting or uttering knowing them to be counterfeit the Certificates issued by the late Houses of assembly or the Continental or Colonial Currency which hath been already or shall be hereafter issued

The Honourable M<sup>r</sup> Edwards reported That M<sup>r</sup> DeSaussure and himself had attended the Legislative Council with the message they had in charge

Message from the Legislative Council by their Clerk

M<sup>r</sup> Speaker and Gentlemen

In answer to your message of yesterdays Date desiring to be informed if this House had agreed to the Resolution of your House of the 11th Instant "That the Commissioners of the Treasury as a further Encouragement to the Commander and the marines belonging to the Vessel called the Revenge do pay and advance to the said Commander and men out of the amount of the sales of the Cargo taken on board the Transport Brigantine called the Glasgow Packett One sixth of the nett amount of sales of said Cargo" we acquaint you that this House upon considering the said Resolution thought proper to reject the same

In the Legislative Council  
 the 16th Day of October 1776  
 By Order of the House  
 Thomas Shubrick Speaker

The House proceeded upon the Order of the Day to take into Consideration the Report of the Committee to whom it was referred to revise the Constitution and report what alterations or amendments may be necessary to make thereto

And the First Paragraph of the Report being read was agreed to by the House

The Second Paragraph of the Report being read was disagreed to and ordered to be struck out

Upon reading the Third Paragraph a Debate arose

And a motion being made That the number of members of the Legislative Council be increased to Twenty-one

The Question was put

And it passed in the negative

Another motion was made That the number of members of the Legislative Council be increased to seventeen

And the Question being put

It also passed in the negative

A Motion was then made That the Paragraph be altered by striking out the word "*4th*" and inserting in its stead the word "*2d*" and also by striking out the words "so that no vacancies hereafter happening in the General Assembly by the Election of any member into the Legislative Council be filled up by a new Election" and inserting instead thereof the words "and that each Parish and District throughout the State shall elect One member of the Legislative Council"

And the Question being put

Resolved in the Affirmative

An Adjournment of the House being then moved for and seconded

The Question was put

And it was Resolved in the affirmative

Ordered That the further Consideration of the Report on the Constitution be resumed To-morrow

And then the House adjourned till To-morrow morning nine of the Clock



Thursday the 17th Day of October 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

The House proceeded to a Third Reading of a Bill for maintaining and keeping Three Watch Companies in Charles-Town

It appearing that the Legislative Council had made several Alterations and inserted several Amendments in this Bill and it being a money Bill

Ordered That the Clerk of this House do rase all such alterations and amendments as appear to have been made by the Legislative Council and restore the Bill to the same State in which it was sent from this House

Which being done accordingly

The Honourable Mr. Heyward moved the House for Leave to bring in some additional Clauses to the Bill And the same being received were severally read Three Times agreed to by the House and ordered to be made Parts of the Bill

And the Bill being read a Third Time

Resolved That the Bill do pass and that the Title be "an Act"

Ordered That Mr. Joshua Toomer and Mr Legare do carry the Bill to the Legislative Council for their Concurrence

Mr Toomer reported that Mr Legaré and himself had delivered the Bill they had in charge to the Legislative Council

The House then resumed according to the Order of the Day the Consideration of the Report of the Committee to whom it was referred to revise the Constitution and report what Alterations or amendments may be necessary to make thereto

And the Fourth Paragraph of the said Report being read was unanimously agreed to by the House

The Fifth Paragraph being read was also agreed to

Upon reading the Sixth Paragraph

A Debate arose

And a motion being made and the Question put that the said Paragraph be amended by inserting the word "*taxable*" between "and" and "Property"

Resolved in the Affirmative

The said Paragraph being read throughout as amended

A Motion was made and the Question put That the House do agree to the Paragraph as it now stands

Whereupon the House divided

And the nays went forth

Teller for the noes Colonel Gadsden—30

Teller for the yeas Honourable M<sup>r</sup> Bee—30

So M<sup>r</sup> Speaker decided by voting with the yeas

The Seventh Paragraph being read was unanimously agreed to

The Eighth Paragraph being read was also agreed to by the House

Upon reading the First Clause of the ninth Paragraph for appointing a chancellor

A Debate arose

And the Question being put to agree with that Clause

Resolved in the affirmative

The Second and Third Clauses of the said Paragraph being read were severally agreed to

The Tenth Eleventh and Twelfth Paragraphs were then read and severally unanimously agreed to by the House

Upon reading the Thirteenth and last Paragraph

A Debate ensued

After sometime spent therein

The Question being put on a motion to agree with that Part of the Report

It passed in the negative

Ordered That the Preamble to the Report be taken into Consideration To-morrow morning

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker and Gentlemen

I send you a Letter which I received from Colonel Moultrie with a List of men in the Second Regiment who have been disabled in the service of this State and doubt not that you will make suitable Provision for them

John Rutledge

17th October. 1776

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker and Gentlemen

In the month of April I was informed by Lieutenant Colonel Sumpter that imaging M<sup>r</sup>. Richbourg a Lieutenant in Captain Richardson's Company had been promoted to the command of it when he resigned his Commission (as M<sup>r</sup> Richardson assured them he would be) he sent Richbourg on the recruiting service who soon raised a considerable number of men with which he was about to

join the Regiment when he was told (which Colonel Sumpter did not know till a short Time before) that Mr Blessingham had been appointed captain instead of Richardson

Having laid this matter before the Council they were of opinion that the number of companies in the Regiment being fixed by Congress could not be increased but by the Legislative Authority—It was evident however that discharging these men would have been injurious to the country—They were therefore formed into an Independent Company as the only Expedient for keeping them together but have hitherto done Duty with the sixth Regiment

It would save considerable Expence to the Public and appears to me expedient to add this Company to that Regiment and the Two independent Companies of Artillery at Beaufort and George-Town to the Forth Regiment I therefore recommend this Subject to your Consideration

John Rutledge

17th October. 1776

The Clerk of the Legislative Council brought from that House a Bill for maintaining and keeping Three Watch Companies in Charles-Town read a Third Time in that House

Ordered That the Bill be ingrossed

And then the House adjourned till-To-morrow morning nine of the Clock

Friday the 18th Day of October. 1776

The House met according to adjournment

Read the Journal of yesterday's Proceedings

Ordered That Captain Trapier and Mr. Keating Simons do with some member of the Legislative Council examine and compare with the originals an ingrossed ordinance for allowing and keeping in Repair a Pilot Boat to attend the Bar and Harbour of Beaufort and for settling and regulating the Pilotage of the said Harbour And an ingrossed act for establishing and keeping Three Watch Companies in Charles-Town

Captain Trapier reported That the Ordinance and Act they had in Charge had been examined and compared according to order and were found truly ingrossed

Ordered That Captain Trapier and Mr. Simons do wait on the President to desire that the seal may be affixed to the said Ordinance and Act and to know when His Excellency will please to receive this House to present the same for his assent

The House then proceeded on the order of the Day to consider the Preamble to the Report of the Committee that were appointed to revise the constitution and report such alterations or amendments as might be necessary to make thereto

And the said Preamble being read was agreed to by the House

And the Report as amended by the House and agreed to is as followeth

That inasmuch as the Constitution or Form of Government agreed to and resolved upon on the 26th Day of March last was calculated for and suited to then Situation of Public affairs and looking forward to an Accommodation of Differences with Great-Britain (an event then desired) was Temporary only And whereas the American States are now constituted Independent States and the political connexion heretofore subsisting between them and Great-Britain dissolved and it therefore becomes necessary in order to render more perfect and to perpetuate the said Constitution and Form of Government that some Amendments should be made thereto your Committee therefore humbly recommend the following

I That instead of Province or Colony the Stile hereafter be the State of South-Carolina

II That the Second Article of the Constitution be altered And that each Parish and District throughout this State shall elect One member of the Legislative Council

III That the number of the Privy Council mentioned in the Fifth Article of the Constitution be increased to nine members including the Vice President Four to be chosen by each House either out of the Houses respectively or from the People at large The Quorum to consist of Five

IV That the Tenth Article of the Constitution shall not be construed to vacate the seat of any member who is or may be a Delegate from this State to the Continental Congress as such

V That when the House can possess itself of proper Information so as to estimate the particular and comparative strength and taxable Property of the Different Parts of the State that then the House do proceed to a Reduction of the present Representation in the most equal and just Proportion Regard being always had to the number of white Inhabitants and taxable Property of the People

VI. That no future President or Commander in Chief that shall serve for Two years shall be eligible to serve in the said Office after the Expiration of the said Term until the full End and Term of six years

VII. That in Case of the sickness or absence from Charles-Town of the President and Commander in Chief the Vice-President being impowered thereto by the President shall act in his stead during such Sickness or absence agreeable to the Law passed the 6th of April last

VIII. That a Chancellor be appointed to preside in the Court of Chancery And that the Sixteenth Article of the Constitution giving Power to the Vice President and Privy Council to exercise the Powers of a Court of Chancery be annulled That the House do also appoint or direct that proper Persons be impowered in the several Districts in this State to prove wills grant administrations and do such other matters as are incident to a Court of Ordinary that the People of this State may avoid the great Expence and Trouble of coming to Charles Town on every such Occasion That a Court of Appeals be also established in this State and Judges appointed to consist of not less than Five Persons to have cognizance in all matters of Error That they be elected and commissioned in the same manner the other Judges are directed to be and liable to be removed as in the Twentieth Clause

IX. That the Collectors and Controllers of Country Duties be ballotted for and appointed in the same manner as the other Officers are directed to be by the Twenty Second Article of the Constitution

X. That all Resolutions of the Continental Congress shall be of full Force until altered by them

XI. That the Oath enjoined to be taken by all Persons appointed to any Place of Trust be amended by leaving out the words "until an Accommodation of the Differences "between Great-Britain and America shall take place"

Ordered That the said Report as agreed to by the House be forth-with printed

The House being moved for Leave to bring in a Bill to comprise all the Alterations and Amendments recommended in the said Report

Ordered That Leave be given to bring in such a Bill And that the same Committee who made the Report do prepare and bring in the same

Ordered That the President's two messages of Yesterday be referred to a Committee

And they are referred to the Honourable M<sup>r</sup> Heyward Major Hüger and Major Simons

A Bill to impower the Court of Admiralty to have Jurisdiction in all Cases of Capture of the ships and other Vessels of the Inhabitants and Subjects of Great-Britain to establish the Trial by Jury in the said Court in Cases of Capture and for the other Purposes therein mentioned" was read a Third Time

Resolved That the Bill do pass and that the Title be "an Act"

Ordered That M<sup>r</sup> Verree and M<sup>r</sup>. Macpherson do carry the Bill to the Legislative Council for their Concurrence

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker and Gentlemen

I send you a Letter just received by Express from Colonel Williamson and congratulate you most heartily upon the success of our Arms and those of North-Carolina against the Cherokee Indians

If Time will admit your considering what steps should be taken for the Defence and Security of the Back Settlements against Indian Incursions I shall be glad of your Advice on that Subject—if not I will (with your approbation) give Orders for such as shall appear most effectual for that Purpose

John Rutledge

18th October. 1776

Read the Letter referred to in the above message—[which was immediately after the Reading thereof returned to His Excellency the President and therefore could not be entered in this Place]

Message from the President by the Clerk of the Legislative Council

M<sup>r</sup> Speaker

His Excellency the President is now in the Council-Chamber ready to receive this House with the Bill and Ordinance they have to present

And then the Messenger withdrew

M<sup>r</sup> Speaker with the House accordingly attended the President in the Council Chamber

And being returned

M<sup>r</sup> Speaker reported That this House having attended the President in the Council Chamber he had presented to His Excellency

An Ordinance for allowing and keeping in Repair a Pilot-Boat to attend the Bar and Harbour of Beaufort and for settling and regulating the Pilotage of the said Harbour And also

An Act for establishing and keeping Three Watch Companies in Charles Town

To both of which he had been pleased to give his assent

A Petition of Thomas Lamar was presented to the House and read in the words following

That the Petitioner has undertaken to act in the capacity of Post Rider from the Upper Parts of Savannah River near Augusta to Charles-Town since the 28th of June last That he has been down seven Times since and always brought Dispatches from the Commissioner of Indian Affairs and other Gentlemen to the President on Public Service.—

That the Petitioner has waited in Charles-Town for His Excellency's Answers by which means he has been detained for some Days at a great Expence and has never received any Consideration for such Services

That the Petitioner is willing to engage for a moderate Compensation to continue to ride twice in every month and to carry all Dispatches on the service of the State

The Petitioner prays for an allowance for his past Services or a fixed sum by the year as to the Honourable House shall seem meet &c

Ordered That the Petition be referred to a Committee

And it is referred to the Honourable Mr. Edwards Colonel Gervais and Mr. Gibbes

A Petition of Quintin Pooler was presented to the House and read.

Ordered That the Petition do lie on the Table

The Honourable Mr Heyward reported from the Committee to whom were referred the Presidents Two Messages of yesterday's Date And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That it is their Opinion Captain Richbourg's Independent Company should be added to the Sixth Regiment And that the Artillery Company at George-Town be augmented to One Hundred men and added together with the Artillery Company at Beaufort to the Fourth Regiment

That the Third and Fourth Regiments be augmented to Six Hundred men each and that a Colonel be appointed to each of the said Regiments

That Serjeant John Young of Captain M<sup>c</sup>Donald's Company who lost his right Leg in the Engagement on Sullivant's Island the 28th of June be allowed ninety Pounds per Annum to be paid Quarterly

That George Mason of Captain Francis Huger's Company who lost his Leg in the said Engagement be allowed Eighty Pounds per annum to be paid Quarterly

That James Sims of Captain Harleston's Company who lost his right Leg in the service of this State be allowed Fifty Pounds per annum to be paid Quarterly

That Robert Wade of Captain Motte's Company who was wounded in his right arm by a shell in the aforesaid Engagement which has rendered it intirely useless be allowed Fifty Pounds per annum to be paid Quarterly

That Thomas Smith of Captain John Blakes Company who lost the two middle Fingers of his right Hand in the aforesaid Engagement be allowed Twenty Pounds per annum to be paid Quarterly

And that there be immediately advanced to each of the said Persons the first Quarterley Payment of his annuity

Resolved That the Report be taken into Consideration immediately

And the same being taken into Consideration accordingly

Resolved That this House do agree with the Report of the Committee

Ordered That Major Simons M<sup>r</sup>. Cannon and M<sup>r</sup> Toomer be a Committee to receive the names of Candidates for the Command of the Three Watch Companies to be raised for Charles-Town That they do sit this afternoon And that they give Public notice thereof

Upon Motion

Resolved That a message be sent to His Excellency the President to desire that he will write to our Delegates at the Continental Congress and state to them our particular Circumstances and the great difficulty we have in recruiting our Quota of men within the State

That in order to comply with the Recommendation of the Continental Congress to take the most speedy and effectual means to recruit our Quota of men we had voted Ten Dollars additional Bounty over and' above the Continental Bounty to every Recruit who should inlist in either of our Regiments on the Continental Establishment to serve during the war besides Cloathing to the value of Twenty-five Pounds Currency annually But that we had received accounts from Captain Adam M<sup>c</sup>Donald one of our recruiting officers that he had been absolutely forbid to recruit in the States of Virginia and North-Carolina by the supreme authority in those States That such Prohibition will entirely disable us from completing our Regiments to the full Establishment will be prejudicial to this



State in particular and the Continent in general as it will incapacitate us from affording that assistance to our sister States that we desire to give and lay us under the necessity of requiring of them greater assistance should we be again attacked than we should otherwise have Occasion for And that our Delegates do use such means as to them shall seem proper to get the said Prohibition withdrawn

Colonel Pinckney moved the House for Leave to bring in an Ordinance for appointing Commissioners to stamp and sign One Hundred and Thirty Thousand Pounds Currency in Dollars and for empowering the President and Commander in Chief for the Time being with the advice of the Privy Council to borrow on Loan any sum or sums not exceeding Five Hundred Thousand Pounds currency at the Rate of Six Pounds per Centum per Annum

Ordered That Leave be given to bring in such a Bill

And then the House adjourned until Five of the Clock in the afternoon

5 O'Clock P. M

The House met according to Adjournment

Major Simons reported from the Committee to receive the names of Candidates for Captains of the Three Watch Companies And he read the List of Candidates in his Place and afterwards delivered it in at the clerk's Table where the same was read

Ordered That the said List be affixed to the wainscot for the Perusal of the members

A Message being sent to the Legislative Council to desire the attendance of its members in the General assembly in order to ballot jointly with the members of this House for the Captains of the Three Watch Companies

Their Honours attended accordingly

The Members of both Houses then proceeded to ballot for the said Three Captains

And the Ballots being reckoned

Mr Speaker reported that John McCall Junior and John Brewton Esquires having the votes of a majority of the Members present were duly elected captains of Two of the said Companies

The Members of both Houses then proceeded to vote for a Captain of the Third Watch Company

And the Ballots being cast up

Mr Speaker reported That John Lining Esquire was duly elected Captain of the Third Watch Company

The Honourable Mr Edwards reported from the Committee to whom the Petition of Thomas Lamar was referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That in the Opinion of the Committee it will be very beneficial to the Public Service at this Juncture to encourage a Post Rider from the upper Parts of Savannah-River as by that means Intelligence will be frequently received of the Disposition of the Creek Nation and Dispatches for Ninety-Six and Colonel Williamson may be regularly conveyed from Colonel Hammond's where the Petitioner will carry them from Charles-Town The Committee recommend that upon his engaging to go twice in every month from this Day to the 28th June 1777 he shall be allowed Three Hundred Pounds Currency for his services

Ordered That the Report be taken into Consideration To-morrow

Colonel Pinckney according to Order presented to the House an Ordinance for appointing Commissioners to stamp and sign One Hundred and Thirty Thousand Pounds Currency in Dollars and for empowering the President and Commander in Chief for the Time being with the advice of the Privy Council to borrow on Loan any Sum or Sums not exceeding Five Hundred Thousand Pounds Currency at the Rate of Six Pounds like money per Centum per annum And the same was received and read the First Time

Ordered That the Ordinance be read a Second Time

And the same being read accordingly

Ordered That the Ordinance be sent to the Legislative Council

Ordered That Captain Roger Smith and Colonel Pinckney do carry the Ordinance to the Legislative Council

Major Cattell reported from the Committee to whom the Petition of Philip Will was referred And he read the Report in his Place and afterwards delivered it in at Clerk's Table where the same was read and is as followeth

That the Committee are of Opinion that the Barrack-Master of Charles-Town should be allowed by this State the Sum of Six Hundred Pounds for the services of that officer or appointment from the 5th Day of March last until the present Time and also in future the annual sum of One Thousand Pounds to be paid him yearly from such Time as this House shall allow the same in Recompence for the future Services of that Office and all such Deputies as he shall employ in the same

Resolved That the Report be taken into immediate Consideration  
And the same being taken into Consideration accordingly was amended and agreed to in the words following

That the Committee are of Opinion that the Barrack-Master of Charles-Town should be allowed by this State at the Rate of One Thousand Pounds Currency per Annum from the 5th Day of March last to be paid him in equal moieties half yearly

The Clerk of the Legislative Council brought from that House an Ordinance for appointing Commissioners to stamp and sign One Hundred and Thirty Thousand Pounds Currency in Dollars and for empowering the President and Commander in Chief for the Time being with the Advice of the Privy Council to borrow on Loan any sum or sums not exceeding Five Hundred Thousand Pounds Currency at the Rate of Six Pounds like money per centum per annum—  
Read Twice in that House

Ordered That the Ordinance be read a Third Time

And the same being read accordingly

Resolved That the Ordinance do pass

Ordered That the Ordinance be sent to the Legislative Council for their Concurrence and that Colonel Pinckney and Mr Ralph Izard do carry the same

Resolved That the Commissioners of the Treasury do advance and pay to the Commissioners for the High-Roads on Charles-Town neck or any of them the arrears due for repairing the said Roads amounting to Three Hundred and Fifty Pounds to be hereafter assessed upon the Inhabitants of Charles-Town

The House then took under Consideration the President's message of the 15th Instant relative to the Crown Officers and certain Persons confined in George Town and Cheraws Jails

And came to the following Resolution upon the first Parts thereof (to wit)

That such of the Crown Officers as choose to depart the State may be conveyed to Europe or the West Indies at the Public Expence And that such others of them as decline going shall be allowed such Liberty as the President and Privy Council may think not inconsistent with the safety of the State

Ordered That the Consideration of the Latter Part of the said Message be postponed till To-morrow

And then the House adjourned till To-morrow morning nine of the Clock.

Saturday the 19th Day of October 1776

The House met according to Adjournment

Read the Journals of Yesterday's Proceedings

Message to the President

May it please your Excellency

This House have resolved to make Provision for defraying the Expence of repairing the Public Buildings and desire that your Excellency will give Orders that they may be repaired accordingly

Ordered That the Message be ingrossed and that M<sup>r</sup>. Speaker do sign the same

Message to the President

May it please your Excellency

This House being informed that Captain Adam M<sup>c</sup>Donald had been absolutely forbid to recruit in the States of Virginia and North Carolina by the Supreme Authority in those States we request that your Excellency will be pleased to write to our Delegates at the Continental Congress and state to them our particular circumstances and the great Difficulty we have in recruiting our Quota of men within this State That in order to comply with the Recommendation of the Continental Congress to take the most speedy and effectual means to recruit our Quota of men we had voted Ten Dollars additional Bounty over and above the Continental Bounty to every Recruit who should enlist in either of our Regiments on the Continental Establishment to serve during the war besides Cloathing to the value of Twenty five Pounds Currency annually But that we had received Accounts from Captain Adam M<sup>c</sup>Donald one of our recruiting officers that he had been absolutely forbid to recruit in the States of Virginia and North Carolina by the supreme Authority in those States That such Prohibition will intirely disable us from completing our Regiments to the full Establishment will be prejudicial to this Stat<sup>e</sup> in particular and the Continent in General as it will incapacitate us from affording that assistance to our Sister States that we desire to give and lay us under the necessity of requiring of them greater assistance should we be again attacked than we should otherwise have occasion for And that our Delegates do use such means as to them shall seem proper to get the said Prohibition withdrawn

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Message to the President

May it please your Excellency

This House being informed That the Trade of this Place is subject to many Inconveniences by the Delay attending Vessels being obliged to call at Fort Johnson and Fort Moultrie both in going out and coming in request your Excellency will give Orders that in future Vessels coming in may only be obliged to call at Fort Moultrie and going out at Fort Johnson and may be allowed to pass by some proper signal from the Fort they first pass

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That M<sup>r</sup> Ladson and M<sup>r</sup> Young do attend the President with the three foregoing messages

The Clerk of the Legislative Council brought from that House an Ordinance for appointing Commissioners to stamp and sign One Hundred & Thirty Thousand Pounds Currency in Dollars and for empowering the President and Commander in Chief for the Time being with the Advice of the Privy Council to borrow on Loan any Sum or Sums not exceeding Five Hundred Thousand Pounds Currency at the Rate of Six Pounds like money per Centum per Annum—Read a Third Time in that House

Ordered That the Ordinance be ingrossed

Ordered That the Honourable M<sup>r</sup> Heyward and M<sup>r</sup> Ladson do with a Member of the Legislative Council examine and compare the Ordinance with the original Draught

The Honourable M<sup>r</sup> Heyward reported that M<sup>r</sup>. Ladson and himself with a member of the Legislative Council had examined and compared the Ordinance and that they found the same truly ingrossed

Ordered that M<sup>r</sup> Ladson and M<sup>r</sup> Young do attend the President with the said ingrossed Ordinance in order to have the Seal affixed thereto and to desire to know when His Excellency will receive this House to present the same for his assent

M<sup>r</sup> Ladson reported That M<sup>r</sup> Young and himself having attended the President with the Ordinance and the Three several messages they had in Charge His Excellency was pleased to say he would acquaint the House when he should be ready to receive them to present the Ordinance and that he would issue the necessary Orders requested in the several messages

Resolved That a Reward of Five Hundred Pounds Currency be offered to Informers for every Person they shall inform against for

counterfeiting or uttering knowing them to be counterfeit the Certificates issued by the late Houses of Assembly or the Continental or Colonial Currency which already hath been or hereafter shall be issued to be paid upon Conviction of such Offenders And that this House will provide for the Payment of such Rewards

Message to the President

May it please your Excellency

This House request that your Excellency will be pleased to issue your Proclamation ordering and requiring all magistrates to be vigilant and attentive in causing to be apprehended and conveyed to Jail for due Trial every Person who shall be accused of counterfeiting or uttering knowing them to be counterfeit the Certificates issued by the late Houses of Assembly or the Continental or colonial currency which hath been already or shall be hereafter issued And promising a Reward of Five Hundred Pounds to Informers against such Offenders for every Person they shall inform against upon Conviction of the offender for the Payment of which Reward this House will provide

Ordered That the message be ingrossed and that Mr Speaker do sign the same

Message from the President by the Clerk of the Legislative Council

Mr Speaker

His Excellency the President is now in the Council Chamber ready to receive this House with the Ordinance they have to present

And then the messenger withdrew

Mr Speaker with the House accordingly attended the President in the Council Chamber

And being returned

Mr Speaker reported That this House having attended the President in the Council Chamber he had presented to His Excellency

An Ordinance for appointing commissioners to stamp and sign One Hundred and Thirty Thousand Pounds Currency in Dollars and for impowering the President and commander in Chief for the Time being with the advice of the Privy Council to borrow on Loan any sum or sums not exceeding Five Hundred Thousand Pounds Currency at the Rate of six Pounds like money per centum per annum

To which His Excellency has been pleased to give his Assent

Col<sup>o</sup> Pinckney reported from the Committee to whom the President's message of the 8th Instant with Brigadier General Howe's

Letter were referred And he read the Report in his Place and afterwards delivered it in at the Clerk's Table where the same was read and is as followeth

That in the Opinion of the Committee the State is obliged to General Howe for his attention to its Defence and that although it has not been in their Power to examine every particular Place where it may be necessary to erect Fortifications yet they think it evident that some other works on Sullivant's Island and Haddrel's Point are absolutely necessary The Committee likewise think that the Casing the Brick Work at Fort Johnson with Palmetas is proper They also warmly recommend the speedy procuring arming and manning some Row-Gallies as a measure of very great Importance In a Country so extensive as Ours it is impossible for the Committee to point out every Part where it may be necessary to erect works of Defence And they are of opinion the Public Service will be best promoted by giving the Executive Power the sanction and support of this House for the Execution of every measure necessary for the Security and Defence of this State and that the House do come to a Resolution for that Purpose

The Committee likewise recommend the procuring of some wag-gons and beg Leave to mention that Major Simons has offered his services in getting some from Philadelphia which he will deliver here at the original cost

The Committee are also of opinion that the Cattle and stock should be removed from Bull's Island Caper's Island Kayawah Island the Hunting-Islands Dawfuskee Island and South Island

The Committee likewise recommend That six Battalions of minute-men of Five Hundred Rank and File each should be raised for the Defence of this State and that each Battalion should be divided into Ten Companies and officered by a Lieutenant-Colonel Major Ten Captains Ten Lieutenants Ten Ensigns an adjutant and a Quarter master

The Committee cannot conclude their Report without desiring that it may be recommended to the President to use every means in his Power to procure us a Quantity of ammunition and a number of good muskets with Bayonets and Iron Ramrods large Cannon some light Field Pieces and a few mortars and Hawitzes with shells

Resolved That the Report be taken into immediate Consideration

The Report was taken into Consideration accordingly

And the first Paragraph thereof being read was agreed to by the House

The second Paragraph being read was after some Debate ordered to be struck out.

The Third Paragraph being read and amended

A Debate ensued

And the Question being put that the House do agree thereto as amended

Resolved in the affirmative

The fourth Paragraph being read was amended and agreed to

The Fifth Paragraph being read was also agreed to by the House

A Motion was then made and seconded that another Paragraph be added to the said Report

Which being agreed to

The following was accordingly added viz

The Committee recommend That His Excellency be desired to give Directions to the Attorney General to prosecute all such Commissioners of the High-Roads and keepers of Public Ferries in this State as neglect their Duty

And the Paragraph being agreed to

The Report as amended and agreed to by the House is as followeth

That in the Opinion of the Committee the State is obliged to General Howe for his attention to its Defence and that although it has not been in their Power to examine every particular Place where it may be necessary to erect Fortifications yet they think it evident that some other works on Sullivant's Island and Haddrels Point are absolutely necessary The Committee likewise think that the Casing the Brick Work at Fort Johnson is proper

They also warmly recommend the speedy procuring arming and manning some Row-Gallies as a measure of very great Importance In a country so extensive as ours it is impossible for the Committee to point every Part where it may be necessary to erect works of Defence And they are of Opinion the Public service will be best promoted by giving the Executive Power the Sanction and Support of this House for the Execution of every measure necessary for the security and Defence of the State and that the House do come to a Resolution to that Purpose

The Committee are of opinion That the Cattle and stock should be removed from Bull's Island Caper's Island Kayawah Island the Hunting Islands Dawfuskee Island Pinckney's Island Carlton Island South Island Cole's Island Folly Island and Murphy's Island



The Committee likewise recommend That Leave be given to bring in a Bill for establishing six Battalions of minute men of Five Hundred Rank and File each to be raised for the Defence of this State and that each Battalion should be divided into Ten Companies and officered by a Colonel Lieutenant-Colonel Major Ten Captains Ten Lieutenants Ten Ensigns an adjutant and a Quarter master

The Committee cannot conclude their Report without desiring that it may be recommended to the President to use every means in his Power to procure us 'a Quantity of Ammunition and a number of muskets with Bayonets and Iron Ramrods large cannon some light Field Peices and a few mortars and Hawitzers with shells

The Committee recommend That His Excellency be desired to give Directions to the Attorney-General to prosecute all such Commissioners of the High-Roads and keepers of Public Ferries in this State as neglect their Duty

Ordered That a message be prepared to be sent with a copy of the foregoing Report to the President also in Answer to His Excellency's message of the 18th Instant with Colonel Williamson's Letter and also to acquaint His Excellency of the Election of the Captains for the Three Watch Companies in Charles-Town

The following message was accordingly prepared viz

May it please your Excellency

In Answer to your Excellency's Message of the 18th Instant accompanied with a Letter from Brigadier General Howe to your Excellency and also to your Excellency's message of the 18th Instant with Colonel Williamson's Letter we acquaint your Excellency that the House referred the former message and Letter to the consideration of a committee a copy of whose Report thereupon as agreed to by the House we herewith send you And as to the Letter the House have not now Time to consider what steps should be taken for the Security and Defence of the Back Settlers against Indian Incursions therefore desire That your Excellency will with the advice of the Privy Council give Orders for such as shall appear most effectual for that Purpose and that your Excellency may remain assured of the sanction and support of this House in every measure necessary for the Security and Defence of the State

We also think it proper to acquaint your Excellency that the Legislative Council and this House jointly have voted John McCall John Brewton and John Lining Esquires proper Persons to be commissioned as captains of the Watch Companies in Charles Town and

request that your Excellency will give Commissions accordingly

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Resolved Unanimously That the Thanks of this House be returned to Colonel Andrew Williamson and the officers and men under his Command employed in the late Expedition against the Cherokee Indians for their spirited Conduct and Service to the State upon that Expedition And that M<sup>r</sup> Speaker do forward the same

Message to the President

May it please your Excellency

Your Excellency's messages of the 17th Instant having been referred to a Committee they made a Report thereon to which the House agreed a copy of which Report we herewith send your Excellency

Ordered That the message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That Colonel Pinckney and Captain Roger Smith do carry the said message and the two preceding ones to the President

The House then proceeded according to the Order of the Day to consider the latter Part of the President's message of the 15th Instant

And the same having been considered accordingly

Resolved That such of the several Persons mentioned in the Presidents message of the 15th Instant to be in the Jails at George Town and the Cheraws and also such of those confined in Charles Town Jail on suspicion of being inimical to this Country as shall take the Oath of Fidelity to this State shall be forthwith discharged That such of them as choose to go off the State may be sent off at the Expence of the Public And that such others of them as decline going shall be allowed such Liberty as the President and Privy Council may think not inconsistent with the safety of the State

Ordered That a Copy of the above Resolve and also of the Resolve of this House of yesterdays relative to the late Crown Officers be sent to the President

Upon Motion

Ordered That a message be prepared to be sent to the President desiring that His Excellency will recall all the Militia Commissions given by the late Governors and grant new ones to the officers holding such preserving to them the Rank according to the Dates of such old Commissions

Message to the President

May it please your Excellency

This House having taken into Consideration your Excellency's message of the 15th Instant with Respect to the crown officers and other Persons therein mentioned to be confined came to several Resolutions thereupon copies whereof we herewith send your Excellency

And it being represented to us that several of the Militia Officers have no other Commissions than those granted by the late Governors under which it will be highly improper for them to act We therefore desire your Excellency will recall the old and grant new Commissions to such officers preserving to them their Rank according to the Dates of the old Commissions

Ordered That the Message be ingrossed and that M<sup>r</sup> Speaker do sign the same

Ordered That Colonel Garden and M<sup>r</sup> John Berwick do carry the message to the President

Colonel Pinckney reported That Captain Smith and himself had delivered the Three messages they had in Charge to the President

The Reverend M<sup>r</sup> Tennent reported from the Committee to examine into the State of the Jail and the Treatment of the Prisoners of war And he read the Report in his Place and afterwards delivered it at the Clerk's Table where the same was read and is as followeth

That they had attended at the Jail and made what Inquiry they could They found that the Roof of the Jail is so deficient that the Inhabitants of it are thereby much exposed They also found that through want of proper Apartments and other Inconviences the Prisoners of War are exposed to a Treatment which if continued will not be reputable to this state. They therefore beg Leave to recommend that Leave be given to bring in an Ordinance to establish a Board of Commissioners to consist of Five members to superintend the repairing and keeping in Repair the Jail in Charles Town as also to superintend from Time to Time and examine into the Treatment of Prisoners and to order such Things with Respect to the Premises as may be reasonable and reputable to the Justice and Humanity of this State

Resolved That the Report be taken into Consideration immediately

And the same being considered accordingly and agreed to by the House

Ordered That Leave be given to bring in an Ordinance for the Purposes recommended in the Report

Colonel Garden reported That Mr. Berwick and himself had delivered the message they had in Charge to the President

It appearing to the House that the late Commander and mariners of the Armed Vessel called the Revenge had received no more than Two Sixth Parts of the nett Amount of Sales of the Cargo taken by them on board the Transport Brigantine Glasgow Packet and that the other Four Sixth Parts had been paid into the Treasury as the share of the State

Resolved That the Commissioners of the Treasury do advance and pay to Captain Pickering late Commander and the mariners late belonging to the said armed Vessel One Sixth Part of the Four Sixths of the net amount of the said Sales so paid into the Treasury as a further Encouragement for their Gallant Behaviour in the taking the said Brigantine Glasgow Packet.

Resolved That the Sum of Two Thousand Pounds be allowed and paid out of the Public Treasury to Thomas Farr Esquire Paymaster to the militia for his past services in that office and as acting Commissary and for auditing the militia accounts from the First Day of November last And that this House will make proper and adequate Provision for his future services

Mr John Vinyard one of the Messengers having laid before the House an Account amounting to Fifty-two Pounds Currency which he had been obliged to advance to special messengers sent by Order of the House to members who had refused to pay the same

Ordered That the Commissioners of the Treasury do pay to and reimburse Mr. John Vinyard one of the Messengers of this House the Sum of Fifty-two Pounds Currency by him advanced for carrying Letters to members by order of the House

Upon Motion

Resolved That this House will make such Provision for the surgeons of the several Continental Regiments raised by this State as to make their Pay including the Continental Pay amount to Three Pounds currency per Day And that a Surgeons mate be allowed to the Third Regiment (of Rangers) who shall have the same Pay as the Surgeon's mates in the Regiments of Infantry are allowed

Upon Motion

Resolved That a daily Pay of One Pound Currency be allowed and paid to the Person acting as Gunner Barrack Master and Store-keeper in Fort Lyttleton at Beaufort for those several Services

The House then took into Consideration the Report of the Committee to whom the Petition of Thomas Lamar was read

And the said Report was agreed to by the House

Ordered That (as there may be some matters which the President ought to be acquainted with and which may have been omitted to be communicated to him) the Clerk of this House do attend His Excellency with the Journals thereof whenever the same may be required

Ordered That the Clerk of this House do supply Brigadier-General Howe with copies of such Orders and Resolutions of this House as respect the Military Department and as he shall require

And then the House adjourned till To-morrow Evening six of the Clock

Sunday Evening Six o'Clock

October 20th 1776

Mr. Speaker adjourned the meeting of the House till To-morrow<sup>1</sup>

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<sup>1</sup>The journal ends here. Although it calls for a session of the House Monday, October 21, 1776, it is hardly likely that the House did anything more than meet and adjourn *sine die*, as the Constitution adopted by the Provincial Congress March 26, 1776, provided "That this Congress, being a full and free representation of the People of this colony, shall henceforth be deemed and called the General Assembly of South Carolina, and as such shall continue until the twenty first day of October next, and no longer."

## MEMBERS OF THE GENERAL ASSEMBLY.

[This list of members of the General Assembly during the session covered by this journal does not form a part of the manuscript journal, but has been compiled by the Editor from the list of members which he compiled and published in the journal of the session held March 26, 1776-April 11, 1776; the changes that occurred during that session, during the recess following and during this session being noted.]

St. Philip's and St. Michael's Parishes (Charles Town).

Cato Ash, <sup>1</sup>	Peter Leger,
Peter Bacot,	Arthur Middleton,
John Berwick,	Alexander Moultrie, <sup>3</sup>
Peter Bocquet,	John Neufville,
James Brown,	Robert William Powell,
Daniel Cannon,	John Ernest Poyas, <sup>2</sup>
Thomas Corbett,	Edward Rutledge,
John Edwards,	Thomas Savage,
Nicholas Eveleigh, <sup>2</sup>	Josiah Smith, Jr., <sup>2</sup>
Christopher Gadsden,	Roger Smith,
Alexander Gillon,	Peter Timothy, <sup>2</sup>
George Abbott Hall,	Anthony Toomer,
Thomas Heyward, Jr.,	Paul Townsend,
William Johnson	Joseph Verree,
Thomas Jones, <sup>2</sup>	Joshua Ward, <sup>2</sup>
Michael Kalteisen,	Edward Weyman,
	John Webb. <sup>2</sup>

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<sup>1</sup>Died September 18, 1776.

<sup>2</sup>The Constitution provided that if a member of the General Assembly "shall accept any place of emolument, or any Commission (except in the militia) he shall vacate his seat, and there shall thereupon be a new election, but he shall not be disqualified from serving upon being re-elected." Henry Laurens having been elected Vice-President, Charles Pinckney and Henry Middleton members of the Legislative Council, Alexander Moultrie Attorney General, Peter Timothy Clerk of the House, George Abbott Hall and—————having been appointed Collector of the Port and————— respectively by the Provincial Congress, Michael Kalteisen having been elected Commissary of Military Stores for the regular forces of South Carolina by the Provincial Congress, February 18, 1776, and Thomas Heyward, Jr., Arthur Middleton and Edward Rutledge being then delegates to the

## Christ Church Parish.

Gabriel Capers,  
John Boone,  
Isaac Legaré

Arnoldus Vander Horst,  
Joshua Toomer,  
Levi Durand,<sup>4</sup>  
William Scott, Jr.

## St. John's Parish, Berkeley.

Job Marion,  
Elias Ball, Jr.,  
John Cordes,

Maurice Simons,  
James Cordes, Jr.,  
Daniel Ravenel.<sup>5</sup>

## St. Thomas and St. Denis's Parish.

James Akin,  
Thomas Screven,<sup>6</sup>  
Hopson Pinckney,<sup>6</sup>

Isaac Harleston,  
Joseph Fogartie,  
Rev. Robert Smith.<sup>6</sup>

Continental Congress, writs to fill their seats were issued by the Speaker August 1st under the instructions given him April 10th. The election was held Monday and Tuesday, September 9th and 10th. Edward Rutledge, Arthur Middleton, Alexander Moultrie, Peter Timothy and George Abbott Hall were reelected and Nicholas Eveleigh, Josiah Smith, Jr., John Ernest Poyas, John Webb, Thomas Jones and Joshua Ward were elected to the seats of Laurens, Pinckney, Middleton, Heyward, Kalteisen and ———. On the 30th of September it was decided that members of the Provincial Congress who had been appointed to places of emolument before the adoption of the Constitution had not been made ineligible to hold their seats thereby, and on the 2nd of October it was decided that the members of the Continental Congress had not vacated their seats and that "Charles-Town, having chosen too great a number of Members on the 9th and 10th Days of September last founded upon a mistake the said Election should be declared void." Moultrie, Timothy, Eveleigh, Smith, Poyas, Webb, Jones and Ward vacated their seats accordingly.

<sup>5</sup>Moultrie having been unseated October 2nd was elected at the election held October 7th and 8th to fill the vacancy caused by the death of Cato Ash.

<sup>4</sup>Toomer and Durand were declared elected at the election held September 9th and 10th to fill the seats of John Rutledge elected President March 26, 1776, and Clement Lempriere elected commander of the ship *Prosper*, April 10, 1776. Durand's seat was contested by William Scott, Jr., who, on September 20th, was declared elected, and Durand vacated accordingly.

## St. Stephen's Parish.

John Gaillard,  
Philip Porcher,  
Peter Sinkler,

Charles Cantey,  
Hezekiah Maham,  
Joseph Palmer.

## St. James's Parish, Santee.

Daniel Horry,<sup>7</sup>  
Thomas Horry,  
Paul Douxsaint,

Capers Boone,  
Jacob Motte,  
Thomas Lynch, Jr.

## St. James's Parish, Goose Creek.

John Parker,<sup>8</sup>  
William Parker,<sup>9</sup>  
Benjamin Smith,

Thomas Middleton (1753-1797),  
John Izard,  
Keating Simons,<sup>10</sup>  
John Wright.

## St. George's Parish, Dorchester.

John Waring,<sup>11</sup>  
Benjamin Waring,  
Thomas Waring,

Richard Waring,  
John Mathewes,<sup>12</sup>  
Richard Walter.

<sup>7</sup>Elected September 9th and 10th to fill a vacancy that existed at the time of the adoption of the Constitution.

<sup>8</sup>Elected September 9th and 10th to supply the places of John Huger, elected Secretary of State March 27, 1776, William Parker, elected a Commissioner of the Treasury, April 9, 1776, and Thomas Shubrick, elected a member of the Legislative Council, March 26, 1776.

<sup>9</sup>Elected a member of the Legislative Council September 19, 1776, to succeed David Oliphant appointed Director-General of the Hospital.

<sup>10</sup>Elected a member of the Legislative Council September 19, 1776, to succeed Rawlins Lowndes, who had declined the election.

<sup>11</sup>Elected October 8th and 9th to succeed John Parker elected to the Legislative Council September 19, 1776.

<sup>12</sup>Elected September 9th and 10th to succeed Benjamin Singellton, deceased.



## St. Andrew's Parish.

Thomas Fuller, <sup>13</sup>	Benjamin Stone,
William Scott,	Isaac Rivers,
William Cattell,	Richard Park Stobo, <sup>14</sup>
	Thomas Bee. <sup>15</sup>

## St. John's Parish, Colleton.

Chas. Cotesworth Pinckney,	Ralph Izard,
William Gibbes,	Thomas Tucker,
Thomas Evance,	Benjamin Jenkins.

## St. Paul's Parish.

Benjamin Elliott,	Robert Ladson,
Charles Elliott,	John McQueen,
George Haig,	George Livingston. <sup>16</sup>

## St. Bartholomew's Parish.

James Parsons ( <i>Speaker</i> ),	James Skirving, Jr.,
Rawlins Lowndes,	William Skirving,
Thomas Osborn,	Philip Smith.

<sup>13</sup>Elected September 9th and 10th to succeed David Oliphant elected to the Legislative Council March 26, 1776.

<sup>12</sup>Reelected to fill the vacancy caused by his election to an associate judgeship March 27, 1776.

<sup>13</sup>Elected a member of the Legislative Council September 19, 1776, to succeed Thomas Bee elected associate judge March 27, 1776.

<sup>14</sup>Elected September 9th and 10th to succeed Thomas Bee elected to the Legislative Council March 26, 1776.

<sup>15</sup>Elected October 8th and 9th to succeed Thomas Fuller elected to the Legislative Council September 19, 1776.

<sup>16</sup>Elected September 9th and 10th to succeed Thomas Ferguson elected to the Legislative Council March 26, 1776.

## Prince William's Parish.

John Bull,	William Harden,
William Bull, Jr.,	Isaac McPherson,
Benjamin Garden,	Isaac Motte.

## St. Peter's Parish.

William Brisbane,	Thomas Middleton (175.-1785),
Philotheos Chiffelle,	William Williamson,
Gideon Dupont,	_____.

## St. Helena's Parish.

John Barnwell,	John Joyner,
Daniel deSaussure,	William Moultrie, <sup>18</sup>
Daniel Heyward, Jr.,	Thomas Rutledge.

## Prince George's Parish, Winyah.

Joseph Allston,	Thomas Lynch,
Elias Horry, Jr.,	Paul Trapier, Jr.,
Benjamin Huger,	Benjamin Young,
	John Withers. <sup>19</sup>

## Prince Frederick's Parish.

Theodore Gaillard, Jr.,	Thomas Port,
John James, Sr.,	Benjamin Screven,
Archibald McDonald,	Anthony White.

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<sup>17</sup>Vacancy caused by the election of Stephen Bull to the Legislative Council March 26, 1776.

<sup>18</sup>Moultrie was elected to the Legislative Council March 27, 1776, to succeed Henry Laurens elected Vice-President, but did not qualify at once. A writ was issued August 1st to fill the vacancy and at the election held September 9th and 10th he was reelected, but instead of taking his seat he qualified as a member of the Legislative Council.

<sup>19</sup>A writ having been issued August 1st for the election of a successor to Thomas Lynch, a member of the Continental Congress, John Withers was elected to the seat at the election held September 9th and 10th, but the General Assembly decided on the 2nd of October that the members of the Continental Congress (Arthur Middleton, Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch and Thomas Lynch, Jr.) had not vacated their seats and Withers's election was declared null and void.

## St. David's Parish.

H. W. Harrington, <sup>20</sup>	George Pawley,
George Hicks, <sup>21</sup>	Claudius Pegues,
Alexander McIntosh,	Samuel Wise.

## St. Matthew's Parish.

Simon Berwick,	William Fludd,
John Caldwell,	George King,
Henry Felder,	Rev. Paul Turquand.

## Saxe-Gotha District.

William Arthur,	Henry Patrick,
Benjamin Farar,	Jacob Richman,
Ralph Humphries,	William Tucker. <sup>22</sup>

## Ninety Six District.

Patrick Calhoun,	Lachlan McIntosh, <sup>23</sup>
John Lewis Gervais,	Richard A. Rapley,
Rev. John Harris,	Andrew Williamson,
James Mayson,	_____ , <sup>24</sup>
William Moore,	_____ , <sup>24</sup>

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<sup>20</sup>Harrington having been elected Sheriff of Cheraws District March 29, 1776, vacated his seat, but was returned at the election held September 9th and 10th.

<sup>21</sup>Elected September 9th and 10th to take the place of George Gabriel Powell elected to the Legislative Council March 26, 1776.

<sup>22</sup>William Henry Drayton having been elected Chief-Justice March 27, 1776, a writ was issued to fill his seat from Saxe-Gotha, but the writ arriving after the days set for the election a special election was held September 13th and he was returned, but the General Assembly on the 25th of September declared him not entitled to the seat. A new writ was issued and at the election held October 7th and 8th William Tucker was elected.

<sup>23</sup>Elected to fill a vacancy existing at the adoption of the Constitution.

<sup>24</sup>Vacancies caused by the election of LeRoy Hammond to the Legislative Council March 26, 1776, and the death of Francis Salvador, killed in action August 1, 1776.

## District between the North Fork of Edisto and Savannah Rivers.

Andrew Cumming,	George Robison,
John Collins,	John Salley,
James Jones,	James Wilson.

## Lower District between Saluda and Broad Rivers.

Jonas Beard,	John Prince,
William Henderson,	John Thomas,
Michael Leitner,	William Wofford.

## Upper District between Saluda and Broad Rivers.

Capt. John Caldwell,	John Lindsey,
John Caldwell, of Enoree,	John Rogers,
Jonathan Downs,	James Williams,
	John Williams.

## District between Broad and Catawba Rivers.

William Barrow,	John Nixon,
William Howell,	William Strother,
Henry Hunter,	Thomas Taylor,
William Lang,	John Turner,
William Lee,	John Winn.

## District Eastward of Wateree River.

James Bradley,	Richard Richardson,
Joseph Kershaw,	William Richardson, <sup>25</sup>
Aaron Loocock,	Matthew Singleton,
William Massey,	Thomas Sumter, <sup>25</sup>
Robert Patton,	Rev. William Tennent.

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<sup>25</sup>Lt. Col. Sumter and Capt. Richardson, having been elected to offices in the 6th and 5th Regiments (regulars) by the Provincial Congress, writs were issued for filling their seats and they were returned at the election held September 9th and 10th, but the General Assembly on the 30th declared that no vacancies had been created in such cases.

## The New Acquisition.

Thomas Neel,	Joseph Howe,
Ezekiel Polk,	James Carson,
Samuel Watson,	Robert Dickey,
Alexander Love,	Francis Adams,
William Byers,	William McColloch,
John Howe,	Francis Ross,
Robert McAfee,	Thomas Janes,
	John Janes. <sup>26</sup>

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<sup>26</sup>Elected in the place of Joseph Woods, who died February 14, 1776.



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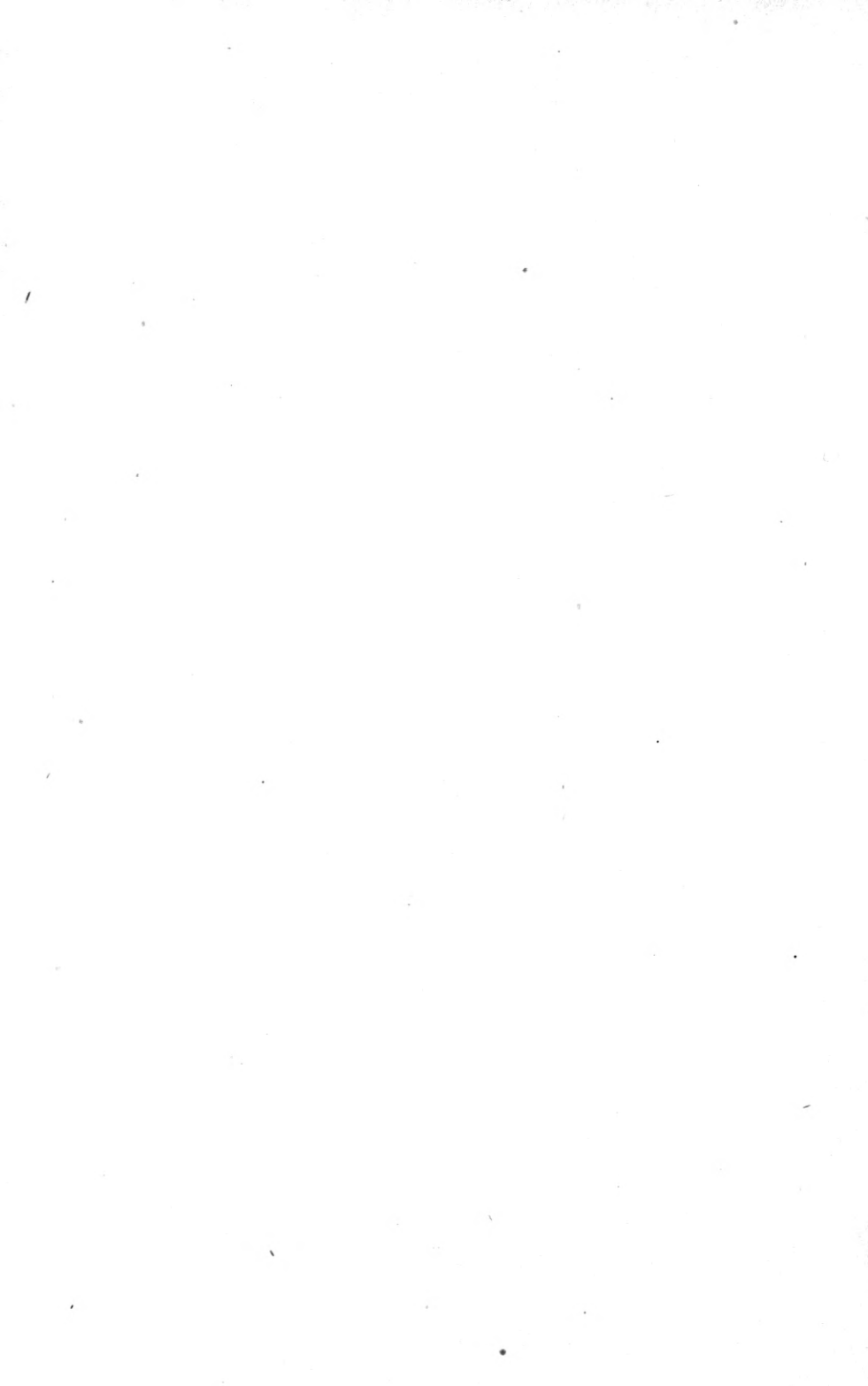
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