

**JOURNAL OF THE GENERAL
ASSEMBLY OF SOUTH
CAROLINA, SEPTEMBER
17, 1776-OCTOBER 20, 1776**

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A. S. SALLEY

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JOURNAL
OF THE
General Assembly
OF
SOUTH CAROLINA

September 17, 1776-October 20, 1776

Edited by
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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 Domo-
ni 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.

- 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^r 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^r 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^t.
Peter Timothy

Charles-Town

17th September 1776

Whereupon it was moved and

Ordered That Mr 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.

Mr. 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; Mr 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 M^r. 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 M^r 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^r Justice Matthews Reverend M^r Tennent Captain Vanderhorst M^r De Saussure Honourable M^r Edwards Colonel Horry M^r Young and M^r 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^r. Bee and the Honourable M^r. Oliphant

M^r 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^{rs}. 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^r Robinson, M^r 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.

M^r Pegues, M^r Stobo, M^r Hicks, M^r Attorney General M^r. Philip Smith and M^r. 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 M^r Bee and the Honourable M^r. Oliphant, the former having been elected a Judge and the latter appointed Director-General of the Hospitals

And the Ballots being cast up,

M^r 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 M^r. Lowndes

The House proceed to ballot accordingly

And the Ballots being Reckoned

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

M^r Speaker

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

And the messenger withdrew

M^r Speaker with the House waited upon His Excellency accordingly.