

EDGEFIELD ADVERTISER EXTRA.

THURSDAY, SEPTEMBER 14, 1854.

(From the Edgefield Advertiser, 15th Feb.)

Mr. Editor.—Sir:—By a recent Act of the Legislature of this State, granting to two individuals the right to collect tolls from all persons passing over the Augusta Bridge, no ordinary degree of excitement has been created, not only on the other side of the river, but also amongst a large and respectable portion of our own citizens, whose interest has been seriously affected by such extraordinary legislation.

And, as I perceive by the *Advertiser* of the 25th ultimo, that our Honorable Senator has deemed it necessary that he should appear before the public, in an article of considerable length, in vindication of his course upon the subject; and as I felt compelled, by a high sense of duty, to oppose an Act which I regarded as unwise, inexpedient and uncalled for, it is but just to myself, as well as due to my constituents, that I should state the facts and give the reasons which governed me upon that occasion. In so doing, I shall notice some of the arguments of our Senator, who endeavors to prove that, by the strict law, the one-half of the Augusta Bridge reverted to the State, at the expiration of the Charter granted to the City Council of Augusta, by this State. While I will not presume to argue the legal question, as I am not a lawyer, I am satisfied to learn from the argument of the Senator, that while the law did not exact and require a grant to Messrs. JONES & KENNEDY, there were, in my view, many considerations of justice and good policy against it. Our own Courts have always respected the title of the City Council of Augusta to their Bridge; for in every case that has arisen between them and the other parties claiming the Bridge, our Courts, as well as the Supreme Court of the United States, have invariably decided in favor of the City Council of Augusta; and it will be seen that the Legislature of South Carolina has heretofore regarded the whole Bridge as belonging to that Corporation; hence in the act of 1845, granting the Charter to the South Carolina Rail Road Company, it is provided, that that Company should make compensation to the City Council of Augusta, for that portion of the Bridge within the jurisdiction of this State.

Again: in 1848, a Charter was granted to SHULTZ & MCKINNEY, in the event that the suit then pending should be decided against the City Council of Augusta; but the title of the City Council was sustained by the decision of the Supreme Court of the United States, and, consequently, SHULTZ & MCKINNEY'S Charter fell to the ground. In 1849, it was enacted that SHULTZ & MCKINNEY should be authorized to take tolls from all persons passing over the Bridge from South Carolina to Georgia, provided such collecting of tolls did not subject the community and the Rail Road Company to double tolls. Now, it will be perceived, that in every one of these Acts, provisos are inserted, by which the rights of the City Council are respected, and the interests of the public are protected. Col. CARROLL admits that the Charter granted to the Rail Road Company was only intended to strengthen that Company in their negotiation with the City Council of Augusta; but it seems that such legislation only tended to weaken the position of the Company. For in 1849, the City Council paid one hundred thousand dollars for the Bridge, and soon after offered it to the Rail Road Company for the same sum, which they refused to give; and thus matters stood until 1845, when the Legislature, as already stated, granted the Charter to the Rail Road Company as a coercive, but unsuccessful measure. Nor were these negotiations fairly entertained until the right of the City Council had been tested and impliedly recognized by a decision of our own Court, enjoining Messrs. JONES & KENNEDY from collecting toll—but leaving the tolls to be collected by the City Council exclusively, where it was thought the matter had ended.

All the former difficulties having been removed by this decision of the Court, in the action of the Rail Road Company who had brought the suit, the City Council soon manifested a disposition to make an arrangement with that Company by which their purposes might be accomplished. Accordingly an agreement was entered into, to the effect, that the Rail Road Company, by paying to the City Council of Augusta \$100,000, were to have the privilege of crossing the river upon a Bridge to be erected by themselves. I have not alluded to these facts for the purpose of defending the City Council of Augusta, but to disabuse the public mind, and remove as far as possible those prejudices which, in my view, are unjustly excited against a neighboring City; and more particularly to show that all these efforts upon the part of our Legislature to frighten, or to force that City into terms, have proved unavailing, and have recoiled upon our own citizens.

Much has been said about the grasping rapacity of the City of Augusta; and the price the Rail Road Company had to pay for crossing the river, is often adduced as evidence against her. Now, if that Company refused the liberal offer which was made to them by the City Council of Augusta, shortly after they purchased the Bridge, it was certainly their own fault, for then they had an opportunity of purchasing the Bridge for \$100,000, the sum which they eventually had to pay, merely for the privilege of building a Bridge upon which to cross—and that the City Council of Augusta were thus exacting, may justly be attributed to the unwise action of the Legislature of South Carolina, which induced them to believe that the

State was endeavoring to drive them into measures; and yet this same Rail Road Company have expressed themselves as perfectly satisfied with the *hard bargain*, which it is said they had to drive. And I here state a fact which is highly creditable to the City of Augusta: she has two excellent Free Schools, within whose walls about twenty poor children, who reside in Hamburg, have been receiving instruction for several years, free of all charges. So much for the rapacity and illiberality of the City of Augusta.

But, let us admit, for the sake of brevity, that the one-half of the material structure of the Bridge, and the soil upon which it rests, belong to this State, and even then I contend that it was unwise, inexpedient and impolitic, on the part of the Legislature, to grant the franchise to two individuals, for their sole benefit, to the great detriment of the public generally. Believing, as I do, that it is the duty of the Legislator to protect the rights and interests of his constituents, as far as he may be enabled, and believing as I did, that such grant would confer, in its practical operation, upon Messrs. JONES & KENNEDY a private benefit, at the sacrifice of the public good, I felt constrained to oppose their application, notwithstanding my regard and esteem for them as individuals.

At the Session of 1852, when — presented the Memorial of Messrs. JONES & KENNEDY, praying an amendment of their Charter to the Augusta Bridge, I immediately determined to give the subject all the deliberation in my power. I attentively listened to the argument made by the learned Council, by whom the parties were ably represented, before the Committee to whom the Memorial was referred; I had frequent conversations with distinguished Lawyers and gentlemen of information, and, with all the light thus afforded, I could not arrive at any other conclusion, than that the prayer of the memorialists should not be granted; and it seems that the Joint Committee of both Houses came to the same conclusion, as they unanimously reported against it; and I remember distinctly, that the report of the House Committee was unanimously sustained by that body. The City Council of Augusta were there also as petitioners, praying the Legislature to re-grant the Charter to them, which was reported upon favorably by the Committee. And an amendment to the general Road Bill, granting the franchise to the City Council of Augusta, was passed through the House without a dissenting voice, but was stricken out in the Senate, by a vote of 16 to 13. I have been thus particular in giving the history of the action of the Legislature upon this subject, that the public may be put in possession of all the facts connected therewith, and be the better enabled to form a correct judgment. At the last Session of the Legislature Messrs. JONES & KENNEDY appeared again as petitioners, and their memorial was referred to the appropriate Committee, but was not reported upon by the House Committee; consequently the Bill was not acted upon by that body until the general Road Bill was returned from the Senate, and was taken up for a third reading, at a late hour of the night, when nearly half of the Members were absent. Under all these favorable circumstances, it only passed by a majority of five, the vote standing 31 to 35. In the discussion which sprang up on this Bill, I took the position, that the Legislature should never, under any circumstances, grant a franchise unless it was for the public benefit: that the parties applying for such grant, should show to the Legislature that they would furnish the public with a safer, cheaper and more convenient passage across the river than at present exists, which position was not controverted. Did these parties make any such showing? They certainly did not to my satisfaction, and I predicted that they would not furnish a safer, cheaper, or more convenient passage across the river, but that all persons crossing upon the Augusta Bridge, would be required to pay more than they did before.

How has the prediction been verified? Let all those citizens of this State who have been in the habit of selling lumber and other marketable produce in the City of Augusta, answer the question—and the answer will sustain me in the following statement. Before this Act of our Legislature, lumber and wood wagons were only required to pay fifty cents per load, for the privilege of passing over the Augusta Bridge, in which City they found a market and ready sale for their various commodities; but now it costs a dollar and ten cents, per load; sixty cents being retained at this end of the Bridge, and fifty cents at the other; and, let it be observed, that notwithstanding so much has been said about the illiberality of the City Council of Augusta, they charge ten cents more, per wagon load, at the Carolina end of the Bridge, than is charged at the Georgia end. By this odious tax upon wood, an immense revenue is cut off from the citizens of this District: a revenue amounting to at least thirty thousand dollars annually, the greater part of which is brought from the City of Augusta, and distributed among the people of this District. Then there is the lumber trade, which is of great importance to many of the citizens of Bamwell, as well as those of this District, who are entirely dependent upon this Bridge, as a highway, over which to transport their lumber to market. I will put down, in round numbers, the sum of money accruing to the citizens of this State from fire-wood, lumber and other marketable productions, at \$100,000 annually: all of which has been lost to our citizens, unless they sub-

mit to double tolls. In fact, many articles of produce are taxed to prohibition.

The Town of Hamburg is also injured to a very considerable extent, by this Act; for many of our citizens who found a ready cash market over the river, for the various commodities which they had for sale, were in the habit of purchasing their supplies in Hamburg, thereby making Augusta pay tribute to Hamburg. It is, perhaps, not generally known, that three thousand bales of Cotton were actually "drayed" across the river, the past year, and stored in Hamburg. This was Cotton belonging to Carolina Planters, who shipped it by way of the Canal to Augusta, but preferring the Hamburg market, were willing to pay twenty-five cents per bale, to reach their favorite market; but I am authorized to say, that they now have to pay fifty-cents per bale, and the consequence is, that all this Cotton will be driven from our own Town, and our citizens deprived of an important privilege—that of trading where they please.

What becomes of those cherished Free Trade principles, in the maintenance of which South Carolina once threatened to dissolve the Union, and imbue her hand in her brother's blood? Are these principles about to be abandoned? Or are they only to be asserted when our intercourse with foreign nations is the least trammelled? and repudiated and ignored when it is proposed to shackle our trade and traffic with a neighboring City? If the Congress of the United States has not the constitutional power to tax one portion of the States for the benefit of the others, then I contend, that the Legislature of a State has not the right, either legal or moral, to tax a large portion of her citizens, for the private benefit of two individuals. If the Congress of the United States has not the power to pass prohibitory tariff laws, by which the trade between this and foreign nations is to be materially affected, then I contend, that the Legislature of a State has not the right to tax, to prohibition, the products of her citizens, when they wish to trade with a City of a sister State. But yet the facts do show that this has been done by the Legislature of South Carolina. And for what, let me ask, must this great public sacrifice be made?

It is said that the rights of the State are endangered. How? In what way? Is she about to be despoiled of her territory? By whom? By the City Council of Augusta! What a startling announcement! A single City in the State of Georgia is about to despoil the State of South Carolina of an important part of her territory! This is altogether an *ad captandum* argument, in which, I must confess, I cannot see any force. During the Session of 1852, the Legislature of this State passed a series of Resolutions, instructing the Governor, in connexion with the Attorney General, to open a correspondence with the Governor of Georgia, upon this question of boundary: and also pledging the State to sustain them in any action they might think proper to take. Governor MANNING, in his last annual Message, used the following language: "I perceive by the late Message of His Excellency Governor Cobb, that he recommends to the Legislature of Georgia, to submit the question of boundary between the States, for final settlement, to the Supreme Court of the United States, in compliance with a proposition from the Attorney General of this State. I suggest to you the propriety of assenting to such a reference as the most complete mode by which a final settlement of this question can be effected."

Now, it really seems to me, that after all this had passed between the two States, it was impolitic, to say the least, to take any step that might have the appearance of rashness, and thereby prejudice our own cause. But then again, the interest of the public must be sacrificed because, as it is alleged, Messrs. JONES & KENNEDY, had "out of their not abundant means advanced to HENRY SHULTZ moneys to a large amount." Then, I ask, why in the name of common justice, should this discrimination be made between the creditors of HENRY SHULTZ? Look at the widow and orphans who have been made penniless by the acts of this HENRY SHULTZ—why should not the State consider their claims also? And if it were deemed necessary to pay SHULTZ'S debts, in consideration of his distinguished public services, why should not the Legislature have made an appropriation for that purpose, and let the people of the whole State be taxed to raise the necessary sum; and give the invitation, without distinction, to all the creditors of SHULTZ to come forward with their claims, duly attested, and receive their pay? In my humble judgment, such a course would have been less objectionable than that which has been pursued.

Now, Mr. Editor, one word more and I shall have done. That the Honorable Members who supported this measure were actuated by pure and disinterested motives, I have no doubt. Far be it from me to impugn any man's motives; but, in my own behalf, I must be allowed to say, that with all these facts in my possession, and with the views which I entertain upon this subject, had I not acted as I did, I should have been, in my view, guilty of a reckless disregard of those considerations of sound policy, of common justice, and of the general welfare, by which I have been actuated as one of the Representatives of Edgefield District.

A. J. HAMMOND.

February 15, 1854.