

The Test Oath.

Governor Perry, in his address to the Legislature, very properly remarked, that the reason for the passage of the test oath has passed away, and that "if not repealed, no one in South Carolina can fill a Federal office till a new generation has sprung up, for all now living—men, women and children—did, in some way, countenance the war." The truth is, we do not believe the test oath was intended for the people of the States in rebellion at the time it was passed; and we agree with a cotemporary, that, at that time, the Southern States were outside of its jurisdiction, and that it was intended simply to guard against the possible intrusion into Government employment, of persons who might secretly sympathize with the States then in hostility. The restoration of these States to the Union, and the return of peace, remove the only conditions on which the test oath was even hypothetical or justifiable.

The test oath is, moreover, working inconceivable damage and inconvenience to the public interests. How many postmasters or mail contractors, in the Southern States, can conscientiously, before their God, take an oath that they never voluntarily rendered aid, assistance or obedience to the late Confederate Government? Not one in a thousand. It has been well said, that the fact that there are so few persons in the South who can take the oath, and so many who refuse to take it, not only shows the feeling that existed during the war, but exhibits a sincerity and conscientiousness, which are highly creditable to the Southern people. So far from making them justly liable to the charge of chronic treason and permanent disloyalty, so persistently urged against them by the Radicals at the North, it should be considered, on the contrary, a proof of their honesty and entire trustworthiness.

A correspondent of the New York Times, who has been recently traveling in the South, in speaking of the defective postal arrangements in the Southern States, says very truly, "that the postal system is yet very far from being in an effective condition. Contracts have been given out and postmasters have been appointed; but still the mail bags accumulate at the terminal offices, or drag their weary way along disjointed routes. This is accounted for by the fact, that very many, in fact a large majority, of the postmasters and contractors appointed in the South since the war are unable to take the test oath."

The New Orleans Delta, in its comments on this correspondent's statements, has the following paragraph:

"There is no truth more firmly established, or more universally admitted by historians and philosophers, than that a man's moral character, his trustworthiness, or his credibility, is not in the slightest degree influenced by his political opinions. It is on this great truth that Macaulay and Buckle, one the greatest politician, and the other the greatest philosopher that England has produced during this century, base their unanswerable arguments against political test oaths. Besides being in all respects useless, they are actually immoral in their effects on the individual and on society. And a test oath which goes so far as to require a whole people to ignore the facts of their history and deny their own acts, is infinitely the worst form which such an error can assume. Of course these remarks do not apply to what is called the amnesty oath—although this may likewise be considered superfluous and useless—but to that form of oath which Congressional legislation has demanded as a condition precedent to the exercise of any public functions under the United States, and even to the practice of the legal profession in the United States Courts."

The "test oath" cannot suppress an historical fact; it cannot blot out from the page of history, that the Southern people were engaged in armed hostility against the Government of the United States at the time it was enacted. It cannot ignore the fact, that almost every citizen in the States, then in rebellion against that Government, did in some way, or at some time or other, render aid and comfort to the seceding States. If enacted, as we have intimated, for the purpose of preventing persons hostile to the Government from holding offices under that Government, then the occasion for its continuance or enforcement has passed away. No one in any of the States can now be said to be hostile to the Government. Therefore, we cannot believe that it was ever intended to be continued in force, or to apply to a state of facts which now exist. The Government of the United States, we are sure, does not want its officeholders throughout the South, to be men who could stretch their consciences, or falsify their oaths; nor does it, we are equally confident, seek to proscribe from its service the great mass of Southern men—men who will prove as true and

loyal to it as any within its jurisdiction. Under these circumstances, we trust that Congress will speedily exchange it from the statute book.

PINE GROVE, S. C., November 23, 1865.

To Senators and Members of South Carolina Legislature.

GENTLEMEN: Allow me who feels a profound, and he trusts a patriotic, interest in your deliberations, to suggest one or two points for your consideration, which, if it meets your approval, must greatly benefit a pretty large class of your fellow-citizens. In enacting a "stay law," which it is taken for granted your body will do, it is all-important that some restriction should be imposed on confession of judgments to preferred creditors. If there is not, the "stay law" will operate as a means of great moral, if not legal, fraud and injustice to a large number of persons who have been kind and indulgent creditors—equally so with those who are likely to be preferred. There are no less than some half-dozen cases, within the knowledge of the writer of this article, at this moment, where, if a certain one of the creditors of certain debtors have not already been preferred, arrangements are making to do so, and though, doubtless, the parties who are thus obtaining liens upon the property of debtors, have just and bona fide claims upon them, is it right that A, who is indebted equally to B, C, D, E and F—and it is notorious he cannot pay all of them the full amount of his indebtedness—should be allowed, and, perhaps, for a private consideration, of which the world will never know anything, confess judgment to B and C; pay them off in full, and leave D, E and F, without a farthing, and it may be in point of common equity, these latter may possess higher claims in right and justice than the former. I respectfully suggest that measures ought to be adopted to prevent this. Will it not also leave the door open for fictitious or fraudulent claims to be got up? It will not do to say, in reply to this, that the world is too honest for this glaring fraud. Experience has proved the contrary. HAMPDEN.

Legislature South Carolina.

Thursday, November 30, 1865.

SENATE.

The Senate met at 10 A. M. The President pro tem. announced that Mr. Richardson was added to the Committee on Roads and Buildings.

The Special Joint Committee, appointed to wait upon the Hon. W. D. Porter, and to inform him of his election as the Lieutenant-Governor of this State, reported that they had discharged the duty assigned to them, and that the Lieutenant-Governor is ready to qualify at such time as it may suit the convenience of the General Assembly, and recommended the adoption of the following resolution: That the Constitutional oath of office be administered to the Hon. W. D. Porter, the Lieutenant-Governor elect, in the presence of the General Assembly, in the House of Representatives this day at ten minutes past 12 o'clock M., by the Hon. B. F. Dunkin, Chief Justice of South Carolina.

Mr. Buist presented the petition of the stockholders of the Edisto and Ashley Canal Company for an amendment of charter; also, introduced a bill to amend the charter of the Edisto and Ashley Canal Company.

Mr. Shingler presented the petition of citizens of Berkeley District, for privilege of constructing gates across some roads.

Mr. Townes offered a resolution, which was agreed to, that it be referred to the Judiciary Committee to report as to the propriety of passing a law for the protection of the property of married women in this State, and that they have leave to report by bill or otherwise.

The Senate proceeded to the special order for 11 o'clock—a bill to establish District Courts.

The hour having arrived, the President pro tem. of the Senate, attended by the officers and members of the Senate, attended in the House of Representatives, in order to be present at the inauguration of the Lieutenant-Governor elect, who was sworn in by the Hon. B. F. Dunkin, Chief Justice.

Immediately thereafter, the Senate joined the House of Representatives in voting for two Associate Justices of the Court of Appeals.

Hon. D. L. Wardlaw received 139 votes; Hon. John A. Inglis, 137; Hon. J. P. Carroll, 1; and Mr. James B. Campbell, 1.

The President, therefore, declared the Hon. D. L. Wardlaw and the Hon. John A. Inglis duly elected Associate Justices of the Court of Appeals.

Upon the return of the Senate to the Senate Chamber, Mr. Arthur presented the memorial of the Mayor and Aldermen of the City of Columbia, praying the aid of the State in rebuilding the city. Also, the petition of Wm. R. Hunt, Secretary of State, praying compensation for services, expenditures and losses, sustained in preserving the public records of the State. And the account of Dr. C. H. Miot, for medicines furnished the Arsenal Academy.

Mr. Hemphill submitted the returns of the Commissioners of Free Schools for Chester District, for the year 1864.

Mr. M. Duffie presented the account of N. C. Duffie, Sheriff of Marion District, for services.

The Senate then proceeded to vote for Register in Equity for Charleston District, with the following result: James L. Gantt, 27 votes; J. L. Nowell, 2.

The Senate then voted for Commissioner in Equity of the following Districts, with the following result:

- Anderson District—W. W. Humphreys, 17 votes; A. O. Norris, 14.
- Barnwell District—James Patterson, 26 votes; William M. Hunter, 5.
- Colleton District—Benjamin Stokes.
- Marion District—A. L. Evans.
- Chester District—Giles J. Patterson.
- Chesterfield District—Jas. C. Craig.
- Horry District—Benj. E. Sessions.
- Spartanburg District—T. Stobo Farrow, 23 votes; H. H. Thomson, 8.
- Register of Mesne Conveyance for Char-

leston District—Henry Trescott, 23 votes; James M. Reed, 2.

Master in Equity for Charleston District—James W. Gray.

Mr. Shingler presented the petition of John F. Poppenheim, Chairman of the Commissioners of Roads for St. James' Goose Creek, asking to be allowed to establish a toll-gate on the old State Road.

Mr. Buist presented the memorial of Dr. J. J. Chisolm, President of the Board of Trustees of the Roper Hospital, transmitting accounts of receipts and disbursements, and praying for the usual appropriation. Also, the memorial of the City Council of Charleston, praying to be vested with power to open and widen streets.

Mr. Winsmith introduced a bill for the relief of the Spartanburg and Union Railroad Company.

Mr. Tracy introduced a bill to incorporate the Ireland Creek Timber Cutters Company.

On motion of Mr. Sullivan, the President pro tem. was requested to retire from the Chair; who requested Mr. Sullivan to occupy it.

Mr. Reid offered the following resolution, which was unanimously agreed to:

Resolved, In the temporary retirement of the Hon. F. J. Moses from the Chair, the thanks of the Senate are due, and are hereby tendered him, for the courteous, dignified, able and impartial manner in which he has presided over this body, and that this resolution be communicated to him by the Chairman.

Mr. Moses resumed the Chair, and upon the resolution being presented to him by Mr. Sullivan, with appropriate remarks, the President pro tem. addressed the Senate as follows:

GENTLEMEN OF THE SENATE: It would be an affectation both of head and heart, if I said I received this testimonial of your appreciation without emotion. A compliment bestowed with such evidence of sincerity, could not fail to awaken a sensibility of which no man should be ashamed.

If I have administered the duties of the Chair so as to elicit the commendation of those over whom I have had the honor to preside, I know I have been enabled to do so by your kind aid in maintaining, when necessary, the enforcement of Parliamentary rule. I have endeavored to be courteous, and that I trust is the characteristic of every gentleman. I have, too, endeavored to be just and impartial, and your endorsement in that regard is a source of unfeigned pleasure.

I shall treasure this evidence of your good will and kindness as a boon of which any one may be proud, and shall never in life, cease to remember the pleasant relations which my association with you has induced.

To you, sir, (the Senator from Laurens,) the organ of this body in presenting this flattering testimonial, I return my acknowledgment for the complimentary remarks with which you have accompanied the communication of the resolution.

On motion of Mr. Thomson, the Special Order for quarter-past 12 P. M.—a bill to establish District Courts—was discharged, and the same subject was made the Special Order for to-morrow, at 11 A. M.

HOUSE OF REPRESENTATIVES.

At the hour to which the House was adjourned, the Clerk called the roll, when the Speaker took the Chair, and a quorum being present, the proceedings were opened with prayer to Almighty God by Rev. Mr. Rude. The journal of yesterday's proceedings was read.

The Speaker laid before the House the following resolution; which was referred to the Committee on Offices and Officers:

UNION C. H., November 23, 1865. Hon. A. P. Aldrich, Speaker.

DEAR SIR: I beg leave hereby to tender to the Legislature my resignation of the office of Commissioner in Equity for Union District, from and after the 5th of December. Respectfully, D. GOUDELOCK.

The Senate sent to this House resolutions of respect for the memory of Hon. T. J. Withers; which were concurred in and ordered to be returned to the Senate.

The Senate sent to this House a bill to amend an Act to incorporate the Elmora Mutual Insurance Company, to be located in the City of Charleston; which was read the third time title changed to an Act.

Mr. Browning presented the petition of the Commissioners of Roads for St. James' Goose Creek, to be allowed to erect a toll-gate upon the State road.

Mr. Simonton presented the report of the Treasurer of the South Carolina College.

Mr. Lord presented the accounts of T. Kelly for blankets furnished prisoners in jail.

Mr. Walker presented the return of the Commissioners of Free Schools for Chester District, for 1864.

Mr. Keith presented the petition of sundry citizens of Pickens District, asking to have Managers of Elections exempted from road duty, or compensated in some other way, as a consideration for their services.

Mr. Talley presented the petition of J. S. Guignard, praying to be refunded \$208 for repairs on Congaree Bridge. Also, the account of Dr. J. H. Boatwright, for post mortem examination.

Mr. William Wallace presented the petition of Jacob Geiger, for permission to use a portion of the water of Columbia Canal.

Mr. Dawkins presented the report of the Commissioners of Free Schools for Union District.

Mr. Lord introduced a bill to amend an Act entitled an Act to amend an Act entitled "An Act to increase the fees of Sheriffs for detaining persons confined in jail."

Mr. Hutson introduced a bill to provide for the admission in evidence of wills made in the execution of a power.

Mr. T. P. Mikell introduced a bill to provide for the election of Governor and Lieutenant-Governor.

Mr. Hancok introduced a bill to amend the charter of the Edisto and Ashley Canal Company.

Mr. Shaw introduced the following resolution, which was agreed to, and sent to the Senate for concurrence:

Resolved, That it be referred to a joint committee, to consist of the Committee of Ways and Means of the House, and the Committee of Finance and Banks of the Senate, to take immediate steps to provide for the expenses of the General Assembly for the present session, and that they especially inquire and report as to the expedi-

ency of authorizing the President and Directors of the Bank of the State of South Carolina to advance to the use of the State, from any funds now in their possession or under their control, a sum sufficient for said purpose, upon the pledge of the faith and credit of the State for the repayment of the same to the said President and Directors.

Mr. Dawkins introduced a bill for the relief of the Spartanburg and Union Railroad Company.

The Senate attended in the House, and united with the House in voting *viva voce* for two Associate Justices of the Appeal Court.

Hon. D. L. Wardlaw and Hon. John A. Inglis having received a majority of the votes given, the Speaker announced that they were elected Associate Justices of the Appeal Court.

The Senate then attended in the hall of the House of Representatives, and immediately after, Hon. W. D. Porter, Lieutenant-Governor elect, attended by the Committee of Arrangements, entered the hall. The Lieutenant-Governor elect then addressed the members of the General Assembly as follows:

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES: To the good people of the State, through you as their chosen representatives, I return my sincere thanks for the honor conferred on me. During a term of public service, running through a period of twenty-five years, it has not been my lot before to make any appeal to the whole people of the State, or to receive any previous proof of their trust and confidence. Regarding this election as a token of their favor and approbation, I receive it with thankfulness, and shall always cherish it with pride.

The amended Constitution of the State provides that the Lieutenant-Governor shall act as President of the Senate. It will now become my duty to preside over the deliberations of that body. Happily, the duties of the chair are not strange to me; and my recollection of the kindness and courtesy of Senators in former days, makes me feel that I shall still be among friends, who will extend to me all the indulgence and support that may be needed.

A great change has come over us within the last year. The evidences of it are everywhere about us—in prostration, wreck and ruin. All, all is changed save our mutual friendships and the deep, unwavering love we feel for our State, the common mother of us all. The former have sustained us in all our trials; and of the latter nothing but death can deprive us—not war, nor peace, nor prosperity, nor adversity, nor the chances of time, nor the turning tides of fortune. Like true children, in the hour of distress we cling closer to the bosom that has nourished us. It is our refuge and our strength.

The past is fixed beyond recall. We cannot alter it, but we may learn much from its teachings, if we are wise to improve the occasion. It is with the present and future that we have to deal. It does not pertain to my office to suggest measures for your consideration; but I may be permitted to say a word or two in relation to the spirit and temper in which we should deal with our present exigencies. We should, of course, realize our new situation in its full extent, and should also realize that what may be right and proper in relation to one condition of things, may not necessarily be either right or proper in relation to another and a different condition of things. The great obstacles we have to encounter are in our pride and prejudices—in feelings and opinions that are traditional with us, and have grown to be a part of our second nature. The question of honor or dishonor in any particular case, must be resolved by each individual for himself. It depends upon the mind, the intent, the purpose. It depends much, too, upon the relative situation of parties. There may be more dishonor in requiring and enforcing a condition than in accepting and submitting to it. Between victor and vanquished he is most magnanimous who rises to the highest levels of the occasion, and best satisfies the requirements of honor, self-respect, truthfulness and generosity. But certainly he who acts well his part in adverse circumstances must command respect and not feel humiliation.

Especially now, in practical matters, should we guard against an obstinate adherence to theory, without sufficient regard to new facts and conditions. For example, we have renounced slave labor, and accepted free labor. Let us not condemn the latter in advance—let us not prejudice its failure. This is the way to insure failure. Let us give it fair play, and deal with it like men who are determined that it shall succeed. This is the way to insure success. Our own interest, and the interest of those whose lot is cast in with us, the happiness and prosperity of our State, depend upon our grappling with this great industrial problem, in good faith, and with a brave, cheerful, confident and determined spirit. The work of re-creation is in our hands; and if we shall succeed in building up anew our waste places, and in laying the sure foundation of a large and enduring prosperity, the blessings of those who come after us will rest upon our names.

Our people have pledged anew their faith to the Government of the United States. This a matter of honor; and they will well and truly redeem their faith. Those who doubt them, do not know them. They have been brave in war, and will be true in peace. To affect enthusiasm now, would be a hollow mockery; the bases of hypocrisy. It cannot be expected of them. They have their griefs and their memories. These are sacred, and are entitled to respect, and cannot be taken from them; but they will not suffer them to come in conflict with their duties. All that they ask in return, is a truth and a faith commensurate with their own. And so may be laid the foundations of a confidence that will be firm and enduring, and will ripen in time into that good will and esteem and harmony that can alone make a Government a blessing, or a people contented and happy.

The House then proceeded to vote, *viva voce*, for Commissioners in Equity, for Anderson, Barnwell, Chester, Chesterfield, Colleton, Darlington, Horry, Marion and Spartanburg Districts; and for Master in Equity for Charleston District; also, proceeded to ballot for Register in Equity for Charleston District. Adjourned.

Local Items.

CASH.—Our terms for subscription, advertising and job work are cash. We hope all parties will bear this in mind.

THE BURNING OF COLUMBIA.—An interesting account of the "Sack and Destruction of the City of Columbia, S. C.," has just been issued, in pamphlet form, from the Phoenix steam power press. Orders can be filled to any extent.

The city authorities propose erecting a temporary market. We hope they will reconsider the matter, and build something permanent, which will be an ornament to our about-to-be-rejuvenated city.

We have the gratifying intelligence to communicate to the youngsters, that Mr. McKenzie is receiving, and will open in a few days, a varied stock of new toys—the mere inspection of which will set them all in a flutter. Don't call on him just yet, but wait a day or two, and then you can feast your eyes.

The firing in the streets at night still continues. Cannot something be done to stop it? A bombardment in miniature is kept up, at times, to the serious annoyance of that portion of the community (not employed in the Phoenix establishment) who think night was made for sleep.

CITY IMPROVEMENTS.—We are highly pleased at being able to testify that Columbia is fast rising from the ashes; the "era of small things" is passing away, and substantial brick stores are being erected. May one and all, in a very short time, be filled to overflowing with goods, and the proprietors thereof weary themselves in supplying cash customers, is the earnest wish of "the local."

PLANT TREES.—We would remind our city authorities, that one of the greatest attractions of Columbia, in former years, was the magnificent trees in the streets. Of these, there are but few left. To replant them would cost but little, and we believe would add materially to the general health. As the season for transplanting is approaching, we throw out this hint, and hope to see it acted on.

NEW ADVERTISEMENTS.—Attention is called to the following advertisements, which are published this morning for the first time:

- Kennedy and Brevard—Estate Sale.
- Steam Saw Mill for Sale.
- J. F. Eisenmann—Tailoring, &c.
- Apply at this Office—Situation Wanted.
- Rooms to Rent.
- Nomination of R. C. Shiver.
- List of Letters in Post Office.
- Durbec & Walter—Furniture, &c.
- W. B. Stanley—Kerosene Lamps.
- Edwin Bates & Co.—Dry Goods, &c.
- E. Pollard—Spectacles, Cards, Candies.
- Patent Medicines.
- Gen. Ames—General Orders No. 33.
- Gov. Berry—Proclamation.

We learn from the New York Herald, of the 27th, that the reported participation of American soldiers in the recent assault on Matamoros by the Mexican Republicans has, it seems, produced a disagreeable effect upon the Imperialists, and they are said to fear that our Government seriously meditates interfering in behalf of President Juarez. Even the abandonment of Maximilian's journey to Yucatan is ascribed to apprehensions on the part of his Cabinet of difficulty with the United States, and it is stated that Marshal Bazaine has ordered several important positions to be strengthened. Maximilian is said to have lately received an autograph letter from Louis Napoleon, urging him to more energetic measures toward the firm establishment of the empire.

Col. Bravado, of the Liberal army of Mexico, as bearer of despatches from President Juarez to the United States Government, arrived at Kansas City, on the 20th ult., and left immediately for Washington. Col. Bravado states that the Mexicans had 25,000 troops under arms, and that 75,000 more can be put in the field as soon as the means are raised, which will be speedily.

Private letters from a commercial firm at Mazatlan and other Mexican ports, report the feeling against the French as becoming stronger and stronger every day. Large purchases of wine and other commodities made in San Francisco during the summer, on French account, have been rejected by resorting to the subterfuge of short weights and inferior qualities.

As the President is in communication with Governor Humphreys, of Mississippi, the presumption is that the story is not correct that the former had directed Judge Sharkey to go on and act as Governor. It is observed, by the letter of the President to Humphreys, he limits remarks as to rights of negroes to protecting such rights by the laws. It does not suggest negro suffrage.

The Board of Trade of Boston have adopted resolutions looking to an increase in the raising of cotton in the Southern States. They request the Government, within the sphere of its legitimate powers, to organize such portions of the laboring classes in the South as cannot be reached by private capital.