

# The Newberry Herald.

THREE DOLLARS A YEAR.

FOR THE DISSEMINATION OF USEFUL INTELLIGENCE.

[INVARIABLY IN ADVANCE]

VOL. IV.

WEDNESDAY MORNING, MAY 13, 1868.

NO. 20.

## THE HERALD

IS PUBLISHED  
EVERY WEDNESDAY MORNING,  
At Newberry C. H.,  
By W. H. F. & R. H. GREENEKEE,  
\$3.00 PER ANNUM, IN CURRENCY  
OR PROVISIONS.  
Advertisements in advance.  
Marriage Notices, Funeral Invitations, Obi-  
tuary, and Communications subverting private  
morals, are charged as advertisements.

### THE RESPECTFUL RE- MONSTRANCE.

On behalf of the WHITE PEOPLE  
of SOUTH CAROLINA, against the  
Constitution of the late Conven-  
tion of that State, now submitted  
to Congress for Ratification.

To the Honorable the Senate, and  
House of Representatives of the  
United States, in Congress as-  
sembled.

The undersigned respectfully  
sheweth, that a Constitution  
brought with evil to the State,  
and to all classes of the people  
thereof, is about to be submitted  
to your honorable body for ratifi-  
cation. Before your honorable  
body shall set upon that instru-  
ment the seal of your approval,  
and thus consummate upon a  
proud and faithful people a great  
and irreparable wrong, we re-  
spectfully ask a hearing at your  
hands, whilst with a due sense  
of our responsibility to God and  
man, we submit for your consid-  
eration the grave objections that  
may be urged against the propo-  
sed fundamental law for this  
State. And first permit us to lay  
before your honorable body the fol-  
lowing analysis of the said Consti-  
tution, prepared by the Hon. B. F.  
Perry, of this State—a pure man,  
an able lawyer, and a life-long  
bold and outspoken Unionist.  
As a man who opposed nullifica-  
tion and secession you will, per-  
haps not regard him as one whose  
views on the Constitution are apt  
to be pervaded by that disunion  
spirit, which many members of  
your honorable body might deem  
sufficient to prejudice any paper  
emanating from South Carolina.  
Mr. Perry thus states the most  
prominent objections to be urged  
against the Constitution of the  
Reconstruction Convention of this  
State.

"ARTICLE I.—Section 19.—Of  
the Declaration of Rights, gives  
Justices of Peace jurisdiction of all  
offences, less than felony, and  
in which the punishment does  
not exceed a fine of \$100, or im-  
prisonment for thirty days. This  
is a gross violation of that boast  
and bulwark of Anglo-Saxon lib-  
erty, the trial by jury. Any one  
may be arrested and tried sum-  
marily, before a Justice of the  
Peace or other officer, authorized  
by law, on information under oath,  
without indictment or interven-  
tion of a Grand Jury. Can any-  
thing be more despotic or alarm-  
ing, than the power of an igno-  
rant, vicious negro Justice to fine  
and imprison any and every man  
in the State?"

"Sec. 24.—Enables the Legisla-  
ture to authorize and empower  
any one police or military officer,  
to suspend the laws of the State,  
or the execution of the laws. The  
Constitution of the United States  
forbids the suspension of the writ  
of *habeas corpus* by Congress,  
even in cases of rebellion or in-  
vasion. But here the whole laws  
of the State, in time of peace, may  
be suspended by some worthless  
minion, authorized by the Legis-  
lature.

"Sec. 25.—Authorizes the Gen-  
eral Assembly to subject any one  
to martial law, or to the pains  
and penalties of martial law,  
whenever they think proper.  
This infamous power is given the  
Legislature under the guise, too,  
of protecting personal rights. It  
seems to have been suggested by  
the minority of the Supreme  
Court's dissenting opinion in Mil-  
ligan's case. They held that Con-

gress could authorize the trial of a  
citizen by a military court. The  
framers of this Constitution did  
not intend to leave the legislative  
power doubtful in this particular.  
"Sec. 23.—Clearly and distinct-  
ly empowers and authorizes the  
Legislature to keep up and main-  
tain a standing army in time of  
peace! This alarming power is  
given, too, most adroitly, under  
the pretence, that armies being  
dangerous to liberty, ought not to  
be maintained in time of peace  
"without the consent of the Gen-  
eral Assembly! The purpose of  
this section is to enable the Leg-  
islature to keep up a regular force  
of five or ten thousand negro sol-  
diers, to suppress and keep in  
subjection the white race, after  
the United States forces are re-  
moved from South Carolina! The  
Constitution of the United States  
especially prohibits any State  
"keeping troops or ships of war in  
time of peace." But this Consti-  
tution declares it may be done  
with the consent of the Legisla-  
ture!

"Sec. 2 of Art. 4.—Provides  
that the Judges of the Supreme  
Court shall be elected for six years,  
and section 13 of the same article  
ordains that Circuit Judges shall  
hold their office for a term of four  
years. This destroys the inde-  
pendence of the Judiciary, and  
makes them political partisans,  
with all the temptations and cor-  
ruptions of politicians. In order  
to secure their re-election, they  
must become subservient to the  
Legislature, by whom they are to  
be re-elected. They will not dare  
to decide an Act of the Legisla-  
ture unconstitutional, nor will  
they venture to oppose their ju-  
dicial opinions to any popular  
current which may be sweeping  
over the State. Whilst the Judges  
of England were in commission  
during the pleasure of the Crown,  
they were always a tyrant's min-  
ions. Heretofore the Judiciary of  
this State, elected for life, have  
always been above reproach, and  
their crime has never been sus-  
pended with a stain of suspicion.  
Henceforth the Judiciary of South  
Carolina will be corrupt and sub-  
servient.

"Sec. 22.—Gives Justices of the  
Peace jurisdiction in cases of lusu-  
tardy and all contracts and torts  
as high as \$100. This will open  
the flood-gates of litigation and  
keep the people in constant ex-  
citement and commotion. Petiti-  
tongers will spring up all over the  
State to disturb the peace and  
quiet of the community. Ignor-  
ance and prejudice will be sitting  
in judgment on the rights and lib-  
erties of the people.

"Sec. 26.—Denies the Judges the  
right of charging juries in respect  
to matters of fact! In most cases  
tried in our courts, it is abso-  
lutely necessary for the Judge to  
analyze the facts, in order for the  
juries to properly understand  
them and give a correct verdict.  
This will be more imperative  
hereafter, when our former slaves  
shall be sitting on these juries. In  
a complicated civil case, before a  
stupid, ignorant jury, under this  
restriction, the trial by jury will  
be a mockery of justice.

"Sec. 33.—Takes from the Leg-  
islature all discretion as to the  
adoption of the proposed amend-  
ment of the Federal Constitution,  
disfranchising the people of South  
Carolina. This amendment, re-  
pudiated by Ohio, California, New  
Jersey and even Massachusetts,  
was submitted by Congress to the  
several State Legislatures for  
their adoption or rejection, as to  
them should seem proper. They  
were to judge of its merits and  
decide for themselves. But this  
section swears them beforehand  
to adopt it, whether wise or un-  
wise, just or unjust!

"Sec. 24.—Declares null and void  
all contracts for the purchase of  
slaves, in violation of the Consti-

tution of the United States, which  
declares that no State shall pass  
any law impairing the obligation  
of contracts. This section was in-  
tended as a fraud and deception,  
a bribe, to induce the people, owing  
such debts, to vote for the Con-  
stitution. It is a nullity, and will  
be so declared by the Federal  
Courts. But this will be after the  
cheat has had its effects and ac-  
complished its purpose.

"Sec. 2 of Art. 8.—Enfranchises  
every male negro over the age of  
twenty-one, whether a convict,  
felon or a pauper, and disfran-  
chises every white man who has  
held office in South Carolina. In-  
telligence, virtue and patriotism  
are to give place, in all elections,  
to ignorance, stupidity and vice.  
The superior race is to be made  
subservient to the inferior. Taxa-  
tion and representation are no  
longer to be united. They who  
own property are to levy taxes,  
and make all appropriations. The  
property holders have to pay these  
taxes, without having any voice  
in levying them! The conse-  
quences will be in effect, confisca-  
tion. The appropriations to sup-  
port free schools for the education  
of negro children, for the support  
of old negroes in the poor houses,  
and the vicious in jails and peni-  
tentiary, together with a standing  
army of negro soldiers, will be  
crushing and utterly ruinous to  
the State. Every man's property  
will have to be sold to pay his  
taxes.

"Sec. 8.—Expressly prohibits the  
Legislature passing any law de-  
priving a convict of larceny of  
the right of suffrage. It was ap-  
prehended that in a few years a  
large proportion of the negro  
voters might be convicted of lar-  
ceny, and the radical party thereby  
shorn of their strength in all elec-  
tions. But is it not most shameful,  
that in forming a Constitution,  
care should be taken to prevent  
rings from being disfranchised,  
whilst the same caution is exercised  
to exclude the most intelligent,  
virtuous and patriotic from the  
right of suffrage! It would seem  
that the purpose of the framers  
of this Constitution was to found  
a community of rogues and paupers  
in South Carolina! And so astute  
have they been in carrying out  
their purpose, that they provide  
in section 12, that all who have  
already been convicted of felony  
shall be allowed to vote.

"Sec. 2 of Art. 9.—Prohibits the  
Legislature from levying a poll  
tax of more than one dollar on  
each person, and declares that this  
tax shall be applied exclusively to  
the public school fund! And no  
additional poll tax shall be levied  
by any municipal corporation. In  
other words, the property must  
pay all the taxes of the Govern-  
ment, and persons shall pay nothing  
for their protection of life and  
liberty. The idea is that vagrants  
and rogues are to be a sort of  
*noblesse*, exempt from taxation, as  
was the case of the aristocracy in  
France previous to the French  
Revolution. In order to secure the  
school fund, section 15 authorizes  
the Legislature to punish those  
who may embezzle it, by declaring  
them disqualified for holding any  
office of honor or emolument in  
this State. But, then, true to their  
purpose of vesting all political  
power in the hands of such per-  
sons, it provides in the same sec-  
tion, that the General Assembly,  
by a two-thirds vote, may remove  
the disability upon payment in  
full of the principal and interest  
of the sum embezzled! If a man  
has stolen money from the public,  
he may still hold office under the  
Government, if he will "give up like  
a gentleman," the money stolen!

"Sec. 16.—Provide that on debt  
contracted by this State in behalf  
of the late rebellion, in whole or  
in part, shall ever be paid. Why  
should the non-property holding  
negroes, Yankees and Southern

renegades in the Convention pro-  
hibit the property holder from pay-  
ing these debts, if they see proper  
to do so, and preserve untarnished  
the honor of their State. This  
war debt was contracted with hon-  
est creditors, many of them widows  
and orphans, and why should it not  
be paid? The property holders,  
who assembled in Convention in  
1865, and who would have to pay  
this debt, never thought of re-  
pudiating it.

"Sec. 3 of Art. 10.—Establishes  
a uniform system of free public  
schools throughout the State, and  
provides for the division of the  
State into school districts. This  
will do very well in New England,  
where they have a dense popula-  
tion, but is wholly unsuited to the  
sparse population of South Caroli-  
na. In many of the school dis-  
tricts, four miles square, there will  
not be a child to be educated. In  
a majority of them there will not  
be children enough to make a re-  
spectable school. The expense of  
such a system will be at least  
\$1,000,000. It contemplates and  
forces the education of the white  
and black children in the same  
school. This, no one who has any  
regard for the morals, manners  
and future respectability of his  
children, will tolerate. They who  
are able may employ private tutors  
for their sons and daughters; but  
the poor children will have no al-  
ternative but to go to these schools,  
or be uneducated.

"Sec. 4.—Makes it compulsory  
for all children between the ages  
of six and sixteen to attend school  
for two years. The compulsory  
system may suit the genius of a  
despotic Government like Prussia;  
but is at war with the spirit of  
our free institutions. There are  
many parents who are not able to  
spare the services of their children  
at home, and many others who  
are not in a condition to furnish  
their children with suitable clothes  
and books for their attendance at  
these schools. At least a parent  
should be permitted, in a free Re-  
publican country, to govern his  
own household and determine for  
himself what is best for him to do.  
In order to support these schools,  
a poll tax of one dollar per head  
is to be levied, which might raise  
\$1,000,000. This would leave \$900,  
000 to be paid by taxation of prop-  
erty.

"Sec. 8.—Provides for the es-  
tablishment of State reform  
schools for juvenile offenders.  
This is a new system to be in-  
troduced in South Carolina, and of  
very doubtful policy. It will cer-  
tainly add hundreds of thousands  
of dollars to our taxation. All  
the public schools, colleges and  
universities in the State are, by  
section 10, to be free and open to  
all the children, without regard to  
race or color. There seems to be  
a studied desire throughout all  
the provisions of this most infam-  
ous Constitution, to degrade the  
white race and elevate the black  
race, to force upon us social as well  
as political equality, and bring  
about an amalgamation of races.

"Sec. 5 of Art. 11.—Forces each  
County to provide for the support  
of the aged, infirm and unfortu-  
nate. It does not require children  
to support their aged, infirm or  
unfortunate parents, nor parents  
to provide for their children; but  
this heavy and most enormous  
burden is to be thrown on the  
public and provided for by taxa-  
tion.

"Heretofore South Carolina has  
pursued a wise policy in refusing  
all divorces. The marriage con-  
tract is not like that of any other,  
which the parties may rescind at  
pleasure, without injury to soci-  
ety. There is a third party—in-  
nocent and helpless children—who  
are deeply interested in all di-  
vorces. Moreover, it tends to de-  
moralize every community where  
it is allowed or tolerated. But  
section 4 gives the courts power

to grant divorces. This section  
was intended, perhaps, for the es-  
pecial benefit of the negroes. It  
ought also to have legalized poly-  
gamy, which has likewise great  
favor with this class of people.

"The settlement of a wife's prop-  
erty, provided for in section 8,  
might have been left to the discre-  
tion and wisdom of the Legisla-  
ture. It is an experiment, and if  
found mischievous or unwise, the  
Legislature ought to have the  
power of changing or altering the  
law. But this ordinary act of leg-  
islation has been incorporated in  
the Constitution as a fundamental  
law, not to be repealed.

"Attached to this Constitution,  
are several ordinances, and  
amongst them one which repudi-  
ates all pledges of faith and credit,  
on the part of the State, to any  
corporation or private individual,  
made since 1860. The honor and  
credit of South Carolina, her good  
faith and most solemn pledges,  
are thus treated as of no consid-  
eration whatever. But this ordi-  
nance is on a par with that dis-  
honor, despotism, and unscrupu-  
lous extravagance, which pervade  
the whole Constitution, and are  
worthy of the infamous source  
whence the instrument has its  
origin.

"The ordinance to create a Board  
of land Commissioners, authorizes  
the purchase of lands for the  
purpose of selling them out in small  
tracts to purchasers on credit.  
This wild and ruinous scheme is,  
likewise, for the negroes, and is  
likely to benefit no one, except  
the land commissioners and their  
friends. State stocks are to be is-  
sued for the purpose of purchasing  
these lands. They may be sold,  
but the purchasers will never pay  
for them, and the loss will ulti-  
mately fall upon the State. Did  
any one ever before hear of so  
many effective provisions for  
squandering public money, when  
the whole State, and all the people  
in it, are reduced to bankruptcy  
and poverty?"

Thus has it been shown, in the  
above analyses, how injuriously  
this Constitution must affect the  
interests of the white man, and  
how inconsistent it must prove  
with the peace and prosperity of  
the State. But, in addition to this,  
the Committee believe that it can  
be shown that the said Consti-  
tution is not the less injurious to  
the very class—to wit: the black people  
—whom it seemed most especially  
to have been designed to benefit.  
On this point, the Committee ask  
leave to invite attention to the  
comments of the Hon. A. Burt,  
one of the ablest lawyers of the  
State, and a man of the highest  
character, and of well known po-  
litical conservatism. The following  
is his language on the subject of  
the provisions of the new Consti-  
tution, which confer the power of  
taxation:

"An analysis of the provisions  
of the new Constitution, which  
confer the power of taxation, I  
have not a doubt, will assure any  
candid mind that no people on this  
continent can endure the burdens  
which it imposes. The principle  
which pervades that entire instru-  
ment is that all taxation, except  
for a single purpose, shall be im-  
posed upon real estate and upon  
the income from the sale of mer-  
chandize. In estimating the in-  
equality of taxation, we cannot  
omit the fact of the great diversity  
between the two races which in-  
habit the State. At this moment  
the taxable property is held by  
one race, and under that Consti-  
tution the political power is vested  
exclusively in the other. Not only  
are the ordinary appropriations  
for the civil service of the State  
imposed upon the property held  
by the smaller number, but the  
other race, as a race, is at the  
present moment entirely exempt  
from any taxation, except for the  
support of public schools. A very

large number of the race which  
own the taxable property are dis-  
franchised—cannot vote, and can-  
not even hold the humblest office  
created by that Constitution; while  
all others, without reference to  
property, to educational qualifica-  
tion, to past citizenship, or any  
other qualification, are allowed to  
vote. Need I say that this is a  
condition of things which the  
world never before witnessed! Your  
ancestors proclaimed a senti-  
ment which has thrilled through  
every American heart, reached to  
distant countries, and been incor-  
porated into their constitutions  
and laws. It is this, that taxation  
without representation is tyranny.

Now, not only is a large class of  
property-holders in South Caroli-  
na disqualified to vote or hold  
office, but those who may vote or  
hold office are not required to have  
any property qualifications or to  
know a letter of the alphabet, as  
many of them will not know. I  
say that a more arrant and infam-  
ous spoliation of a class was never  
designed by any country on the  
face of the earth.

"Now, what must be the conse-  
quences? Property under forms  
of law, in the guise of taxation,  
will be transferred from the hands  
of those who now possess it to  
others. It is inevitable. The hold-  
ers of taxable property in South  
Carolina cannot to-day, and will  
not hereafter, be able to pay the  
taxes imposed upon them.

"Many of you who are able to  
form some reasonable conjecture as  
to the number of paupers who will  
assert their claims upon the charity  
and sympathy of the State. You  
have already had some experience  
with reference to one race, and I  
am persuaded you will not have  
the slightest difficulty in making  
your calculations. Not even a  
negro father, son or husband, is  
required to contribute a dollar to-  
wards the support of the paupers  
of his race."

He next addresses himself more  
especially to the colored man, and  
remarks:

"If there be any colored man  
who intends to be industrious,  
frugal and moral—to elevate him-  
self and family—to that man I de-  
sire to say one word: Let him  
acquire real estate and learn to  
read and write, so that he may be  
placed in the category of the  
white man who owns taxable  
property, and if I am not totally  
mistaken in the opinion I have de-  
rived from successful and critical  
examination of the new Consti-  
tution, he will be unable to retain  
his property three years. It will  
be taken from him by those of his  
own race who are idle, thriftless,  
and do not mean to work. Hence  
it is that I call upon all respect-  
able colored men, who entertain  
hopes of future prosperity, to de-  
nounce that Constitution and join  
his natural, ancient and true  
friends in opposing its ratification."

Next, after exposing the decep-  
tive features in the Constitution  
proposed on the subject of the  
homestead claim, and the annull-  
ing of all debts of which slavery  
were the consideration, and after  
some comment upon the danger-  
ous organization of the judicial  
power of the State, he concludes  
thus:

"In my judgment, a Consti-  
tution with such enormities in it  
will prove fatal to both races, and  
more fatal to the black than to  
the white. The colored man who  
has acquired property has really  
more interest in preventing that  
Constitution from becoming the  
fundamental law of the State than  
you have, and I trust he will not  
allow himself to be deluded by  
those who would make him be-  
lieve that it is his interest to op-  
pose the people who have reared  
and nurtured him through life.  
So cumbersome and complicated is  
the machinery of that Consti-  
tution, consisting, as it does, of the

most minute details, and so bur-  
densome will be the government  
which it inaugurates, that you  
will be crushed by it. You cannot  
bear it. As well might the heavy  
harness of the mailed warrior be  
put upon the limbs of an infant,  
as for these burdens to be imposed  
upon the impoverished people of  
South Carolina. None but a peo-  
ple rich and highly educated can  
live under that Constitution. Try  
it if you will, but I tell you, gen-  
tlemen, that antagonism will be  
excited between the two races,  
and conflict may be the result.  
Under it peace and harmony are  
utterly impossible in South Caro-  
lina."

We have thus suggested to your  
honorable body some of the promi-  
nent objections to your adoption  
of this Constitution. We waive  
all argument upon the subject of  
its validity. It is a Constitution  
*de facto*, and that is the ground  
upon which we approach your  
honorable body in the spirit of  
earnest remonstrance. That Con-  
stitution was the work of North-  
ern adventurers, Southern fene-  
gades and ignorant negroes. Not  
one per centum of the white pop-  
ulation of the State approves it,  
and not two per centum of the ne-  
groes who voted for its adoption  
know any more than a dog, horse,  
or cat, what his act of voting im-  
plied. That Constitution enfran-  
chises every male negro over the  
age of twenty-one, and disfran-  
chises many of the purest and  
best white men of the State.

The negro being in a large numeri-  
cal majority, as compared with  
the whites, the effect is that the  
new Constitution establishes in  
this State negro supremacy with  
all its train of countless evils. A  
superior race—a portion, Senators  
and Representatives, of the same  
proud race to which it is your  
pride to belong—is put under the  
rule of an inferior race—the abject  
slaves of yesterday, the fished  
freemen of to-day. And think you  
that there can be any just, lasting  
reconstruction on this basis? The  
Committee respectfully reply, in  
behalf of their white fellow-citi-  
zens, that this cannot be. We do  
not mean to threaten resistance  
by arms. But the white people  
of our State will never quietly sub-  
mit to negro rule. We may have  
to pass under the yoke you have  
authorized, but by moral agencies,  
by political organization, by every  
peaceful means left us, we will  
keep up this contest until we have  
regained the heritage of political  
control handed down to us by an  
honored ancestry. This is a duty  
we owe to the land that is ours, to  
the graves that it contains, and to  
the race of which you and we are  
alike members—the proud Cau-  
casian race, whose sovereignty on  
earth God has ordained, and they  
themselves have illustrated on the  
most brilliant pages of the world's  
history.

Nor, Senators and Representatives,  
does the State of South Carolina merit,  
at your hands, the "olitical treatment  
that has been meted out to her without  
 stint.

It is true, South Carolina took the  
field promptly, in the late war between  
the States. Her people embarked their  
all in the struggle, because the sov-  
ereignty of the State demanded this  
of them. But when the war ended, and  
the arbitrament to which they resorted,  
was adverse to their cause, no people  
ever yielded more gracefully to the de-  
cree of Providence. Quietly they laid  
down their arms, and, in peace, they  
became law-abiding, as, in war, they  
had been faithful to their flag. They ac-  
cepted the legitimate results of the war.  
They were ready to abandon the claim  
of the right of their State peacefully to se-  
cede from the Union, and they assented,  
in Convention assembled, to the emanci-  
pation of their slaves. And now, were  
the State admitted into the Union, on a  
just and reasonable basis, we hesitate  
not to declare that again would our peo-  
ple greet the starry banner of the Union,  
and unite with their fellow-citizens of  
the whole country in the effort to pro-  
mote the glory, wealth and prosperity of  
our common land.

In our relations, as proposed by us  
with the black people of this State, we  
are not disposed to exact anything that  
just men may deny or heaven disap-  
prove.

When South Carolina assented to the  
(Continued on 2d page.)