

Owing to the publication of proceedings of the Convention, the usual Editorial Matter is omitted this week.

THE NEGRO CONVENTION.

From the Charleston Mercury. FRIDAY 17TH. [Continued from 1st page]

B. H. Whitmore then proposed that this resolution be referred to its proper committee. The chair then ruled that the resolution should be laid aside until the Committee should report.

The committee on Standing Committees reported the following as in their opinion the proper Standing Committees of the Convention:

- 1. Bill of Rights. 2. Legislation. 3. Executive. 4. Judiciary. 5. Franchise and Elections. 6. Education. 7. Finance. 8. Rules and Regulations. 9. Petitions. 10. Miscellaneous Matter. 11. Review and Consolidation. The report was adopted.

Langley's motion concerning confiscation and disfranchisement was then taken up, and by an almost unanimous vote, tabled.

Debate on this matter was cut off, and the convention acted under the lead of Whitmore.

A motion by Randolph, to reconsider the adoption of the report on Standing Committees, was lost.

B. Odell Duncan then moved that a committee of five be appointed to consider what measures are necessary for the relief of the people of the State. Adopted.

B. F. Randolph of Orangeburg, asked if a Committee on Militia and Military had been appointed by the Committee on Standing Committees.

He was informed that they had not provided such a committee.

It was then moved that this subject be referred to the Standing Committee on Miscellaneous Matters. Carried.

The Committee on Standing Committees was then discharged.

On motion of B. F. Randolph it was resolved that a committee on militia, one on charitable institutions, and one on corporations be added to those named by the Committee on Standing Committees.

R. Odell Duncan, of Newberry, offered the following:

Resolved, That Brevet Major-General E. R. S. Canby be requested to suspend all executions of judgments or other forcible collection of debts contracted prior to January 30, 1865, for the space of three months, until further measures of relief can be matured by this convention.

On motion the resolution was laid on the table.

R. C. DeLarge moved that the resolution about confiscation and disfranchisement, previously moved by Langley, be taken from the table. The House refused permission. The yeas and nays being called the following was the vote: Yeas 46; Nays 61.

Great confusion prevailed in the convention before, during, and after the calling of the yeas and nays, many of the members clearly not understanding the motion they were voting upon.

C. P. Leslie, of Barwell, moved the following, which was referred to the Committee on Legislation:

Whereas, The financial condition of the people of this State, considered in connection with the future prosperity of all the people, and finally to enable the people to discharge and pay their debts,

Be it Resolved, That a fit and proper provision for a homestead law be incorporated into the constitution of this State.

R. C. DeLarge moved that the judges of the State courts be invited to take seats on the floor of the convention. Carried.

N. G. Parker offered the following ordinance, which was referred to the Committee on Legislation:

An ordinance to allow each head of a family in South Carolina a homestead, and to prevent the levy and sale of the same under any circumstances hereafter, each head of a family in the State shall be allowed to own a homestead which shall consist of one hundred acres of land with a dwelling house and other improvements thereon, if not exceeding the value of two thousand dollars; provided that none of the above lands be within the limits of a city or incorporated town, or in lieu of the above land, real estate in a city or town not exceeding twenty-five hundred dollars.

The above named homestead shall be exempt from levy and sale by virtue of any process whatever under the law of this State.

Benjamin Byas, of Berkeley, moved that a committee be appointed to take into considera-

tion the political divisions of the State. He added in explanation that in his opinion the Judiciary Committee have enough to do, and as the State needs much overhauling it ought to be given to a separate committee.

The chair suggested that the more meat geographical divisions and not political divisions, but Benjamin Byas declined to take the suggestion. He insisted that he had reference to political divisions. Referred to Committee on Legislation.

Timothy Hurley read the following, which was referred to the committee on the Judiciary:

An ordinance to annul all contracts and liability made for the purchase of slaves, when the money has not been paid.

Be it ordained, by the people of South Carolina, in legal convention assembled, that all contracts made for the purchase of slaves, whether by parole or under seal, when the money has not been paid, shall be declared null and void, and all clerks of courts of Common Pleas and Masters in Equity, be required on proper affidavits, to annul the same.

On motion, the convention then adjourned until half-past seven o'clock, this evening.

Evening Session.—At about 8 o'clock, Gen. Canby, accompanied by Captain Caziare, A. A. G., Second Military District, entered the hall, and was introduced to the convention by the President. There was some applause, and when it had subsided the President said that General Canby was not there ready to make a speech, but that he desired to return his warm thanks to the members.

Shortly afterwards Governor Orr, accompanied by Judge Moses, and several other gentlemen, entered the hall, and was presented by the President, who said that the convention desired to hear the Governor, because they knew that, in his position, he had had many opportunities of knowing and learning the wants and necessities of the people, and he could assure him that he would receive a careful and patient hearing at the hands of the convention.

THE GOVERNOR'S SPEECH.

Mr. President and Gentlemen of the Convention:

I esteem the invitation which you have extended to me to address this convention, as a compliment paid to the existing executive authority of the State, more than to the individual who represents that authority, therefore, in behalf of the State for your kind consideration I tender you my thanks.

You are here in convention to frame a constitution for the people of South Carolina, and have been elected in conformity to the laws of the United States.

The fact cannot be disguised however, that the white population has almost unanimously abstained from exercising the privilege, and your convention is therefore, strictly speaking, the representative only of the colored population of South Carolina. This being the case, it cannot be denied, that the intelligence, refinement and wealth of the State is not represented by your body. Hence the very high duty is devolved upon you of discharging the important trusts confided to your care in such a manner as to command your action to the confidence and support, not only of those by whom you were elected, but of those who refused to go to the polls and vote in the election.

I say to you, very frankly, that I regard this body as invested with the sovereign power of the State, and that the constitution which you may adopt for the people of South Carolina, is one which will not only be ratified and accepted by Congress, but one under which all classes in South Carolina will live for years to come.

The experiment of giving to the colored people of the South all of the privileges of the franchise of citizens is a novel one, and time only can determine whether it is to be a success or a failure. On the one hand it is said that the negro is utterly incapable of exercising the rights and privileges of a citizen. On the other hand it is said that the "rebel"—the man who participated in the war—should not be allowed to participate in the government. Those of you who are to the manor born know the fact that very few white men in South Carolina abstained from some participation in the late war. You know further that the intelligence, wealth and virtue of South Carolina entered eagerly into that war, and that when it is attempted to disfranchise or denounce these persons as unworthy of public trust, it is to exclude the real intelligence and experience of the State from her councils. This is one of the reasons why so little experience is to be found in your body.

In framing a constitution, many improvements may be made upon the existing laws of the land, I beg very briefly to call your attention to some of them. If they are adopted, in my judgment, when the question is presented to the people of the State to ratify or reject the constitution, you will be able to command in its favor a much larger vote than was polled in the election of delegates to the convention.

First. Upon the question of the elective franchise, I desire most earnestly to recommend that you incorporate no disability whatever in it; that you allow every man in the State, even those who have been disfranchised under the constitutional amendment, to exercise the right of suffrage, and of holding office, with the restrictions that no one shall exercise that franchise unless he may be able to read and write, or has a property qualification such as you may determine.

In voting upon the ratification of the constitution you may adopt, all registered voters will of course be included, which will of course

secure its adoption. With the view of carrying out fully the views of the convention, the first legislature to be elected under the constitution may be elected by all male voters over twenty-one years of age, but after that time, if not before, I urgently recommend that qualified suffrage extending to all classes and races be provided for in the constitution. Aman who goes to the polls after January 1, 1870, whether he be white or black, who is not able to read or write, should be excluded from the privileges of a voter.

Second. If you desire that this convention should commend itself to the favorable consideration of the people of the State, white and colored, I recommend that you adopt in the constitution a provision for a liberal homestead law—that you make it applicable to all those who now own a homestead, and protect them against antecedent debts. The disasters resulting from the war, the abolition of slavery, and thereby, the wiping out of the fortunes of very many of those who were wealthy prior to the war, as a matter of humanity demands that you should protect them as to the past by a liberal homestead law, and securing that home to its owner in the future. The homestead law which guarantees to a family fifty dollars or one hundred acres in the country, and a town lot or house in the city, is not only humane but patriotic. In the country, where the head of a family knows that his homestead is protected, he goes to work to beautify and adorn the same. He plants his orchard and his vineyard. He erects his buildings, decorates his dwelling, and makes all of his surroundings comfortable, and invites happiness and content to his hearth.

Third. I urge you to provide for the abolishment of imprisonment for debt.

Fourth. It is very important that this body should adopt some ordinance to provide relief to debtors prior to the war. The temporary orders of the military commandant, extend to debts contracted during the war. All debts now existing, where the consideration is for the purchase of slaves, should be absolutely wiped out by the convention. If these debts are recognized, it is a recognition of that institution, of its propriety, its justice and morality. Most of the debts contracted prior to the war, were upon the faith and possession of property in slaves. That property has been destroyed, and a liberal provision should be made by this body in reference to debtors—the amount and time when they may make payment of the same.

Fifth. Education is now the great desideratum of all the colored people of South Carolina. For obvious reasons it was the policy of the State, previous to emancipation, to exclude the slave population from the benefits and advantages of education. I will not discuss these reasons. But the relations of that population to the State are now materially changed. Hence it is of the utmost importance that the largest intelligence possible shall be communicated to that class.

In providing for it, I beg to guard you against attempting to levy taxes exclusively upon property. There is no taxation which is so universal, just and equitable as that upon the person or poll, for educational purposes, since all are interested in having an intelligent and virtuous population.

Sixth. With reference to the conduct of the State, I have only to say to you that the treasury is empty. The tax bill adopted by the last legislature has failed, by \$300,000, to produce the amount of taxes contemplated. * * * But it is very important that you should, in your deliberations, by ordinance or otherwise, declare—and nothing can more commend your body to the confidence of the State, who represented its wealth—that all of the obligations of the State, all the bonds of the State created prior to the war, and all the obligations of the State since the war, shall be fully and faithfully redeemed.

In framing your constitution, I cannot too earnestly commend to your favorable consideration the importance of removing the disability from all of the white population of this State.

This brings me to say that in South Carolina, at least there is no reason why any man, white or colored, should be excluded from the privilege of voting or holding office. You are aware that the disfranchisement in the Reconstruction acts of Congress excludes the intelligence and wealth of the State. In one of the districts of the State I know that the colored people waited upon certain gentlemen and requested them to become candidates for the convention, but they were constrained to decline because they were disfranchised. This is an illustration of the condition of affairs which exists in all the districts of South Carolina—the most intelligent men being excluded. In starting a new government all of this intelligence and experience should not be ignored. The State cannot afford to give it up. She is entitled to the counsel of such men and to their services.

The doctrine of State rights as taught in South Carolina has been exploded by the war. The allegiance of the citizens, according to the results of that controversy, is due to the Government of the United States, and not to the State.

In conclusion, I desire you to adopt a liberal and wise constitution, under which the white and the black man can live together; a constitution which will protect the great interest of the State, and restore to it a degree of prosperity not heretofore enjoyed; a constitution that will dispel that distrust which unfortunately now prevails. You have a great problem to solve, such an one as has rarely been given to man; you are to undertake an experiment which has not thus far in the experience of mankind been successful. That experience shows that, when placed upon terms of equality, the races have not harmonized. It is for you to demonstrate to the contrary.

Being hopeful myself, I believe that, with proper discretion and wisdom, you may form such a constitution as will promote harmony, peace and good will, and enlarge the prosperity of the State. And in the utmost sincerity, gentlemen of the convention, I invoke the blessings of Heaven upon your deliberations, and trust that an overruling Providence may give you such wisdom as will secure peace and concord to this people.

Monday 20th. The Standing Committees were announced by the chair. E. W. Mackey, from the Committee on the Duties of Subordinate Officers of the Convention, moved that the rules of the House of Representatives of the United States, on this subject govern the body, and requested permission to call the subordinate officers before the committee to instruct them in their duties.—Adopted.

F. J. Moses, from the committee to select a suitable person for sergeant-at-arms, reported the name of M. M. Johnson, of York, and recommended his election. The rules being suspended, the report was adopted.

B. F. Randolph introduced a resolution which was seconded by L. S. Langley, declaring it to be the opinion of the convention that the subjects of confiscation and franchise should be left entirely to Congress. Referred to the Committee on Franchise.

A preamble and resolutions introduced by F. J. Moses, setting forth the impoverished condition of the State, and the great distress occasioned by sheriff's sales, and recommending that the convention petition General Canby to stay for three months all executions for debts prior to June 30, 1865, was, after considerable discussion, referred to the Executive Committee, with instructions to report to-morrow.

Allen, of Greenville, introduced an ordinance providing for an exemption from liability to execution of real estate to the value of \$1,500, and personal estate to the value of \$1,000; also providing for a separate estate for married women, and preventing the owner of real estate from mortgaging it without the consent of his wife; he wanted the exemption extended as far as possible to debts existing at the time of the passage of the proposed ordinance; and he wished the matter referred to the Legislative Committee, with power to employ the best legal talent in the State, if deemed necessary. He was no lawyer, and knew nothing about the law, and he wished to be instructed in the law, on this point. Referred to the Legislative Committee.

L. S. Langly introduced an ordinance to change the name of the election districts in the State to counties, and to divide the counties into townships of not less than five nor more than ten square miles each.

Neagle, of York district introduced a resolution to the effect, 1st. That the President of the convention write his name and the date, "Charleston, December 20, 1868," across the face of \$200,000 worth of the bills receivable of the State, issued December 21, 1865, and that the same be declared legal tenders for all demands arising within the State, except where the United States government is a party. 2d. That the State treasurer, in Charleston, be authorized to sell every week \$10,000 worth of said bills, receivable so signed by the President of the convention, or as much as may be necessary to pay the expenses of the convention. 3d. That the Finance Committee be instructed to prepare an ordinance providing for the levying and collecting of a tax in accordance with the Reconstruction acts, for the payment of expenses of the convention, the tax to amount to \$200,000, and to be collected between September 1, 1871, and Jan. 1, 1872, and the money so raised to be applied to the payment of the aforesaid bills receivable. The money raised by the sale of the bills to be placed in the hands of the President of the convention, and the balance remaining after paying the expense of the convention to be applied to the payment of the contingent expenses of the State under the direction of Governor Orr or his successor. The resolution was referred to the Committee on Finance, with instructions to report on Wednesday, at 11 o'clock.

B. Odell Duncan, of Newberry, offered a resolution to the effect that, slavery having been abolished by the United States Government and this action having been ratified by the State Legislature, debts for slaves be declared null and void, because to allow suits for their recovery would be to acknowledge the legality of slavery. Referred to the Judiciary Committee.

The same member introduced a resolution that owing to the bad management of the rebel finances, the property of the State, on which contracts made prior to the end of the war were predicated, had been greatly reduced in value, therefore, debts incurred prior to June 30, 1865, be reduced one-half. Referred to the Judiciary Committee.

Randolph presented a petition couched in the most abject terms, which he wished the convention to send to Congress, asking for the continuance of the freedmen's bureau in this State until the restoration of civil government, and after that for establishment of a bureau of

education, referred to the Committee on Miscellaneous Affairs.

Allen, of Greenville, introduced a resolution that the legislature be directed at its first meeting to enact such laws as may be necessary to stay executions of debts prior to 1866, until 1873, and that, until such meeting of the legislature, such executions be stayed by authority of the convention, provided that, in no event, such stay shall continue beyond 1873. Referred to the Legislative Committee.

A resolution was introduced that all property be taxed ad valorem, and that the legislature have power to levy a poll-tax of one dollar a head, to be applied to the school fund.

Neagle, of York, introduced a resolution fixing the per diem of delegates at eight dollars and their mileage at twenty-five cents.

TUESDAY 21st.

The meeting was opened, with prayer as usual—Webster officiating. He offered up a truly national prayer, quoting: "The land of the free and the home of the brave."

The minutes of yesterday were read, and after proper corrections, the minutes were confirmed.

F. J. Moses, Jr., Chairman of the Executive Committee, reported in favor of the petition to General Canby to stay executions for three months.

F. J. Moses, Jr., Chairman of the Executive Committee, reported favorably on the resolution to employ Major John M. DeLarge, of the Solicitors of the State, to assist in drawing up ordinances, &c. Also, recommending that Major D. T. Corbin be appointed solicitor of the convention, with the pay and mileage of a delegate. The report was adopted.

A motion was here made that a reading clerk be elected. Lost.

Hurley offered a resolution to incorporate in the constitution provisions against bribery—the party bribed to be disfranchised for five years and punished by fine and imprisonment, as the laws may hereafter direct, and the party bribing to be declared ineligible to office for ten years, and punished by fine and imprisonment, as the law may hereafter direct. Referred to the Committee on Franchise and Election.

Hurley also offered a resolution for the establishment of a militia, which was referred to the Committee on the Militia.

A motion was here made to elect a junior and assistant junior, but DeLarge said there was no use for two more writers, so the motion was lost.

Remon introduced an ordinance to abolish the District Courts of the State.

The rules were suspended and the convention went into Committee of the Whole on this subject, J. M. Rutland in the chair.

After much discussion A. G. Mackey, Chairman of the Convention, said that he had not intended to obtrude his views upon the members, but he saw a disposition on the part of some, not only to legislate upon matters not within the provision of the convention, but rush such legislation through in disregard of all parliamentary forms. The work before the convention was specific. It was not only confined to framing a constitution, but to framing a constitution which must be submitted first to the people of the State for ratification and then to Congress for approval. Until the constitution they should frame had passed through this ordeal, all ordinances which they might pass would be mere brutum fulmen, and it was beneath the dignity of so respectable a body to pass such ordinances. In his opinion the convention should confine itself strictly to framing a constitution for the State, which was a grave enough duty to employ any set of men. In conclusion he moved that the committee rise and report to the convention that in his opinion the ordinance should be referred to the Judiciary Committee.

The delegates seemed to feel the rebuke so sternly administered by the chairman, and the committee rose, and made the desired report, and the ordinance was referred to the Committee on the Judiciary.

Rainey introduced a resolution that the qualifications of jurors be the same as those of voters, with the addition of being able to read and write. Referred to the Judiciary Committee.

Runion introduced a resolution requiring patrol officers to be qualified voters and to be elected by the qualified voters of their respective beats. Referred to the Committee on Franchise and Elections.

B. Odell Duncan read a petition to Congress of which he had previously given notice, asking for the repeal of the Cotton tax.

Whittemore introduced a resolution regarding suffrage, giving it to all persons not disfranchised by the constitution, who were citizens of the State, or had given notice of becoming such and had resided in the State one year and the election district six months. Referred to the Committee on Franchise and Elections.

Hayne from Barwell, introduced an ordinance to make a new district out of portions of Barwell, Edgefield and Orangeburg; to be called the district of "Sunmer." Referred.

L. S. Langley moved that as the doctrine of State rights, as taught by a mistaken son of South Carolina, Hon. John C. Calhoun, had cost the country oceans of blood and millions of treasure, therefore that a provision be incorporated into the constitution that the allegiance of the citizens of South Carolina is due to the Federal Government and to the State only so long as it is not in opposition to that government.

C. C. Bowen introduced a bill of rights, containing nearly forty provisions, which, at his request, was referred to the Committee on the Bill of Rights. He read the document

through, and it sounded very much like similar documents with which we are familiar.

The following provisions only are worthy of note:

- 1. The prohibition of corporal punishment. 2. The abolition of imprisonment for debt. 3. The exception from the provision against ex post facto laws of such laws as might invalidate debts incurred between 1860 and 1865, or for slaves.

4. For the incorporation of all associations of persons desiring to be incorporated.

5. Opening State educational institutions to all persons, without distinction of color.

Rainey offered a resolution that, as justice could not be obtained in the courts at the present time, the legislature be directed to revise the laws as soon as possible. Referred to the Committee on the Judiciary.

W. B. Johnson offered a resolution that ministers be declared eligible to office. Referred to the Committee on Franchise and Elections.

Ransier introduced a resolution for a system of common schools. Referred to the Committee on Education.

The convention then adjourned to 12 o'clock on Wednesday.

GREAT BARGAINS

KEITT BROTHERS

SELLING OFF

LOW FOR CASH

OUR FRIENDS WILL PLEASE ALIVE

US A CALL AND SATISFY

THEMSELVES THAT WE DO NOT

MEAN TO SAY ONLY THING AND

DO ANOTHER

NOTICE TO DEBTORS

CARD—I HAVE RECEIVED ALL

TO RENT EXTRA

Oxen for sale

REWARDS—THE ABOVE

THE HIGHEST CASH MARKET PRICE GIVEN

HOUSEKEEPERS YOU WANT

IN THE DISTRICT COURT

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