

—SPEECHES—

—AT THE—

Constitutional Convention,

—BY—

**GEN. ROBT. SMALLS.**

—WITH THE—

**RIGHT \* OF \* SUFFRAGE**

—PASSED BY THE—

**CONSTITUTIONAL \* CONVENTION.**

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COMPILED BY MISS SARAH V. SMALLS.

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ENQUIRER PRINT, 425 KING STREET.

CHARLESTON, S. C.

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SPEECHES AT THE CONSTITUTIONAL CONVENTION

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## INTRODUCTION.

Months previous to the time that the recent Constitutional Convention met, Conservatives and Reformers, announced publicly their intention to disfranchise the Negro in South Carolina.

For this pamphlet such portions of the new Constitution have been selected as affect the colored people, together with the speeches made thereon by my father Robert Smalls; several editorials from leading newspapers; also a few of many letters received by him from all parts of the country congratulating him for the manly spirit displayed by him and the other colored delegates, whenever the rights of their race were in jeopardy.

Indeed, it may have been an object lesson, planned by the All-wise God, to teach the haughty, boastful sons of Carolina that there are Negroes capable and amply qualified in every respect to protect themselves whenever it becomes necessary to do so; that those few representatives of the race were but a *very small* part of the rising host that time and education are bringing forward day by day in spite of lynching, caste prejudice or any methods used against them.

No stenographers were employed by the Convention, the speeches were not written, and are therefore not given in full, but just as they were published in the papers of the State.

SARAH V. SMALLS.

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## **PLAN OF SUFFRAGE.**

The following plan of suffrage was introduced by Hon. Robert Smalls and referred to the suffrage committee, which reported it unfavorably, notwithstanding that he went before the committee and made a strong speech in advocacy of the said plan, and said report was adopted by the Convention:

SECTION 1. In all elections by the people the electors shall vote by ballot.

SEC. 2. Every male citizen of the United States of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any elections; provided, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; provided, further, That no person while kept in any alms house or asylum, or any of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SEC. 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors.

SEC. 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State, or the United States, or the high seas, nor while temporarily absent from the State, or removing from one house to another or from one place to another in the same precinct.

SEC. 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

SEC. 6. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest and civil process during attendance at elections and in going to and returning from the same.

SEC. 7. Every person entitled to vote at any election shall be eligible to any office, which now is, or hereafter shall be elective by the people in the county where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

SEC. 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or duelling, whereof the persons shall have been duly tried and convicted.

SEC. 9. Presidential electors shall be elected by the people.

SEC. 10. In all elections, State and Federal, there shall be but one ballot box, and one ticket for each party or faction thereof, with the names of all the candidates thereon. There shall be three commissioners of election for each county and three managers for each polling precinct, not more than two of whom shall be of the same political party.

SEC. 11. In all elections held by the people under this Constitution the person or persons who shall receive the highest number of votes shall be declared elected.

## ON THE SUFFRAGE.

MR. PRESIDENT: I have been asked whether I would speak on this important matter. I replied that it all depended on circumstances whether or not I would. The circumstances are such that I have made up my mind to make a short speech on the general bill, and content myself with the vote I will cast on the amendments and sections as they are brought up; inasmuch as I have been perfectly pleased with the speeches made last night, and the one just concluded by the representatives from my county, as I feel that they echo the sentiments not only of the county they represent, but the entire race in the State, and every one I could claim to represent. I endorse their utterances in the language of Mr. Cash when he said he endorsed "every syllable" and accepted it as his own in this letter. I want to hear some of the speeches on the other side, because I do not like this matter that is called Indian file, as it seems now we are to form a Negro file in this Convention. I will only say that this Convention has violated the principle laid down in the Constitution under which we are now living, it giving the right for any two members to call for an "aye" and "nay" vote, but the skillful chairman of the committee on rules, from Edgefield, I mean ex-governor No. 1, (laughter) has made a rule which requires 10, four above the number we have, to call for the "aye" and "nay" vote, hence we cannot put the members on record without the assistance of some of the white members of the Convention. They formed a "dark corner" over there by themselves.

I was born and raised in South Carolina and to-day I live on the very spot on which I was born, and I expect to remain here as long as the great God allows me to live, and I will ask no one else to let me remain. I love this State as much as any member of this Convention, because it is the garden spot of the South.

Mr. President, this Convention has been called for no other purpose than the disfranchisement of the Negro. Be careful and bear in mind that the elections which are to take place early next month in very many of the States are watching the

action of this Convention, especially on the suffrage question. Remember that the Negro was not brought here of his own accord. I found by reference to a history in the Congressional Library in Washington, written by Neil, that he says that in 1619, in the month of June a Dutch man-of-war landed at Jamestown, Va., with 15 sons of Africa aboard, at the time Miles Kendall was deputy Governor of Virginia. He refused to allow the vessel to be anchored in any of her harbors. But he found out after his order had been sent out that the vessel was without provisions, and the crew was in a starving condition. He countermanded his order, and supplied the vessel with the needed provisions in exchange for 14 Negroes. It was then that the seed of slavery was planted in the land. So you see we did not come here of our own accord; we were brought here in a Dutch vessel, and we have been here ever since. The Dutch are here and are controlling the business of Charleston to-day. They are not to blame, and are not being blamed.

We served our masters faithfully, and willingly, and as we were made to do for 244 years. In the last war you left them home. You went to the war, fought, and came back home, shattered to pieces, worn out, one-legged, and found your wife and family being properly cared for by the Negroes you left behind. Why should you now seek to disfranchise a race that has been so true to you?

This Convention has a good leader in the person of the distinguished gentleman from Edgefield. Mr. President, when men go out shooting and want to shoot straight, they are compelled to shut one eye, and this leader uses only one eye in this Convention, hence he is always striking the bull's eye; let him beware lest he strikes it one time too often. (Laughter.)

Since Reconstruction times 53,000 have been killed in the South, and not more than three white men have been convicted and hung for these crimes. I want you to be mindful of the fact that the good people of the North are watching this Convention upon this subject. I hope you will make a Constitution that will stand the test. I hope that we may be able to say when our work is done that we have made as good a Constitution as the one we are doing away with.

The Negroes are paying taxes in the South on \$263,000,000 worth of property. In South Carolina, according to the census, the Negroes pay tax on \$12,500,000 worth of property. That was in 1890. You voted down without discussion merely to lay on the table, a proposition for a simple property and educational qualification. What do you want? You tried the infamous eight-box and registration laws until they were worn to such a thinness that they could stand neither the test of the law nor of public opinion. In behalf of the 600,000 Negroes in the State and the 132,000 Negro voters all that I demand is that a fair and honest election law be passed. We care not what the qualifications imposed are: all that we ask is that they be fair and honest and honorable, and with these provisos we will stand or fall by it. You have 102,000 white men over 21 years of age; 13,000 of these cannot read nor write. You dare not disfranchise them; and you know that the man who proposes it will never be elected to another office in the State of South Carolina. But whatever Mr. Tillman can do, he can make nothing worse than the infamous eight-box law, and I have no praise for the Conservatives, for they gave the people that law. Fifty-eight thousand Negroes cannot read nor write. This leaves a majority of 14,000 white men who can read and write over the same class of Negroes in this State. We are willing to accept a scheme that provides that no man who cannot read nor write can vote, if you dare pass it. How can you expect an ordinary man to “understand and explain” any section of the Constitution, to correspond to the interpretation put upon it by the manager of election, when by a very recent decision of the Supreme Court, composed of the most learned men in the State, two of them put one construction upon a section, and the other Justice put an entirely different construction upon it. To embody such a provision in the election law would be to mean that every white man would interpret it aright and every Negro would interpret it wrong. I appeal to the gentleman from Edgefield to realize that he is not making a law for one set of men. Some morning you may wake up to find that the bone and sinew of your country is gone. The Negro is needed in the cotton fields and in the low country rice fields, and if you impose too hard conditions upon the Negro in this State there will be nothing else for him to do but to leave. What then will

you do about your phosphate works? No one but a Negro can work them: the mines that pay the interest on your State debt. I tell you the Negro is the bone and sinew of your country and you cannot do without him. I do not believe you want to get rid of the Negro, else why did you impose a high tax on immigration agents who might come here to get him to leave?

Now, Mr. President, we should not talk one thing and mean another. We should not deceive ourselves. Let us make a Constitution that is fair, honest and just. Let us make a Constitution for all the people, one we will be proud of and our children will receive with delight. Don't let us act like a gentleman said he talked. The other day a gentleman told me that a prominent lawyer, a member of this Convention, made a very bitter speech against the Negro while he was a candidate for election to this Convention. After the lawyer had concluded his speech of bitterness against the Negro and in favor of white supremacy, some colored men waited on him and asked him why he had made such a bitter speech against them, saying they had regarded the gentleman as their friend, as he had often acted as their lawyer. This gentleman replied to them: "Don't mind my speech. I am a friend to the Negro, but I have got to make bitter speeches to fool the Crackers because I want their votes." Gentlemen, I warn you that you can fool the Crackers when you talk to them, but if you pass this ordinance that has been proposed by the committee on suffrage you will fool nobody, for every person in the nation has been informed of your speeches on the stump and you will not be able to explain it away as that lawyer did his words of bitterness to the colored men who waited on him.

Mr. President, strange things have happened and I have been shocked in my life, but the greatest surprise of my life was when the distinguished lawyer from Barnwell, Mr. Aldrich, introduced a Constitution in this Convention that was taken verbatim et literatim from the Constitution of '65 and the black code of '66, which deprived every Negro from holding an office in this State, notwithstanding that Constitution and black code were rejected by Congress. That Constitution caused the passage of the acts of reconstruction by Congress and made it necessary for the Constitutional Convention of 1868, which

gave to you the best Constitution of any one of the Southern States. Let us make a Constitution, Mr. President, that will demand the respect of mankind everywhere, for we are not above public opinion. While in Washington a committee of capitalists came over from England hunting for timber land in which to invest. One of South Carolina's Representative in Congress called upon those gentlemen and informed them that there were large tracts of land in Beaufort County, in the Township of Blufton, for sale. They inquired for the name of the State, and when they were informed that the timber lands were in South Carolina they answered: "You need not go any further, as our instructions were, before we left England, not to invest money in a State where life and property was not secure under the law." In God's name let us make a Constitution that will receive the approval of everybody—the outside world as well as those at home.

Some time ago I heard the distinguished gentleman from Edgefield, I mean Mr. George D. Tillman, say that the white man wanted elbow room, and I suppose that this is what this suffrage plan is proposed to give him. Again, the other day, in this Convention, I heard him make a very eloquent speech on the township government bill, but before he got through he had acted like the good Jersey cow, which gave her two gallons of milk, and, though she did not put her foot in it before she was through, she had shaken so much dirt from her tail into the pail that we could not accept the milk. [Laughter.]

Now, Mr. President, I will not detain this Convention, as I had no intention of making a speech upon this subject, as I said before; but now, sir, in the language of Mr. E. B. Cash, in his letter received from the distinguished "Bald Eagle," of Edgefield, Gen. Mart Gary, (holding up the letter) let me say that I endorse every letter, syllable, verbatim et literatim, and accept as my own the speeches made by my colleagues last night and this morning. And I would, therefore, ask that the Convention will not vote down the substitute for the suffrage bill introduced by my colleague, Mr. Whipper, as they did that of Mr. Wigg, by a simple motion to lay on the table, but will allow this matter to go over, as the attendance is very slim,

until Monday. I ask the Senator from Edgefield if he intends to press this matter to a vote this afternoon.

Senator Tillman remarked that that was what he proposed to do.

Smalls—Ah! I am beginning to know the Senator at last.  
[Laughter.]

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## **SUFFRAGE PLAN ADOPTED.**

The following is the plan reported by the suffrage committee, which was adopted by the Convention, and which is now a part of the Constitution of South Carolina:

### **ARTICLE II.**

#### **RIGHT OF SUFFRAGE.**

SECTION 1. All elections by the people shall be by ballot and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time, except that any person holding another office may at the same time be an officer in the military and a notary public.

SEC. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this Constitution and possessing the qualification required by it, shall be an elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable; provided, however, that ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months residence in the State, if otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years and also an enrollment during each and every year of every elector not previously registered under the provisions on this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this Constitution submitted to them by the registration officer, or

understand and explain it when read to them by the registration officer shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer shall be filed, one copy with the clerk of court and one in the office of the secretary of the state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or Secretary of State shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered; provided, that he can both read and write any section of this Constitution submitted to him by the registration officer, or can show that he owns and has paid all taxes collectible during the previous year on property in this State assessed at \$300 or more.

(e) Managers of elections shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to the Court of Common Pleas or any judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo and the General Assembly shall provide by law for such appeal and for the correction of

illegal and fraudulent registration, voting and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws; provided, that the pardon of the Governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

SEC. 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or the United States or of the high seas, nor while a student of any institution of learning.

SEC. 8. The general assembly shall provide by law for the registration of all qualified electors and shall prescribe the manner of holding elections and of ascertaining the results, of the same; provided, at the first registration under this Constitution, and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under this Constitution, the registration books shall be kept open for at least six consecutive weeks, and thereafter from time to time at least one week in each month, up to 30 days next preceding the first election to be held under this Constitution. The registration books shall be public records open to the inspection of any citizen at all times.

SEC. 9. The general assembly shall provide for the establishment of polling precincts in the several counties of the State and those now existing shall so continue until abolished

or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. 10. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. 11. The registration books shall close at least 30 days before an election, during which time transfers and registration shall not be legal; provided, persons who will become of age during that period shall be entitled to registration before the books are closed.

SEC. 12. Elector in municipal elections shall possess the qualifications and be subject to the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the county as an elector at a precinct included in the incorporated city or town in which the voter desires to vote is declared a condition prerequisite to his obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the corporate limits at least four months before the election and have paid all taxes due and collectible for the preceding fiscal year. The general assembly shall provide for the registration of all voters before each election in municipalities; provided, that nothing herein contained shall apply to any municipal election which may be held prior to the general election of the year 1896.

SEC. 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same, the general assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town as shown by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under section 12 of this article, and who have paid all taxes, State, county, municipal, for the previous year, shall be allowed to vote, and the vote of a majority of those voting in said elections shall be necessary to authorize the issue of said bonds.

SEC. 14. Electors shall in all cases except treason, felony or breach of peace, be privileged from arrest on the days of election during their attendance at the polls and going and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

The Convention having under consideration the Legislative Department Ordinance, when Section 34 was reached, which reads:

“The marriage of white persons with a Negro or a mulatto, or person who shall have one-eighth or more of Negro blood, shall be unlawful and void;”

he proposed an amendment adding after the word “void” in the second line, the words “and any white person who lives and cohabits with a Negro, mulatto, or person who shall have one-eighth or more of Negro blood, shall be disqualified from holding any office of emolument or trust in this State, and the offspring of any such living or cohabiting shall bear the name of the father, and shall be entitled to inherit and acquire property the same as if they were legitimate.” He then spoke as follows:

“MR. PRESIDENT: I hope this amendment will be adopted. Sir, there is not a colored man or woman of any respectability, not only in South Carolina, but in the whole country, that does not oppose the intermarriage of the races. There are very few, if any exceptions, in South Carolina, where a white man ever married a respectable colored woman or a colored man married a respectable white woman. The facts in the case are, that the white woman that marries a Negro man as a rule has been an outcast by her race, and the colored woman that marries a white man, has no standing with the respectable women of her race, and the white man no better with his. I cannot see why you want to prevent the intermarriage of the races, when they want to legitimize their actions, unless you adopt my amendment, prohibiting the cohabitation of the white men with the Negro women. Mr. President, and gentlemen of this Convention let me give you a little statistic, showing you,

if it is possible, to do so, the wrongs you, or your fore-fathers have done to my race. Let us stop it, if we can; I fear not, but let us put it in the fundamental laws of this State.

“The number of Americans of African descent, wholly and in part, returned to the census bureau in 1890 was 7,470,035. These were divided as follows: Pure Africans, 6,337,980; mulattoes 956,987; quadroons, 105,132; octoroons, 69,936. The total mixed bloods, white and black, was 1,132,060 in the whole country, and a third of these are above the Mason and Dixon line.

“Mr. President, a careful perusal of the census, also history, shows that more than three-fourths of the mothers of this large number of mixed blood whom you seek to legislate against, are colored women, if so, who could have been their fathers? Do not any of you rise and deny this, because I am no lawyer, but know enough about it that I cannot impeach my own witness. A careful perusal of the census, also shows in the State, that this one-fourth that lives beyond Mason and Dixon’s line shows fully that three-fourths of the one-fourth of the mixed blood were born in the Southern States. So you see, gentlemen, you are responsible for the wrongs that have been done; let us in the name of God, and in behalf of virtue, try and put a stop to this cohabitation. I could but admire a few days ago, when the gentlemen upon this floor spoke so highly of the women of this State, I am mindful of the fact that when they spoke of the women of this State that they spoke of the white women. I can but echo their sentiment, and do say, that I believe them to be as pure women as can be found anywhere in the world. I have not been strongly in favor of female suffrage, but since your discussion on the Divorce Law I feel I shall have to vote for the suffrage in order that they may pass a law or laws that will make you as pure as they are. We have, sir, as pure colored women in South Carolina and in this country, as any race upon this earth. Sir, that evil, known as slavery caused all of this. This wrong was done by you all, owning them as your slaves. Sir, no act of yours will prevent a white man from marrying a colored woman or a colored man from marrying a white woman, who have the means to go in another State. There are many States in the Union, that do not

prevent them marrying and they can go and get married and you cannot help yourself. I have in my mind distinctly, a colored man and a white woman who were in love with each other, and who wanted to get married, but this man recited to her the law on your Statute book that prohibited the intermarriage of the races. This lady stated that there were no such laws in the district of Columbia, New York or Massachusetts. She was as pure a lady as there is. I only cite this because it is a matter that you cannot control except directly in the State. This entire matter, sir, has no right in the Constitution of the State, if your women are as pure as you stated, and I have reason to believe that they are, they can be trusted; then why the necessity of this being placed in the Constitution? Can you not trust yourselves? Is it because that these wrongs have been perpetrated here, since the formation of the Government, that you feel that you can't be trusted? When I say you, I mean the white men of the entire State. I fear not; hence I trust the amendment will be adopted. These wrongs have been done, and are still being done, it is not done by colored men, it is done by white men. If a Negro should improperly approach a white woman, his body would be hanging on the nearest tree filled with air holes before daylight the next morning—and perhaps properly so. If the same rule were applied on the other side, and white men who insulted or debauched Negro women were treated likewise, this Convention would have to be adjourned sine die for lack of a quorum.

“The gentleman called me to order stating that I had reflected on the Convention. I do not wish to reflect on the Convention. I do not wish to reflect on the Convention, but do say, that if he has clean hands he will keep his seat, because I do not mean to reflect on any man who objects to the intermarriage of a Negro or Mulatto woman with a white man, and is willing to prohibit the cohabitation, which is the root and branch of this evil. Stop this evil, and there will be no occasion for your intermarriage law. Sir, I oppose the intermarriage of the races as strongly as you do, and I feel that I echo the sentiment of the respectable class of both sides; because with few exceptions, we find these marriages are among the lower

element of both races, and, therefore, they degrade and not elevate either race. But sir, don't tell me that you will make a law to prevent lawful marriages and give full license to illicit marriages. Watch the census of each decade, you will clearly see that this vice is decreasing among our people; as they are progressing educationally they are raising themselves out of this degradation, that your race has placed upon them. Now sir, I say, prohibit intermarriage of the races, also make a law as binding against cohabitation. Then you will make your men as true as your women. And our race will be freed from a vice, that is as degrading as the system of slavery. Again sir, in behalf of my race, I hope that the amendment to the section under consideration will be adopted and become a part of the Constitution of the State."

The introduction of this amendment caused a great deal of discussion, which showed plainly that South Carolina had no idea of punishing white men for wrong done to colored women, nor would she allow the wrong to be rectified, and the original Section 34 was adopted, and is now the fundamental law of the State.

On [page \(20-22\)](#), we have selected two editorials on this amendment, also a telegram on [page 23](#).

The following is clipped from Section 6 on Education. There are in this State several thousand soldiers who fought for the perpetuity of the Union, yet they are compelled to pay the poll tax ten years longer than these who sought to destroy it.

"There shall be assessed on all taxable polls in the State between the ages of 21 and 60 years (excepting Confederate soldiers above the age of 50 years) an annual tax of \$1 on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected."

Claflin College was advocated for colored students, taught by Negroes; the best, wherever they could be found, should be secured.

The committee on order, style and revision had the work ready, and all that was needed was the signature of the members to

make the Constitution final. The members went up in county delegations and signed the new organic law.

President Evans and Vice President Jones signed the new Constitution as the officers present, and then came Abbeville and the other counties on down. When Beaufort was reached, Delegate Smalls asked to be excused from signing the Constitution, as he would not sign a Constitution with such an article on suffrage. He was unanimously excused. He was the only member of the Beaufort delegation present.

Some one during the progress of the signing sent up a resolution that members not signing the Constitution should not be paid. Gen. Smalls said he would walk home rather than sign the instrument. President Evans did not press the resolution, and members generally thought lightly of the matter, and it was not even put to the Convention.

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EDITORIAL FROM THE (N. Y.) PRESS, OCT. 5, 1895.

We can recall no more brilliant moral victory of a parliamentary minority than that gained on Thursday in the South Carolina Constitutional Convention by the representatives of the race about to be disfranchised for lack of intelligence wherewith to vote. In so characterizing the attack of these black delegates we have in mind the extraordinary ends accomplished with minorities by Mr. Randall, Mr. Blaine and Mr. Reed, the chief parliamentarians of our generation.

In this case the white majority laid themselves open to the flank movement, which Robert Smalls had evidently meditated throughout the session, by introducing a quite supererogatory article for the amendment of mixed marriages. The black leader instantly moved an amendment providing that illicit as well as legal unions between the races should be prohibited. He proposed to disqualify all men—and this of course would mean only white men—who were parties to such unions. He proposed that the offspring of such unions should take their fathers' names.

Senator Tillman, who seems, though the author of this new secession of South Carolina, to be the only man in the Convention who appreciates in the slightest degree the effect of its actions upon outside public opinion, proceeded at once to save his record by espousing the Negro cause. He cut himself loose promptly from the majority in the course into which he knew its provincial ignorance would direct it. He went so far as roundly to berate his own chairman for his attempt to choke off the plea of the black men for the integrity of black women.

It was hardly a debate that followed. It was an arraignment which culminated when Mr. Smalls, after approving the punishment which lynch law has meted out to the worst offenders of his race, said:

“If the same rule were applied on the other side and white men were treated likewise, I fear this Convention would have to be adjourned for lack of a quorum.”

The “burst of laughter” which followed this threw an interesting light on the morals and manners of South Carolina. It showed the state of civilization depicted in “Tom Jones.” A Convention composed entirely of Squire Westerns would have met such an impeachment in a precisely similar way. Having satisfied their sense of humor the delegates killed the amendment and passed the mixed marriages article.

This seizure of a parliamentary advantage in so sudden and effective a manner as to cause the majority leader to abandon his forces and leave them to expose their moral nakedness to the world was more than equal to Mr. Blaine’s rout of the Rebel Brigadiers in the famous Amnesty Debate. For those gentry managed to fan and sponge Ben Hill into the ring again, and these remained “out of time.”

And in no one other way could the Negroes have so convincingly proved to the world their right to the ballot than by this victory of black mind over white matter. It is now made plain, as it was made plain by the first laws passed by the unreconstructed Legislature of the same State after the war, that the fear of Negro domination is not born so much of a regard for the numbers as for the developed intellectual ability

of the blacks. It is not Negro ignorance, but Negro intelligence, that is feared.

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EDITORIAL FROM THE NEWS AND COURIER, THE LEADING  
DEMOCRATIC PAPER OF CHARLESTON, S. C., NOV. 23, 1895.

The troublesome matter of miscegenation was settled finally by the adoption of the provision that “the marriage of a white person with a Negro or mulatto, or person who shall have one-eighth of Negro blood, shall be unlawful and void” hereafter. The provision would have been strengthened and improved by the adoption of Gen. Smalls’ proposed addition to it that “any white person who lives and cohabits with such persons should be disqualified from holding office of emolument or trust in this State, and the offspring of such living or cohabiting shall bear the name of the father,” but the Convention rejected the addition by the largest vote recorded recently. Its action was a mistake. The addition was a proper corollary to the section adopted, and should have been extended to disqualify from voting, as well as holding office, the class of offenders at which it was aimed. Of the two offences—miscegenation within the marriage bond and miscegenation without it—the latter is the greater social evil. It should have been treated accordingly. The action of the Convention in this instance and its action of the preceding day in reducing the age of consent to the limits of childhood will inevitably be construed together to the injury and reproach to the State. Both decisions should not stand. Taken together they offer a premium for a condition of affairs which is condemned alike by every dictate of sound morals and of the public sentiment of the State. Miscegenation is contrary to the law of nature.

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# TELEGRAM.

BOSTON, MASS., Oct. 16, 1895.

To the Hon. Robert Smalls, Columbia, S. C:

Dear Sir: A body of clergymen and laymen in Convention assembled in the City of Boston, Mass., congratulate you for the stand you took for virtue and chastity in the Constitutional Convention of South Carolina, on Oct. 2d, current. The Christian Churches are with you in the struggle, indeed, the civilized world indorses the sentiment expressed by you. May God save the State of South Carolina from its barbarism.

(Signed)

REV. WM H. SCOTT.  
CLIFFORD H. PLUMMER, Sec.  
P. L. PEMBERTON.

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## LETTERS OF CONGRATULATION.

2121 NORTH 29TH STREET  
PHILADELPHIA, October 30, 1895. }

Gen. Robert Smalls, Columbia, S. C.:

My Dear General—I am very desirous of procuring a copy of each one of the speeches delivered in your Convention at Columbia on the suffrage question. If you have within easy reach any or all of them in print, I shall esteem it as a favor if you will kindly forward to me here such of them as you can readily spare. And let me say to you, my dear General, what has, I presume, been said to you already, that the dignity, courage and signal ability with which you and your Republican colleagues at Columbia, have asserted and maintained manhood rights and the just claims of all citizens to fair play under the supreme law of the land as well as under the civilization of our times, have touched the heart of the great North and called forth its soberest approval and its high admiration.

Indeed, it is felt here that, in your statements, your arguments and warnings, you have covered the whole case and done lasting honor to the Negro race and to American patriotism. All hail to you and your noble band of Spartans at Columbia!

Yours very sincerely,  
E. C. BOSSETT.

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NEWBERRY, Oct. 28, 1895.

Hon. Robert Smalls:

Dear Sir: I take the liberty of expressing to you and through you to your colleagues, Messrs. Miller, Wigg and Whipper my very great gratification and approval of your and their very able and eloquent addresses in behalf of sound Republican principles, of justice towards all classes, and of fair and honest

elections. You all did credit to your race, to the Republican party, and as I hope and believe to the cause of justice, for I have no doubt your efforts will have great influence outside the State. The prompt voting down of everything proposed, however fair and moderate, looked very much like pre-concerted action, and was not creditable to the Convention, either Conservatives or "Reformers." But I should say, keep up the fight at every point along the line. Propose amendments to every objectionable section, even if they are voted down.

Very Respectfully,  
B. O. DUNCAN.

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ADELPHI HOTEL,  
LIVERPOOL, Oct. 6, 1895. }

Mr. Robert Smalls, Beaufort, S. C.:

Dear Sir—We have read over here the telegraphic report about the metaphorical bomb you threw into the Constitutional Convention, with the greatest glee. But not only was it the best sort of fuse—it was loaded, too, with the most explosive truth, (it seems to have scattered the ladies.) Such jokes as yours make an entrance for the truth when cold logic slides off like water from a duck's back. Gen. Ben Butler's phrase about the contraband of war converted more Democrats than Seward's great speeches. And so I doubt not your "little joke" will do more to make the scales drop from people's eyes than even Douglass' admirable tract "Why is the Negro Lynched;" (Of this I will try to send you a copy.) Butler's "Contraband" prepared the way for Lincoln's Emancipation Proclamation. Your resolution, so aptly timed, I regard as one of those *immense* things that influence destiny. I do not know how much it will be written about in the papers, but I believe it is only second in the importance of its influence to Uncle Tom's Cabin, because of its *opportuneness*. *No occasion could have occurred—none can again occur*—when that truth wrapped up in the words of your amendment could have reached home to

the American people—could have penetrated the harness and armor of the late Rebel master. More than that, you have prepared the way for one of the greatest books on the relations of the Negro and the mulatto to the white race. I speak, of course, of Mr. Keeper's book, "Minden Armies." At once on reading your action and its result in the Convention, I wrote an article, intended to be light and attractive, and took it to one of the great London dailies, but it was returned as the subject was hardly of enough consequence to their constituency, their columns being so crowded. I should be very glad to have the best report of that meeting that is published, as I want to see the details in full. Address me.

Yours truly,  
HORACE J. SMITH,  
44 Grosvenor Road, London S. W.

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SPECIAL TO THE WORLD.

COLUMBIA, S. C., Sept. 30—Five of the six Negro delegates to the South Carolina Constitutional Convention, which proposes to disfranchise the blacks, have joined in the following address to the North, through The World:

To the Editor of the World:

The Seventh Constitutional Convention called in South Carolina is in session. It has been called for the purpose of dealing with the Negro problem. Those who have advocated its assembling have been explicit in their declaration of the purposes to be accomplished—the disfranchisement of the Negro and the elimination of him entirely, not from a participation in elections, for he has not since 1886 had any show at all in any of the elections held in the State, but of the possibility of the Negro uniting with the conservative Democratic faction and thus oust from place and power those now in control of the Government. The chief obstacle in the way of accomplishing what is desired is the Fourteenth and

Fifteenth Amendments to the Federal Constitution. This difficulty removed, there will be plain sailing.

The Hon. Benjamin Ryan Tillman, who is the head and front of the movement, has not been at all politic or hypocritical as to his intentions. He has said that his object is to disfranchise as many Negroes as he possibly can without disfranchising a single white man, except for crime.

#### WHAT THE CENSUS SHOWS.

In the State, according to the census of the United States, taken in 1890, there were: Negroes over twenty-one years of age, 132,949; whites over twenty-one years of age, 102,567; Negro majority, 30,292. Of these are illiterate, 58,086 Negroes and 13,242 whites. Now, it will plainly be seen that a purely educational qualification, honestly administered, would give the whites 89,415, and the Negroes 74,851 votes; white majority, 14,564 votes.

But the nut for Tillman to crack is how he can disfranchise the Negro without disfranchising the 13,242 illiterate whites, whose votes would be lost entirely to his faction should the conservative element nominate and vote an independent ticket. The highest vote his faction has ever been able to poll in round numbers is 60,000, and the Conservatives 35,000. If Tillman's faction, therefore, should lose 13,242 votes it would leave him only 46,758 votes, and the Conservatives 35,000 votes, and Tillman's majority over the Conservatives would be only 11,758 votes.

It will readily be seen that the 74,851 Negro votes or any considerable part of them uniting with the Conservatives would make that faction master of the situation, and that is what Tillman wants to prevent. He has thus far hypnotized the whites of both factions with the scarecrow, "White supremacy," which he has shaken in their faces on every occasion, and which he is shrewd enough to know has the same effect upon the whites as a red flag has upon an enraged bull.

#### TILLMAN'S SUFFRAGE PLAN.

The real truth is that “white supremacy” has never been endangered; for even in the days of Republican ascendancy all the great offices, and a large majority of all the offices, were held by white men, and no one ever thought of making it a Negro government. The suffrage plan, as we have been informed, as agreed upon by the committee, is as follows: Every male citizen twenty-one years of age who has not been convicted of crime, and is not an idiot or an inmate of a prison or a charitable institution, who can read a section of the Constitution to the satisfaction of the officers of election, or who can explain said section when read to him to the satisfaction of said officers, or who pays taxes on \$500 worth of real property; or who can satisfy the election officers that he has paid all taxes due by him to the State, and who shall be duly registered according to law, shall be entitled to vote.

Every one of these provisions, as simple and just as they appear, when read by the uninitiated, are freighted with fraud, corruption and prostitution of the suffrage. For the officers of election are the sole judges of the qualification of the elector, and can at their will make the Negro vote or the white vote as large or as small as they choose.

#### INSTRUMENTS OF FRAUD.

Everyone of these innocent little “ors” is the instrument of and contains infinite possibilities of fraud, and in the hands of election officers, all of whom are members of one party and of the same faction, are construed to mean one thing to one set of voters and another thing to another set, when they offer to register.

As Mr. Creelman has explained in his dispatches, the registration officer and his board will have the sole power to make voters in South Carolina, as the Supreme Court of the State has decided that there is no appeal to any Court of law from the acts of election officers. In short, the Convention has been called to legalize the frauds which have been perpetrated upon the elective franchise in this State since 1876. No one can tell or estimate what the vote will be, and that question can be answered only by the election officers.

ROBERT SMALLS,  
THOMAS E. MILLER,  
JAMES E. WIGG,  
R. B. ANDERSON,  
ISAIAH REED,

Republican Members of the Constitutional Convention.  
Columbia, S. C., Sept. 30, 1895.

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## **Transcriber's Notes:**

Punctuation has been made consistent.

Variations in spelling and hyphenation were retained as they appear in the original publication, except that obvious typographical errors have been corrected.

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