

As to having accused you of any fraud upon the people, I assure you, that I never dreamed of anything so silly - I am at a loss to know how there could have been any fraud practised upon the people in that respect - The Constitution was written in the vernacular and submitted to the people in the face of an active opposition an opposition animated by the bitterest hate and the keenest disappointments and now to claim that there was fraud because they overlooked a construction which is patent to a schoolboy. It comes with a mighty bad grace from "the party of intelligence", of "culture" and "experience". They called the members of the Convention "monkeys", "apes", "niggers", "currying-outers", "field-hands", "fools", and other similar classical <sup>appetitors</sup> ~~appetitors~~, while they arrogated to themselves the grade of "overseers", "gentlemen" and "statesmen". They forsooth, had all the wisdom, all the common sense, all the brain and all the sense in the state, and now they cry out that they have been cheated! That "the party of intelligence" couldn't read plain English. It is a confession which no man of that party can make without stultifying himself beyond all possibility even in the party of absurdities.

I could not accuse you of fraud  
unless to myself. I consent for the  
Legislature to hold over until 1872.  
I thought your amendment meant  
the same. I think now that it does.  
If you thought otherwise you did not  
say so to me, and if there was any  
ground on your party it was towards  
me in trying to get me to consent  
to what would not accomplish my  
purpose. I took that risk and sup-  
ported the present section with a  
knowledge of its ambiguity or  
circumvention rather. If  
you did not intend this section to  
extend the term why I can seri-  
ously inform you have cheated your-  
self and if so, there may have  
been fraud in the matter.

I have an impression that in  
that conversation or some other, I  
am unable to determine when or  
where, some one made the remark  
that you had stated that no one in  
the Convention dreamed of the Legis-  
lature holding over more than  
two years. I tightly replied "Oh  
I wish knew better." I referred in  
that to your knowledge of the amendment  
which I since had drawn. I did not  
then understand that it was a public  
mistake of yours.

2 - I did not state that you had knowingly misrepresented the matter before the Legislature for I knew nothing of any representation which you had made or have made since.

3<sup>d</sup> I did state my recollections of the circumstances which attended the passage of Section 27 of Art. II - the section in regard to which the ambiguity arises. These facts I had related to, writing months ago, before any dispute in regard to the matter had arisen in fact <sup>and</sup> before the Legislature had met, and in looking this statement over - which was substantially the one given in the conversation referred to - I see no reason for altering a word or syllable. Briefly it is as follows -

(Feb. 13<sup>th</sup>) After the legislative article had passed its second reading, and before it had passed its ~~third~~ <sup>third</sup> time, I had conversed with several members in regard to the terms of the Legislature. I believed then, as I believe now, that

that it would be the fortistest thing on  
 Earth to submit a Constitution making  
 so many <sup>such</sup> and ~~to~~ radical changes to the  
 people and leave the door open for an  
 revulsion of feeling which might occur  
 before these changes had become crystal-  
 ized and settled, to begin the process  
 of immediate <sup>revolution</sup> ~~amendment~~. I knew  
 as well as now was that if the  
 legislature held but two years the process  
 of amendment would begin before  
 the ink with which the Constitution  
 was written had dried upon the parch-  
 ment. <sup>and before the changes which if made could be perpetually</sup> I believed that most of the changes  
<sup>made</sup> ~~made~~ <sup>manipulated</sup> by the Constitution were just  
 beneficent and valuable, as such I de-  
 sired to perpetuate them. I believed that  
 the surest and best <sup>if not the only</sup> way to do this and  
 also to secure public peace would  
 be to ~~close~~ <sup>endure</sup> the term of the first Leg-  
 islature. This was my honest, deliber-  
 ate <sup>conviction</sup> and approved purpose - There was  
 no discussion of the matter in the  
 Convention for reasons which will  
 appear - but I had conversed with  
 a number of members on the sub-  
 ject and felt confident that a ma-  
 jority would concur in this opinion  
 as they did <sup>the Congress of</sup> South Carolina -

In accordance with this view I had drawn up a section unmistakable in its wording and purpose, containing the first Legislature until 1872. As usual, I showed this proposed amendment to my neighbor Mr. Heaton, who sat, you remember on my left and in front of yourself. With his <sup>customary</sup> ~~usual~~ caution Mr. Heaton said it would not do and must not be introduced. You are aware that he not infrequently acted as an extinguisher on my impulsiveness. In speaking of it he called it to your attention as Chairman of the Committee on the Legislative Article.

This was just before the article came up on its third reading. <sup>For while it was under consideration</sup> Some one was speaking and we <sup>retired</sup> ~~went~~ bet into the lobby behind the friendly desk and talked it over. Mr. Heaton insisted that it "would never do," "would ruin the Constitution" &c.

You suggested <sup>to the effect of</sup> ~~to the effect of~~ (27 in the Constitution) <sup>and</sup> ~~and~~ <sup>proposed</sup> ~~proposed~~ <sup>changed</sup> ~~changed~~ a word or two - I thought it was only a longer road to the same end I desired to reach, and at the time supposed that to be your intention. ~~As to that of course, I know nothing~~

This section which continues the present Legislature until 1872 or  
is entirely unimportant. The construction given to that which is  
Assembly of the Court has no alternative. Consider the article as it  
passed it seems peculiar, and this section as an emergency or  
and there is no escape from the clause that on nothing

It may have been your intention to  
dissuade me from introducing the  
amendment which I proposed, from  
fear that <sup>the principle</sup> it would be adopted - If your  
design was to defeat such a meas-  
ure, I am confident that you adopt-  
ed the only course which would have  
succeeded -  
At the proper time <sup>you of which</sup>  
the amendment <sup>to certify</sup> you had pro-  
posed which was carried - ~~I thought~~  
~~must have been some slight change~~  
~~in the matter is not so clear~~  
as I at the time supposed - The article  
now seems to be something like the Dutch-  
man's eye - "It puts pepper <sup>coming</sup>  
up - which and fingers going down."  
I thought then, that it was "jingles" in  
both sides - but a little plumer in one  
If your recollection does not <sup>agree with mine</sup> you  
will see that this statement is strongly  
corroborated by the record of the 28th + 29th Feb.  
The Legislative article was as it passed  
its second reading clearly and distinctly  
makes the term of the first Legislature end  
on the 10th of August 1870 - On its  
third reading you introduced an  
amendment to Section 2.7 which was  
adopted: Here also Lockyman de-  
posed them that you meant <sup>it</sup> to give the first  
Legislature until 1872 - I thought  
and think so now -

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In this I may have done you wrong, but if you will examine the record, you will at once see, how very natural it was, that I should have imputed to you the same motive which actuated me. The Legislative Article as it passed its second reading provided as follows -

1<sup>st</sup> For biennial elections (Sec. 3<sup>d</sup>)

2<sup>nd</sup> That ~~members~~ persons elected hold their seats until the next biennial election. (Sec. 28<sup>th</sup>).

3<sup>d</sup> That ~~the first regular election~~ <sup>an</sup> election be held on the first Thursday of August 1870. (~~Sec. 30.~~) <sup>and</sup> every two years thereafter. (Sec. 30.) -

4<sup>th</sup> The action last referred to was amended by the motion of Mr. Rollman so as to provide for an election when the Constitution was submitted, and that the members then elected should hold until their successors were elected at a regular election, the first of which had been appointed for August 1870.

In Convention Journal pages 187 to 197 The article as it stood at the close of the second reading, most unaccountably continued the first Legislature until August

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I proposed to amend Sec. 29 (28 of the Constitution) so as to defer the first regular election till Congress 1872.

You proposed, as a substitute, as I understood it, for my proposition, an amendment to section 28 of the reported article, which, if I mistake not, was identical with section 27th of this article of the Constitution, except the word "ensuing" which I believe was inserted by myself. I believe then, as I believe now, that the addition of this section to the article, as it stood at the end of the second reading, most unquestionably continued the present Legislature until 1872. If it has not that effect, then its language is entirely <sup>inoperative</sup> ~~inoperative~~, and the article stands precisely as it did before being amended on its third reading. From this fact, patent at the time, to my own mind, I arrived, almost of necessity at the conclusion that your motive was identical with mine.

I can understand however, how your apprehension of the matter may have been different, ~~from mine~~. Without having the amendments made upon the second reading, in printed form before you,



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You may have supposed that the first  
legislation was continued by its, only  
until August 1868, and so have offer-  
ed your amendment only to continue  
it until 1870. In this view you may have  
regarded the amendment offered by your-  
self as a sort of compromising meas-  
ure, a medium between two extremes.  
While I can readily conceive that this may  
have been your view and intention, and while  
no one is ready to admit your statement  
that such was your motive, you will do  
me the credit to believe, that it did  
not occur to me until I had heard  
of your denial. Indeed so strong was the  
other impression on my mind, that for  
a time, I could not see how it could  
possibly be that your motive was differ-  
ent from my <sup>own</sup> careful review of the cir-  
cumstances, and consideration of the reason  
has shown me, that my deduction as to  
your motive was ~~too broad~~ may have  
been erroneous, and I cheerfully accept  
your statement that it was. I may have com-  
mitted the same error with regard to your  
intentions. This view upon your part  
however, I must insist could only have  
been founded upon an entire misapprehen-  
sion of the status of the United States.

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The Article as it stood provided that the present Legislature should hold until August 1842. I so understood it then. I thought it admissible that it should hold until 1842. Your proposition at that ~~time~~ stage of the proceeding meant the same thing. I so understood it at that time. You seem to have understood it differently, being de luchryman.

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