

vinced that it ought to be referred to the General Assembly, who will be much better prepared to reflect the wishes of their constituents than this Convention.

Mr. B. argued that while a large discretion was reposed in their representatives by a generous people, yet the ascertained will of the people ought not to be disregarded; and in view of the superior advantage of the Legislature in knowing the will of the people, this matter should go to them. Give them full power over the question, and they will reflect the will of the masses. The privilege of the State to avail itself of the testimony of the white has stood upon no higher authority than statutory enactments since the first days of the republic; but the rule is now proposed to be changed, and negro testimony is to have its imprimis in constitutional being, subject, however, to legislative repeal or change. Thus, the same breath that gives it existence raises a doubt of its propriety, and recommits it to the Legislature to determine whether it shall remain.

The question of negro testimony was an experiment, and he submitted that the constitution was not the place in which to try experiments. Why this impatience—this new-born zeal? We had always had free negroes in the State, and if this matter of testifying in the courts stood upon the high ground of imprescriptible right, why has it been so long held in abeyance? for a right does not depend on numbers or conditions. He did not regard the right of testifying in courts an individual right. No one could put the claim upon imprescriptible right. The right is with the State, and to avail itself of the testimony of the citizen is the prerogative of the State in upholding the majesty and power of the law and to vindicate its just purpose in the punishment of crime. To the citizen it was a civil privilege—and the withholding of it no wrong, except so far as it might raise invidious distinctions between individuals, otherwise equals. Mr. Barnes concluded by picturing what he believed the future of the negro.

The amendment was rejected by yeas 16, nays 49.

The order was then adopted by yeas 48, nays 19.