

JUSTICE IN SOUTH CAROLINA.

We have in a Charleston paper a most curious exhibition of the workings of justice in South Carolina, which we propose to state as briefly as possible. John Jenkins, a freed-man, was to have been hung on Friday last for the murder of R. M. Brautford during a riot in June, 1865. He was indicted, together with Scipio Fraser, also colored, for murder; tried before Judge Dawkins in January, 1867, and convicted. Appeal was taken, a new trial refused, and he was sentenced to be executed in June, but Gov. Orr gave a respite of one month. Before the day, Gov. Orr was appealed to by the Military Commander of the District for further respite, which was declined. Gen. Sickles then granted a respite and set his officers to examine the case. They did not succeed in convincing the Governor of the man's innocence. After Gen. Canby assumed command of the district, he examined the case and remitted it again to the civil authorities, and in January, 1868, Jenkins was re-sentenced by Judge Moses, and his execution fixed for the second Friday in February. A renewed effort was made by the friends of the prisoner to secure the pardon or a commutation of the punishment of Jenkins, and a very numerous signed petition, embracing the names of some whites and of many hundred colored citizens, was presented to the Governor.

It was also shown that the testimony of the principal witness must have been false, as it was impossible for him to have seen what he swore to. Still, the Governor was in doubt, when the said witness voluntarily came forward and acknowledged his crime. Just at this time, too, it turns out that Scipio Fraser, the negro indicted and tried with Jenkins, and who died in jail on the 17th of April last, confessed to the jailer that the murdered man was knocked down by one Williams, and then he (Fraser) struck him when down; that Jenkins was innocent of the crime, not being present.

Now what does Gov. Orr do? Jenkins was convicted of murder; subsequent testimony (mysteriously kept back by the jailer for ten months) proves him innocent. Gov. Orr says:

"I have come to the conclusion that there is not sufficient evidence to justify me in declaring that Jenkins was one of the murderers of Brautford. On the contrary, the evidence certainly tends to exonerate Jenkins from any active participation in the murder. I still, however, ENTERTAIN THE OPINION that he was among the rioters; that he was with them in their march up King-st., and when they turned into Tradd-st., and, although not striking the fatal blow himself which took the life of Brautford, he was guilty of a great outrage upon the laws of the State, and upon the peace and safety of society; and that, for his participation therein, he merits exemplary punishment. Believing that he is not guilty of having stricken either of the blows which produced the death of the unfortunate

Brantford, but that he was among the rioters, I have committed his punishment from death to five years imprisonment at hard labor in the Penitentiary." 1

There we have the Governor's own confession that he is satisfied of the innocence of the man; he is certain that he is not guilty of the crime for which he has been a year and a half in prison, and within a day of death or the gallows. And then Gov. Orr turns around and sentences him to five years imprisonment in the penitentiary for a crime of which he has never been convicted, nor even placed on trial for! The dead witness says Jenkins was not there; but Gov. Orr "entertains the opinion" that he was among the rioters, and on that mere opinion sends a man to the State Prison. And all this is set forth by the Governor himself over his proper signature in his official capacity. There can be no two opinions of the outrage.
