

Opinions of Prominent Democrats on the Convention Question—Read and Circulate.

In response to calls we lay before our readers the following letter from Judge Fowle on the Convention question:

RALEIGH, Oct. 26, 1874.

Maj. John W. Durham: Sir:—In reply to your letter asking my opinion in regard to the calling of a convention by the next General Assembly, for the purpose of amending the Constitution of North Carolina, I have to say:

That in my opinion a call of a Convention for the purpose indicated would be unwise, inexpedient and productive of great harm to the material interests of the State.

The defeat of the Conservative party in North Carolina in 1876 would be a public calamity. The defeat would, in my opinion, be insured if the proposed action is taken.

A very cursory examination of the Constitution and history of North Carolina will satisfy the enquirer, that of the two methods provided for amending the Constitution, to-wit: the legislative and conventional, the intention was, that for ordinary times, and for the correction of ordinary evils, it was thought wise by our fathers that the legislative mode should be adopted, and that the mode of amendment by the convention was only to be resorted to when the exigency of the occasion was extreme, and was substitute in a Democratic and Republican form of government for revolution, and was not to be exercised unless the emergency was great.

We find accordingly that after the adoption of the constitution of 1776, there was no convention of the people of North Carolina until the year 1835, except the conventions of 1788 and 1789 which were called for the purpose of ratifying the Federal constitution, and that since that time there has been no convention of the people, which has been called for the purpose of amending the constitution, and has actually done so until the year 1868.

The convention which was called in 1861 was for the purpose of taking North Carolina out of the Union, and the convention of 1866, being called under Presidential Proclamation, and its conclusions being repudiated by the people, are not to be considered in this connection.

The policy of the State then being well settled not to call a convention of the people except upon extraordinary occasions, is there anything in the political condition of the State that will justify such action at this time?

A very earnest and able advocate of the convention movement, in reply to an interrogatory from me as to the necessity for a convention, stated that he desired a convention in order that the constitution should be amended in three particulars:

- 1. Requiring the Judges of the Superior Court to rotate.
2. Disqualifying a person who has been convicted of an infamous crime from voting.
3. Requiring the poll tax to be paid as a qualification of a voter.

In regard to the first and second of these amendments, after considerable inquiry I am satisfied that they will meet with but very little opposition from either of the great political parties.

I have heard at least two of the Republican Judges express themselves as in favor of the first proposed amendment, and one of them expressed it as his opinion that every member of the Judiciary would give his personal influence to the proposed amendment. As to the second, the mere introduction of the proposed amendment is enough to secure its passage before any Legislature that can now be elected, regardless of its political complexion.

As to the third proposed amendment, it is believed by many persons that its effect would be to diminish the Republican vote in the State several thousand votes, thereby insuring a Conservative triumph.

The proposed amendment itself is in my opinion a very good one, because the increased taxation that would be derived would greatly benefit the common schools of the State. But I do not believe that the vote would be materially diminished by its adoption, because in every well contested election the funds will be provided to pay the poll tax for such voters as cannot pay it get through such elections in 1876 will necessarily be well contested by both of the great political parties.

But even if I should be mistaken in this, the success of our party in 1876 is not a good reason for deriving from the course of action in regard to constitutional amendments which has been sanctioned by the wisdom of our forefathers, because it would be establishing a precedent for tampering with the constitution whenever the exigency of a party required it, and conventions in North Carolina, would become as frequent as revolutions in Mexico.

In a very able letter, signed by W. A. Wright, Esq., and five other distinguished gentlemen, dated Oct. 22, 1874, the following expression is used:

"Suffice it to say that, in almost every one of the many instances where the old constitution of our fathers has been amended, it has been productive of un-mixed evil. In our opinion the sooner we return to that old constitution the better it will be for the people of North Carolina, observing, of course, the changes rendered necessary by the war and its results. And we deem it proper to say here, in order to prevent any possible misunderstanding, that we believe no one contemplates, as no one ought to contemplate any change in regard to the Homestead Exemption, save such as will enlarge and render more secure that wise and beneficent provision. We deem it proper to say also that we believe no one contemplates any change in the constitution

tending to impair the rights of the colored people."

To this broad assertion we respectfully enter our dissent. There are several changes in the organic law, made by the convention of 1868, other than the exceptions made by these gentlemen, which, in my opinion, the people of North Carolina will not willingly yield—as for instance: The election of the Judges by the people.

The abolition of the county courts and the election of county commissioners by the people. There may be a considerable portion of our people, particularly in the Eastern section of the State, who would be glad to see the power taken from the Eastern negroes to elect Judges and county commissioners. So far as the election of Judges is concerned, the remedy is easy by electing Judges on a general ticket, but so far as county commissioners are concerned, I do not believe that the white people in the West are willing to delegate to the Legislature their right to elect magistrates, who shall elect county commissioners, and our people generally are well satisfied at being rid of the cumbersome and expensive old county court system.

But apart from all this, it would be a political blunder to call a convention. In 1870 the people of North Carolina voted the Conservative ticket. Not a word was said about convention during the canvass. The Legislature was conservative by nearly two-thirds majority. Taking advantage of its majority, notwithstanding the warnings of many of our wisest leaders, a bill was passed submitting the question of calling a convention to the people. It was defeated by more than 9,000 majority. But more than this, the delegates elected, a majority, I have been informed by a well posted friend, were Republicans.

The people were angry with our party and charged in many localities that we could not have carried the election in 1870 if our purpose had been avowed. It was regarded by many of the them as a fraud upon the people. Many members of the Legislature of 1870, who were elected if their constituents had been aware that they would have done so.

In 1872, it insured the defeat of Judge Merrimon for Governor, and worse than this, the failure to carry North Carolina paralyzed the opposition to Grant, and his re-election was due more to the result in North Carolina in August, than to any other cause. In 1874, there will be another great contest for the Presidency.

Pennsylvania, by the change of its State election from October to November, is no longer the Keystone State. North Carolina has the doubtful honor of being the Keystone State in that controversy. Every effort will be made by both parties to carry the State.

Require the poll tax to be paid in advance and it will be—by many from beyond the limits of the State. Every voter that can be induced to go to the polls will be carried there. And if North Carolina falters we will have four years more of Republican rule at Washington.

The advocates of the convention insist that although it may be inexpedient as a party measure, it is right in itself. If inexpedient, it will fail. Failure will not benefit, but greatly injure our party. Besides there is no moral question of right or wrong involved, and if inexpedient, it is politically wrong. My deliberate judgment is, that if this convention scheme is passed, that the Republicans who voted with us in August last will return to the Republican party, and many conservatives will, I fear accompany them.

Political daring is sometimes the best policy, but to renew an experiment which has already proved so disastrous, would be suicidal.

DANIEL G. FOWLE.

AN ACT To Enforce the rights of Citizens of the United States to vote in the several States of this Union, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Sec. 2. And be it further enacted, That if by or under the authority of the constitution or laws of any State or Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws, voters or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote without distinction of race, color or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offence, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and such allowance for counsel fees as the court shall deem just, and shall also for every such offence be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 3. And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such person shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years, and shall, moreover, be thereafter ineligible to any place of honor, profit or trust created by the Constitution or laws of the United States.

Approved July 31, 1875.

THE ROANOKE NEWS

Published for the Proprietors, R. T. Manning, Editor, at No. 100 North Second Street, Raleigh, N. C. Subscription, one year, four dollars per annum.

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the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen who shall voluntarily refuse or omit to receive, count, certify, register, report or give effect to the vote of such citizen upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and such allowance for counsel fees as the court shall deem just, and shall also for every such offence be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 4. And be it further enacted, That if any person, by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent or obstruct, or shall combine and confederate with others to hinder, delay, prevent or obstruct any citizen from doing any act required to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and such allowance for counsel fees as the court shall deem just, and shall also for every such offence be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 5. And be it further enacted, That if any person shall prevent, hinder, control or intimidate, or shall attempt to prevent, hinder, control or intimidate any person from exercising or in exercising the right of suffrage, to whom the right of suffrage is secured or guaranteed by the fifth amendment to the constitution of the United States, by means of bribery, threats, or threats of depriving such person of employment, or occupation, or of ejecting such person from rented house, lands or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 6. And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such person shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years, and shall, moreover, be thereafter ineligible to any place of honor, profit or trust created by the Constitution or laws of the United States.

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Dog Ordinance for 1875

Office Treasurer & Collector. City of Wilmington, N. C. June 12th, 1875.

THIS DOG ORDINANCE FOR 1875 REQUIRES that the same should go into effect June 1st.

NOTICE IS HEREBY GIVEN, that all parties owning or keeping any dogs, either male or female, are required to register the same at this office, and procure the required badges commencing

MONDAY THE 14TH INST. and for four (4) days thereafter. The Ordinance so provides, that such persons who fail to comply with the above requirements, will be subject to a penalty of ten (10) dollars.

T. C. SERVOS, City Clerk & Treasurer.

FOR THE INFORMATION OF THE PUBLIC.

MARSHAL'S OFFICE. CITY OF WILMINGTON, N. C. April 14th, 1875.

IN ORDER to enable me to cleanse the city thoroughly, and with as little delay as possible, I have divided the city into four (4) Health Districts, with a health officer assigned to duty in each.

THE FIRST DISTRICT. In charge of Health Officer J. H. Brown, embraces that portion of the city north of Market and East of Fifth streets.

THE SECOND DISTRICT. In charge of Health Officer C. C. Taylor, embraces that portion of the city north of Market and West of Fifth streets.

THE THIRD DISTRICT. In charge of Health Officer A. J. Denton, embraces that portion of the city south of Market and East of Fifth streets.

THE FOURTH DISTRICT. In charge of Health Officer S. P. Watcott, embraces that portion of the City South of Market and West of Fifth streets.

The Health Officers may be designated by the yellow rosette, and they are instructed to inspect and report all uncleanliness to my office.

I do hereby request that all citizens generally will cooperate with me in this important work, and begin the needed cleansing without further delay.

Any person requiring the service of a sewerage or any report to the Health Officer of the City, to which the work is to be done, or at my office, and the matter shall have the prompt attention.

Trusting no further appeal to our good citizens may be required, and that our City shall be a model in cleanliness during the present summer.

I am, very respectfully, J. H. ROBINSON, City Marshal.

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The following quotations represent the wholesale prices generally. In making up small orders, higher prices have to be charged.

Table with columns for various goods (e.g., BACON, LARD, FLOUR) and their prices.

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Quarantine Notice. UNTIL FURTHER NOTICE, all vessels from Ports South of Cape Fear, will come to the Vailing Station near Deep Water Point, and await the inspection of the Quarantine Physician.

All vessels from Port where Yellow Fever or other infectious disease exists, will be required to undergo a rigid and prolonged quarantine.

All vessels or boats of any character having sickness on board on arrival, or having had sickness any time during a voyage, are required to come to the station for inspection, without regard to the port from whence they came, vessels not included as above will proceed without detention.

Pilots are especially enjoined to make careful enquiry relative to vessel, crew, &c. and if not satisfied with the statements of the Captain or Commander, or if the vessel is in a filthy condition, they will bring the vessel to the station for further examination.

Pilots willfully violating the Quarantine laws are subject to forfeiture of their branches; Masters of vessels to a fine of two hundred dollars a day for every day they violate the Quarantine laws, and all other persons liable for each and every offence.

All vessels subject to violation under these regulations will set a flag in the main rigging, port side. F. W. POTTER, Quarantine Physician Port of Wilmington, N. C. Smithville, N. C. May 27th, 1875. June 4-1F

Moss Wanted. 10,000 POUNDS CURED MOSS. A good price will be paid, by July 9-1F

KEEP COOL. ICE IS PLENTIFUL AND CHEAP AT THE NEW ICE HOUSE. Dock at, between Water and Front streets, Wilmington, N. C. B. H. J. AHERNS, Proprietor. May 11-2m

GO TO ALLEN'S if you wish anything in the JEWELRY LINE. WATCHES, CLOCKS, RINGS, COFFEE POTS, CUPS, BRACELETS, &c., &c., &c. may 21-1F

Office of City Clerk & Treasurer, CITY OF WILMINGTON, N. C. June 24th, 1875.

AN ORDINANCE CONCERNING COWS AND OTHER CATTLE running at large.

BE IT ORDAINED, By the Board of Aldermen of the City of Wilmington, N. C., as follows:

SECTION 1st. That any cow, or other CATTLE of ANY KIND, found running at large, within the corporate limits of this city, shall be impounded by the City Marshal and the owner required to pay a fine of Ten (10) dollars before the same shall be released.

Sec. 2d. Any ordinance or parts thereof conflicting herewith, are hereby repealed.

The above ordinance was adopted by the Board of Aldermen on the 24th day of June 1875, and will go into effect, on and after Monday June 28th 1875.

T. C. SERVOS, City Clerk & Treasurer.

Important to Owners of Dogs. OFFICE OF TREASURER & COLLECTOR. CITY OF WILMINGTON, N. C.

AS MANY persons do not appear to understand all the requirements under the DOG ORDINANCE, notice is hereby given that the

Penalty of 10 Dollars for not procuring the required DOG BADGE, will be enforced on and after THURSDAY THE 24TH INST.

The Ordinance provides as follows: That the owner of any Dog within the city limits, who shall fail to pay the TAX imposed by the DOG ORDINANCE shall be subject to prosecution for violation of said Ordinance, and required to pay a fine, not to exceed ten (10) dollars in the discretion of the Mayor, by order of the Mayor.

T. C. SERVOS, City Clerk and Treasurer. City of Wilmington, N. C. June 24th

GO TO ALLEN'S if you wish anything in the JEWELRY LINE. WATCHES, CLOCKS, RINGS, COFFEE POTS, CUPS, BRACELETS, &c., &c., &c. may 21-1F

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