OFFICE OF THE weekly Lioueer on & McDowell' store-third story.

THE JOB DEPARTMENT ablishment is furnirhed with the very cy Job work. A marked feature in this ent is our new Liberty press, which works 1,000 impessions per hour. This economy enables us to do work at Northern and

Orders for work, accompanied by the cash, will net with prompt attention.

The Law and the Testimony.

The Constitution of North Carolina expressly declares that NO CONVENTION OF THE PEO-ASSEMBLY, UNLESS BY THE CONCUR-RENCE OF TWO THIRDS OF ALL THE MEM-IERS OF EACH HOUSE OF THE GENERAL SSEMBLY.

STATE OF NORTH CAROLINA, SUPREME COURT, Raleigh, Feb. 11, 1871. To His Excellency, Gov. CALDWELL!

Sin:-In reply to your communication the 9th inst. I have the honor to say, the the Chief Justice, and Justices Rodman, Dick and Settle are of opinion that the act to which you refer, is in violation of the Constitution. All legislative power is vested in the Gen-

The people have reserved to themselves no power of legislation: It follows, that a Convention cannot be called by a vote of the people; nor will such voting enable the General Assembly to call a Convention in a manner not anthorized by the Constitution.

Justice Reade, for the reason stated by him when the opinion of the Justices was requested by the General Assembly in regard to the tenure of office, declines to give an

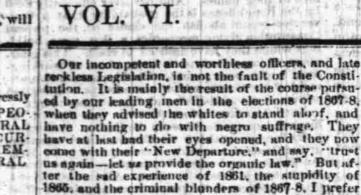
Upon the second question in regard t your duty, provided you believe the act i be unconstitutional, the Justices do not feel at liberty to offer an opinion.

Very respectfully, &c R. M. PEARSON.

Chief Justice, Supreme Court.

JUDGE GASTON AND CONVENTION

Upon the question of amending the Constitution in the Convention of 1885, Judge Guston said : "This was one of the most important questions that had come before the Convention ; for, whatever benefits we may have promised ourselves from abors in the body, in laying the foundation



their attention to the changed situation surround-ing them. Let them, above all, devote themselves resources, and they will rease to abus the Constitu-

tion." They would in this way soon rid us of worthless

Yours, &c., RUFUS BARRINGER.

[From the Old North State. Chief Justice Ruffin on the Mode of Calling

Under date of July the 2d, 1866, the lat Chief Justice Ruffin wrote a long letter to member of that body, discussing the powers of the Convention of 1865. We present below all of that part of his letter in relation to the manner in which a Convention of the people must be called under the Constitution of this State. It is clear, unequivocal and to the point. The eminent Chief Justice had no doubt whatever about the revolutionary character of a Convention called after the manner in which the present is attempted to be called. This will be almost universally admitted to be the very highest authority that can be cited on either side in the pend ing contest, and will, we believe, have more weight than any other.

We have italicised certain portions of the letter bearing more closely on the question now under discussion : "You will perceive, that I have hitherto di

Our incompetent and worthless officers, and late out such previous authority and regulations WHITHER ARE WE DRIFTING ? the majority, if physically able, may over-It is well sometimes to stop in the mad ratified and approved by the same and therethrow the existing gowernment, but it can career of partisan rage and excitement, and by became part of the National Legislation, tion, it assembled, will abolish the clause in for they have got their eyes opened. &c. ed by our leading men in the elections of 1807.8, throw the existing gowernment, but it can career of partisan rage and excitement, and by became part of the National Legislation, tion, it assembled, will abolish the clause in when they advised the whites to stand abof, and only do so by revolution and not as possessing ask ourselves the plain simple question "what before the first day of January, 1872, this our present Constitution prohibiting approwhen they advised the whites to stand abor, and have nothing to do with negro suffrage. They have at last had their eyes opened, and they now have at last had their eyes opened, and they now need not, however, dilate further on this topic in? If the people in 1861, had been truly there be no misunderstanding about this N. C. R. R. is completed. The east and had nothing been said by Pinkney the Windy, as the grounds and authorities on which the informed of the design of their leaders, they matter. We speak whereof we know, and middle portions of the State want railroads, and brought to the mind of the people that and they can only get them now by compleus again-let as provide the organic law." But af. ter the sad experience of 1861, the stupidity of 1865, and the criminal blanders of 1867-8. I prefer collections, set forth in the argument and they were afterwards helplessly hurled. If 1865 Carolina don't intend to submit to it. And ting ours, and not until then. Love, of Ma-

cannot, by their own direct vote, abrogate or the Convention of that memorable year, which law and order. And don't imagine that be- from interfering with this clause of the Conmake a Constitution, without the previous broughtrum and want and woe throughout the cause a few disguised Ku Klux in outland- stitution, and they were hooted at and their to practical legislation, to the restoration of peace sanction of authority in power under the lenghth and breadth of the land. But they ish costumes, can frighten a few isolated propositions voted down. Even Jarvis, the existing government, as in Door's case, much followed blindly the teachings of these self- decrepid and aged freedmen, that the negroes Speaker, descended from his seat to oppose North Carolina, and that Pinkney's party resources and they will rease to abus the Constitu-tion of 1808, just as they have ceased to denounce "Nigger voting" and the "horrors of reconstructor in more state to oppose "Nigger voting" and the "horrors of reconstructor in more state to oppose "Nigger voting" and the "horrors of reconstructor in more state to oppose then subsisting especially provides two other is the people have duly weighed this sub-who met them in the hell-hole of Petersburg West deserved nothing because she paid no

Convention.

vention was an unauthorized body, and there- are fanning the flames of Rebellion, and telling up their minds to overthrow this Republican fore no more than a voluntary collection of you, just as they did in 1861, that "there is Constitution right or wrong, do it with their so many men-a caucus recommending to no danger." We are walking the same path eyes open, for there will be no amnesties the people to adopt by their vote a certain precisely, as we tred then to destruction. and pardons to those who "follow the multiinstrument as our Constitution, a thing which Stop and think just one moment, and you tude to do evil" again. When the day of the people, under our Constitution, are not will see that every movement, every argu- tribulation comes, as come it will, let there competent to do on that recommendation, and ment then made, is urged now. "There will be no whining, but let us all meet it like men, therefore, the conjoint resolution and votes be no war." "They people have a right to who have staked Republican liberty once of the two bodies have no more effect than call Conventions in any way they like." more on the point of the bayonet. The opthat of either by itself. I conclude it is no "The General Government won't interfere." ponents of this State Government have been Constitution, and cannot be made one by This is the exact, simple language which be- uncharitable and impatient with those in auwhat has been done, or can be done now. What, then, does it behoove the people to will you follow it again? Have you for- been mistakes made, and errors committed. do? They ought, it seems to me, promptly gotten the untold horrors of the last rebellion? This would have been so in any sudden and decisively to reject the whole project, of the thousands of gallant boys, whose bones change of party, particularly so with the Re-

If it be suggested, that in our experience all are bleaching on every hill, and whose blood publican party who had but a small scope conventions since those of '76, which formed soaks the soil of the South! Has the poor from which to choose its material. But then our original Constitution, have regularly Conscript forgotten the day he was hand- these men who have walked through the fires made them worse and worse, and therefore, cuffed, and torn away from his wife and chil- of persecution, and incurred the odium in diswe had better take this than run further dren to be shot at, that slavery might live charging the duty of reconstruction, and do-

risks, and especially that, at least, those who and the slave-holder continue to lord it over ing the biatling of the American Congress. shall give their him? Have they forgotten the little boy lay very near the heart of that Congress and prove of the alterations suffrage for adoption. I reply, no! The torn sobbing from his mothers very apron the loyal Millions of the Nation, and that great principle of political and civil liberty, strings, and who for long weary days carried Congress and these loyal Millions through that a people may, and ought to make a Con- the heavy musket, until it fretted corns on their President-the man of Appomattox-have State, with the exception of a few unfledged the truth were heard to say, "Well, we had that a people may, and ought to make a Con-stitution and Government for themselves; his tender shoulders, and at last gave up his promised, before this campaign was begun, disciples, who are under calico influence, are a better let well enough alone we had better proceed in the regular and peaceful method forgotten, when the lad of the copperas endeavoring to sustain Constitutional law in which is prescribed, instead of an unauthor- breeches was sent to the front, and the man these States; and if North Carolina is declarized, irregular and usurped mode from with twenty negroes stayed at home to speci- ed, in insurrection, and the smell of gunpow- horrors of another conflict with the United vention then and by it got us into a cruel which uncertainty as to the validity of their late on the soldiers wives and mothers, and der is again on her fair fields, let only those States government. doings, and consequent commotions, arise, sell them shoes at twenty-five dollars per be blamed who brought on the farnish the strongest reasons why every man pair, while he received eleven dollars per the trouble, who "knowing their duty, did it should give his voice against the instrument month, to risk his life? Have they forgotten not." now proposed, and wait for the action of the the tithing and impressment laws, and the And now, we have no disposition to say Legislature, the proposing of amendments to gauge of homb-proofs, who took the bread anything in a bombastie or pompous spirit. the people, or the daly calling of a Conven- out of his babe's months, which his poor wife Neither is it our desire to say or do anytion which would have legitimate power to had hold out on the hill side, barefooted in thing to intimidate any one, much lessto hurt the burning sun ? - Remember how men who the feelings of any, who are not enemies of our adopt them. day which you will do. desired peace, were hunted down with blood government. For these we do not care, and Let me here adduce a case which I ought to have added to the efficiency of the popular hounds, and oh ! the terrible scenes of the with them have no words to parley. This vote per se. I adduce it, because it is clear battle-field, the shricks of the wounded and election is a necessity. If a rebellious and the groans of men dying in a canseless war. lawless spirit still prevails among our peo- stitution, poll-tax in some of the counties was to the apprehensions of every one, and ex-And where are they now? Alas! alas! ple, if they are still enemies of free govern- five dollars; in other counties as high as nine hibits in a strong light the correctness of the argument against the popular power-a mere scattered from the green hills of Pennsyl- ment, and their intent and design be still vania, to the roaring waters of the Rio to overthrow it, in any and all illegal ways, majority over the Constitution of a nation. Grande, in uncared, unmarked graves, with why, the sooner it is known the better for all The ease to which I allude, is that of the not even a dog to howl a requirem over them, concerned, that it may be crushed in its in-Yes, there they rest, crammed one upon an- cipiency, and not allowed to gather strength stitution there specifies the modes of amendment; modes intended to protect minorities other in rude holes, until humanity itself from neglect, as it did once before. What sickens at the sight. Poor boys, they sleep we mean to say is, that it is no part of the And because they are now forbidden to do who has lately come into this county from a against superior numbers. Now, suppose, that sleep that knows no waking, and the policy and intention of the law and order this, they how about taxation, and have the county largely Republican, and is trying here upon this assumption, that the people may winds of heaven as they sigh through the people of North Carolina, and of America, to impertinence to endeavor to coax the poor to get into the lead of the Conservative pardo as to them listeth, and that the majority rank grass, that waves over them, gives back allow the Government to be subverted in an ille men to vote with them for Convention, so ty, ruled Mr. Hampton down and did not let of the people are THE PEOPLE, an attempt a mournful dirge, to the memory of our sons gal, unconstitutional manner, and upon this that they may restore their unlimited power were made to alter the Federal Constitution and brothers, who were murdered in a Re- the lives of every man loyal to the principles of captation taxation. Don't the people see of the United States-what sort of a Conbellion in which they had no interest. This of a free government is staked to the death. the drift of things? stitution should we have-who could enland is ridged all over with graves, and the Now then sound the onset! dure it, especially at the Sonth--who would sounds of sorrow and the weeds of mourning endure it and hold it to be a Constitution? have not yet departed from the habitations So it is under the provisions of oar State CA SA. of the people. The gray haired man, as he Have our people forgotten the old Ca Sa Constitution. - Then let our people with one leans tottering on his staff, cries, "give me Law, when a man under the old Constitution voice reject it. That will quiet everything and we may begin anew, in a lawful way to back my son," the staff and support of my could arrest his debtor and thrust him into make the Constitution what we wish it. But, old age. The poor widow has locked long a loathsome prison UNTIL HE PAID THE for the coming of him, who can come no woxey? This is abolished in Sec. 16 Bill of if approved by the people and proclaimed by more, and the little ones, whose father was Rights. "There shall be no imprisonment a distance at Waynesville, on this day I conthe Governor, all the questions upon the validity of the instrument and the powers of forced to the front to die. still struggle with for debt in this State, except for fraud." the cold charities of a cold-hearted world, Give them a Convention and they will soon the Convention arise-questions affecting and alone with bleeding feet they press on show you how to get rid of the "Homestead" the right to all the old and new offices, and through life, while the prayers wafted to Law. They say that they are restricted from time; when Mr. Wm. Candler mounted the the objection of the so-called Constitutionno bounds can be set to the disquietude in- Heaven from their young throats, will yet interfering with that, but they have not re- stand and announced to the citizens that there cident to them, nor to the embarrassment of come back in curses on these leaders, who stricted themselves from re-adopting the Ca have put to death their protector. There Sa Law; and how long would a man, lay in P. Welch to debate the constitutionality of the Judiciary. are some things that cannot be forgotten. Jail until he would be willing to surrender These recollections of the past are fearful, and convey away his "Homestead" or any Your friend, &c., They will not down at our bidding. Terri- thing else to procure his release from Jail, THOMAS RUFFIN. ble passions are now at rest, which it were and return to the bosom of his family. Many and a quarter, showing the unconstitutionaliwell should still repose in peace. These are men gave all they had to procure a Substitute ty of the call of a convention by the Legisla- Commissioners' Courst vs. County Courts Two Kinds of Homesteads. wrongs and outrages, that even God's christ in the late war. They would go further to The Republican homestead is good against tians cannot forget. If it was not treason, save themselves from imprisonment and then it was murder, to chain a free man and shame. make him die in a rich man's war. It was a

ASHEVILLE, N. C., THURSDAY, JULY 27, 1871. NO. 5.

Reconstruction acts, and submitted to and RAILROADS FOR THE WEST. to see no more Conventions called until things get somewhat settled. Door's case. Then, if the people of a State would never have trusted the Secessionists in arms here now than in 1861, to strike for tions proposing to restrict the Convention modes for effecting these purposes and ez- ject, and properly understand it, in all its and drove "them back with clubbed mus- taxes, &c. Let our Western friends remem-They would in this way soon rid us of worthless All legislative power is vested in the Gen-and Assembly. Calling a Convention is an act of legislation. It follows that no Con-vention can be called unless it be done by the General Assembly. HUFUS BARRINGER. They would is this way soon rid us of worthless RUFUS BARRINGER. They would in this way soon rid us of worthless and drove them back with clobbed mus-officials. They would is this way soon rid us of worthless officials. They would see virtue and intelligence thy would once may register the comparison of the Constitution is an act of legislation. It follows that no Con-the day. of fear cometh, they shall not have the day. of fear cometh, they shall not warn us, we were diers. Neither do the Republicans of North the far essent to abandon the State to avoid that for the same reason the people have no RUFUS BARRINGER.

powers, and that as neither the Convention suffer themselves thrust into trouble, at least those men who seek to overthrow a lawful THE ALLEGHANY AND BUNCOMBE TURNPIKE-That shameless Legislature last Winter

nor the people had any power in the premises, they can attach blame, only to themselves. Government in an unlawful way must do it. by consequence, both together are equally These same men who are now blowing you Let there be no mistake. Let those who are destitute of the requisite power. The Con- to a white heat on the subject of Convention, determined to go into it, and who have made took the money appropriated to this Road and paid their per diem with it, and then adjourned without doing anything for the people through whose section this Road passes, and who have never had any benefit from the State, though they have paid immense amounts of Taxation to build Improvements in other portions of the State. So intent were the Representatives on getting Conventions and indulging in Impeachments, and other extreme Legislation, that they never thought once of their obligation to the people at home. Many of the best people all along trayed you to ruin once before. Now then, thority. There may have (and doubtless has) the line of this Road worked honestly and faithfully, and have large amounts due them, and have secured their warrants from the Governor, only to find taht these men in the Legislature have gobbled up the money, honestly due them for work.

Victory Certain. We have reliable information from every

quarter of the State, and the news is most

A LITERARY AND POLITICAL JOURNAL, EVERY THURSDAY MORNING TERMS OF SUBSCRIPTION. TWO DOLLARS & YEAR; ONE DOLLAR FOR SIX MONTHS. Club Subscribers: Five copies, one year \$8 75, and a copy of the American Scook Journal. Payment to be invariably in advance. PINKNEY ROLLINS. Editor and Proprietor

THE

by their countenances, we can't come it this Let the people not fortget that a Conven- time for Pink can't deceive the people again,

> and brought to the mind of the people that tations, and they had lost all their free schools, and showed them the money was in the Treasury and had been there all the time, and also all the special tax money, and that the public land that Pinkney said had been stolen by the had acknowledged that the lands had been sold for more money than it was worth and that they want to hold the purchaser for the purchase money. If you could have seen Pinkney at this time you would have exclaimed : "What has come over the young man, for he seemeth not natural." Will he recover. So you may set it down that old Haywood will go against a Convention and save its Homesteads. HAYWOOD.

SPEAKING AT WEBSTER. WEBSTER, July 18th, 1871.

Mr. Epiron :- On vesterday a meeting of the Anti-Convention party came off at this place. The Hon. W. G. Candler was present and made a speech to a very large and attentive audience in the Court House, Col. J. R Love, a prominent Convention man in this County was here and asked Mr. Candler for a division of time which the latter kindly granted. Mr. Candler then led off in a speech of one hour and a half in length. in which he showed beyond successful contradiction, that this Convention movement was unconstitutional, inexpedient, revolutionary and designed by the secession leaders for mischief, but he did it in such a kind manner that the most ultra could not take exception,

and in such a foreible way that it made the

If we put it in the power of bare Legislatice maforities to upset them all, then indeed have we miled in vain. He was not only surprised, but filled with fearful apprehension. It appears as , if another, Because difficulty has been experienced in calling a Convention to amend our Constitution we are determined to have a perpetually changed Constitution. What is the proposition recommen ed in the leport ? That two succeeding Legislatures, by mbare majority of voters, may alter any part of thetAmendments which may be adopted by this Convention, or any principle in the Bill of this proceeding? That a majority ought to covera. Let as not be deceived by generalities. In what sense aught majorities to govern ? - That the deliber ate will of the people ought ultimately to prevail, no one willdeny; but that the temporary will of a of the monient, ought to do what it pleases, set up the Constitution, which is the matter now for and put down Constitutions from day to day-no man can be so extravagant as to desire. "If nothing more is needed for the purpose of

government than this brief maxim, let the majority govern, what becomes of all our checks on majori-ties? Why have two brances in our Legislature? Why judicial establishments? Why trial by jury? If we adopt this unfettered principle, why any of General Assembly unless by the concurrence these establishments?

"He would rather live under the most despotic governmention earth, than under an unlimited government of numbers. He might escape the notice case the regularly constituted authority of of one Tyrant, but there could be no escape from the organized government is required to a multitude of Tyrants."

On a subsequent day, Mr. Gaston, of Craven, which was no doubt, upon the sound sprincithought that the sense of the Convention had been distinctly accertained, the other day when the question was discussed, that no further obstacle order to avoid popular commotions, revolucould be thrown in the way of carrying out the tions, and uncertainity as to what is the Conprinciples agreed on.

But we are now met by the popular cry, that we are about to limit the power of the people. It was not the prove but the creatures of the people, that tion can be altered, it is clear that this lastthe amendment proposed to limit. The course prososed was not an unusual one. It was recognized in three Constitutions which he had picked up on the spur of the moment, viz: South arolina, Ala bama and the United States. It is to impose a check on the Legislature, that it may not acail itself of an accidental mejority to disturb the repose of the people by frequently calling them together in Concention, We are called o ; by every consideration, not to anction the principle, that a barr majority may autherize a Connection, if we do we shall b to continual fluctuations. The people have, it is true, the sacred right of Revolution, they possess the power of rising in their might and meturning the fundamental principles of government; but they can not do it, unless the emergency is great. Mr. G. concluded by saying, if the right of a bare majority to call a Connection were recognized in the Constitution he would not give one fig for all the matters which the Convention had been engaged in adjusting, since it assembled. Instead of any permanent regulations, everything would be the like. No disquisition can render these every two or three years.

Communicated to the Charlotte Observer. General Rufus Barringer on the Convention

EDITOR OBSERVER :-

I am so often asked for my views in regard to a that no other part of it was in force, or, in ler. Convention, that I may be pardoned a brief statement of them through the public press. Free and fair discussion is what the country now greatly

I am opposed to a Convention in the present juncture of our affairs. The organic law should not be changed, when possible to avoid it, except in times of quiet and confidence, and when the co-operation of good men of all classes could be secured. This is impossible at present. Public affairs, especially in this State, are now in great doubt and confusion. Even the act itself, under which the Convention is proposed to be called, is of question-

able validity. Authority and precedent are both

of our Constitution on equitable and fair principles cussed this subject, as depending on the original and natural rights of our people, unaffected by any provision of our pre-existing Constitution; and, even on that basis, I deny this body was going rashly from one extreme to the authority of your Convention to make or propaganew or modified form of govern-ment as. But the clause in our Constitution touching its amendment, or the call for a Convention for that purpose, is so clear and so prucise against any such Convention as we have had, as to put the point beyond Rights, consecrated for the security of our lives, doubt or argument, as it seems to me. Two liberty and property. What reason is given for modes of amending the Constitution are provided: One through the agency of the General Assembly, proposing an amendment for ratifiation by a vote of the people, which need not be considered here ; the other, by a majority, which may be produced by the efference of Convention called in a manner prescribed in

consideration. It is abeious that, in prescribing these two, all other modes are excluded by irresistible inference. In respect to a Convention, the words are, "No Convention of the people shall be called by the of two-thirds of all the members of each House of the General Assembly." In either government of the United States. The Coninitiate an alteration of the government,

ple laid down in the Rhode Island case, in stitution. If, then, the two modes designated are the only ones by which the Constitu

so-called-Convention was not a Constitutional Convention, and therefore its acts are

Yielding then, that Mr. Johnson's and Mr. Holden's Convention might, by popular acquiescence, adopt for us the measures demanded by them, yet it had no existence as a Convention of the people of North Carolina under the Constitution, and could not, thereore, alter that instrument in any of these wints which affect our internal organization as a distinct Republican State; for example, the basis of representation, the qualifications of the Representatives, and of voters; the aumber and jurisdiction of Courts; the ap-

pointment of the Judges thereof ; the tenure of their office, and that of the executive, or points clearer than the short and simple paragraph of the Constitution itself. The con-

clusion can only be evaded by establishing as the truth, that the clause of the Constitution all kinds of debts-both old and new-and was no longer in force, and that position it is sustained by the decision of the present cannot be true, unless it be also admitted, Supreme Court in the case of Hill vs. Kess- greater crime, to starve his babes at home,

other words, that by virtue of the war and The Democratic lawyers who are looking its results, we were a people without Consti- to Judgeships under the Convention movetution or law of any sort. It necessarily ment, say that a homestead is only good as comes to that, and that never ought to be, to debts contracted since the adoption of the and never can be, vielded. Perhaps it would Constitution. They denounced the decision

be sufficient for our present purposes, to say, of the Supreme Court as par izan and publicthat, even your Convention does not assert ly rejoiced when Judge Brooks made a desuch a doctrine, but plainly proceeds upon a cision sustaining their views.

contrary one, by professing to "amend" our The Legislature in the first Convention bill, With this fact lying at the very thres- the old laws still in force as contra-distinguish- the Suprhme Court should form a part of the

against it. With this fact lying at the very thres-bold of the movement, is it possible that the work of the Convention could prove satisfactory or per mauent in its results? It is more apt to lead to fur. manent in its results? It is more apt to lead to furis impossible under any aspect of any law, as The Democratic lawyers who lead the the Federal Government? The next result the war from the very mouths of your chilther confusion and worse complications-if not to understood among civilized nations, and in party would not allow it to be inserted. may not be so fortunate. The leniency with dren, besides the money collected from you constitution, and that it was not a constitu conflict and violence. modern times, that a whole people can be Many of them are interested largely in old which this Nation has treated its Rebels is for taxation. But my main objection lies in a different direc-

after he had been dragged away.

These men promised the people, if elected To the people, we say in all truth, (and we to the Legislature, they would lessen taxation. beg them to hear what we say.) these men How stand the matter? The highest that are fast hurrying you into this cauldron the Republicans ever had it, was 35 cents on of death again. They know it well, (as they the \$100 worth. Now these men have got man's face; so if there was any man that did cial business of this county, and have been did in 1861,) but they won't tell you the it to 52 cents on the \$100 worth. And this not see it, he shut his eyes. So the opposi- for the last twenty-five years, I have truth about it. They are well aware that if too after they say they have abolished offices tion saw and felt that their props were all been making some figures to ascertain the they did so, you would defeat their success, and cut down salaries and fees. Let them knocked from under them and they were facts.

"Forewarned is forearmed." In the name explain. They cannot do it. Oh, shame on of God are the people going to suffer them- such perfidy. If its so in the Legislature obliged to fall, to make one aborigine, and by designating subject, and declared that the decision of selves beguiled with false teachers into an-

glorious. We confidently believe that the majority against Convention will exceed unit against Convention, while thousands of honest old Democrats are manfully co-opera-

Friends of constitutional liberty buckle on your armor and march to the polls on the 3d of August and vote "No Convention." If you do not, you may again be forced to shoulthe benefit of office-seekers, Choose you this

POLL TAX.

Before the adoption of the present Condollars. The people have surely not forgotracy, they took the tax off of their own property, and put it on the poor man's head.

CORRESPONDENCE. PUBLIC SPEAKING AT WAYNESVILLE.

WAYNESVILLE, July 17th, 1871. MR. EDITOR :- Seeing a notice that there would be public speaking by speakers from cluded to hear what was to be said. Therefore. I repared to the appointed place at the was an arrangement with himself and Mr. W. the convention question, &c. When Mr. Candler lead off in a speech of one hour and

tive enactments, which held the large assem-

As the law now stands, the Commissioners' tution was a Carpet-Bag-Nigger-Scalawag ten men will attend the Commis

leading rebels quake; and the moderate Connot risk a Convention. We tried it in 1861. ting with them to save the country from the | and these are the very men who called a conwar."

Col. J. R. Love then replied in a speech of the same length using the most of the time in reading the debates of the Convention of der your muskets and march into the tented 1835. The Colonel, through the kindness of field to fight through another war waged for Mr. Candler, was allowed equal time, except as to the reply, for he, as well as all other Republicans, is willing to discuss this question face to face so as to let the people see who is right and who is wrong. But the Conservatives here will not do that; for a short time since they had a meeting in the Court House. ten this. This Constitution forbids it to ex- at which they had two speakers from a dis ceed two dollars. In slave times, when the tance. Mr. Hampton themasked them for a government was controlled by the aristoc- division of time. They only allowed him one-half hour, and their Chairman, a man him use all the half hour allowed him.

Well, Col. Love is usually a pretty energetic speaker, but having been beaten by his own party in a nominating Convention as a delegate to this Convention they are trying to call, by a common farmer of the country. causes him to be a little cool, (as Gen. Clingman says) his "ardor has somewhat abated." Mr. Candler then made a short reply in which he completely routed the enemy and put them to flight. It so affected the Ku Klux Convention party that a storm came that night and the wind blew so hard that it tore off one of the wheels of Messrs. Deaver's and Ray's buggy, and also shaved their horses, but they hired another and went on their way rejoicing, and prepared for the next storm. THE WEST.

MR. EDITOR: The favorites of Convention blage of the citizens of Haywood as if spell in this county are desirous of doing away bound ; and every man that was present that | with the Commissioners' Court on the ground listened with an unprejudiced mind was of its enormous expense to the county, and obliged to admit that the present mode of of restoring the old County Court on the calling a convention is unconstitutional. He ground of it being so much cheaper. &c. made the matter as plain as the nose on a As I am pretty well acquainted with the finan-

treated or considered as being without any Court judgments, and some of them expect unparallelled in the history of the world. The Constitution of 1868 has its defects and blemlaw or ministers of the law, even by con- to be Judges, and they are publicly commit- England chained her insurrectionary Sepoys ishes. But for one, I do not hesitate to say that in querors. The security, and the obligation of ted against the Republican homestead. To to the mouth of her cannon, and blew them my humble opinioo, that hated and much abused contracts still subsist. Can it, for instance, accomplish their purpose, they have made a into a thousand fragments. Mexico shot a Carolina, has such generous provisions been instrument contains many excellent provisions. Its enemies admit this, when they propose, as they be supposed for a moment, that upon the Democratic Executive Committee composed Prince of the best blood of Europe. Only constantly do to retain and re adopt so miny of its death of a proprietor, there is no rule of suc- of a very large majority of lawyers, and the other day France murdered her Commu- labor. Hundreds to-day in North Carolina peculiar features, such as its principles of equality before the law, the abolition of all property qualifiression to his real and personal estates, and most of the candidates for Convention are nist rebels, until the very gutters and walls are indebted to the poor laboring manufor the that the first occupant may appropriate them, lawyers. The Convention will provide that of Paris dripped and draggled with human House which covers his head, and which was cations for office, the Homestead, protection to the estates of mariled women, the Laborer and Mechan or that no body can! On the contrary, I the Judges and Magistrates shall be appoint- gore. For our last rebellion, no lives were crected years ago, before the present Lien ic's Lien, the equation of taxation, the destruction say, that the laws of North Carolina were ed for life by the present Legislature-and demanded, no rights of property abridged. Law was enacted. But for all those built since, of all distinctions between Courts of Law and still her laws, including her fundamental law, thus they will be independent of the people. For the million of lives and billions of treas-Courts of Equity, the establishment of a sound and and if so, it is then to be deduced, that there The lawyers will thus have control of the une sacrificed that freedom might live, and answerable, and that the laborer is worthy of convenient Product system, the enlarged jurisdiccould be no Convention to abrogate or to State, and the power of the old slave aristoc- be perpetuated on this continent, the Nation his hire. In this Convention, they will tion of Justices of the Peace, the concession of local self government to the masses, &c., & These are great improvements on the old system, and will utimately work well. Give the new Constitution a far trial, and I have no doubt, the friends of Convention to abrogote or to atter that law, unless called and chosen in the manner prescribed in it, and that, as a corollary, your Convention had no power in the Constitution, and the Judges for life will bone of contention might be liberated. But poor Mechanic passes by drenched in rain,

Convention would ere long fall in love with others of its peculiar features-its so-called novelties and acts ought not to be confirmed by the people, poor men, without office, position or credit, will not be so easy, perhaps, again. One sheltered by the unpaid labor of his brawny innovations. People fret themselves over the losses and changes if the people could confirm them, but ought will have to work for a homestead and pay more effort at strife, will bring down upon arms.

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of the war, and clamor for the old order of things, to be opposed and rejected. It would seem their old debts; and nine out of ten will die pau- the enemies of the government the venthat body was aware of the defect of its pers and leave ignorant and penniless fami- geance of an outraged people, and it will as though it were possible to escape the terrible evils incident to all violent changes and revolutions. This cannot be. But if I could, i would not go back to the old. Constitution That instrument, too had its ments. But its essential features were an outrage on the great mass of the humbler whites and proved a curse to the State. It kept the mass-en destitute and ignorant. It drove hundreds of thousands from the State; and it did more than any one thing, to fix on North Carolina the oppro-btious spirit of Rip Van Winkle. The people rose up against it in 1835. I joined in denouncing it in the "Western Address," and I now hope it is dead

brever. The chief merit of the Constitution of 1868 is, that h fully and freely accepts the results of the wat, and recognizes the true principles of popular life and development; and this, with better safeguards than ever before.

MECHANICS, LIEN LAW.

TAXES.

Never before in any Constitution of North made to secure to the Mechanic pay for his the premises, and its pretended powers and decide that it only extends to new debts. The in its wake went all of personal estate. It and shivering with cold, while they are

Swannanca Turnpike,

powers, from the submission of those acts to the people, thus seeking the requisite con-With the Republican homestead the poor those who seek Revolution. These leaders sing, "the promising." &c., they are indebted for sented to them in his tirmation. But, in truth, such confirmation men of the country can live in ease and com- are willing to see the common people sacri- the privilege of paying toll over a road built by vass in truth, such confirmation men of the country can live in ease and com-cannot be derived from that source; for the some provision in the Constitution which makes the Convention a nullity, equally ex-Which of these two homesteads will the, cludes the efficiency of a popular majority to annul one Constitution and make another. As the act of a people living under a consti-question of life or death with thousands of

As the act of a people living under a consti-tational Government, even the vote of the majority is propria vigore ineffectual, with on the assent of the subsisting constitutional government and its directions for taking the vote and accertaining the majority. With-

tion of the citizens of North Carolina, and be 120 days consumed by them, at \$1 per that they must vote for a convention, so that | day, making \$120-total, \$336. So you they could have it changed to suit the Conser- will see this is the entire expense to the vative party; &c., saying that the opinions of Judge Ruffin, Judge Gaston and the Supreme Now we will count the cost of the County Court of North Carolina and others was not worth anything ; saying who is Judge Ruffin, Courts, with the lost time to the citizens, and Judge Gaston and Supreme Court of North put it at the old figures. Four courts in the Carolina and others to his opinion, &c. O, the year, three of them select to sit four Billy Pinkney, the Son of William, the great days at each term, will make 16 days, each Democratic champion of Haywood, we did not know before that you had soared so high in at \$1 per day-total 48. Extra services of the breeze of legal opinions as to set at naught | County Court Clerk, \$60; extra services of the opinions of these great and learned mem- sheriff, \$60; 36 jurors at \$1 each per day for bers of the Bar, whose opinions have been 8 days, including the two terms, \$2,88; 200 the standard of North Carolina for lo, these, farmers losing 8 days each in the year, at \$1 forty or fifty years. So Billy reared and each, \$1,600; contingent expenses of the snorted, piling abuse on the Republican par- county on account of these courts, \$50 per ty in his old strain and delivering his old year; fees and half fees to the clerk and speech of 1868 and 1869, which, actually sheriff, on account of the accumulation of speech of 1868 and 1869, which setuary sherin, on account side of the docket, 150; made his own party feel abashed, but he fulled business on the state side of the docket, 150; County solicitor, \$40-total, \$2,196. So to tell his constituents that he had misrepre- County solicitor, \$40-total, \$2,198. can- you see the County Courts will cost the speeches of 1868-"69, county and citizens the snug little

No, of course he did not tell that; he vampered And in ninenty counties a saving to the people of 167,400 Respectfully, A. J. MUHR TT. Code HATWOOD Co., Joly 19, 1871. us all 17 44