

FRANKLIN COURIER.

GEORGE S. BAKER, Editor and Proprietor.

All letters addressed to GEO. S. BAKER.

FRIDAY, DECEMBER 3, 1875.

To the People Generally - And to Our Friends in Franklin in Particular.

The COURIER has been managed and controlled by its present proprietor for three years. In 1872 when it passed into our hands, we had just undergone a disastrous political reverse, both in our State and county elections.

The county government with an exception or two, was entirely filled by Radicals. The Radical State ticket had just succeeded in defeating the Democratic State ticket. Our Congressional District had but lately chosen Wm. A. Smith over the Hon. Sion H. Rogers.

With these things before us, we might have been discouraged; but believing as we did, most firmly in the ultimate success of right in governmental as well as in other affairs, we buckled on the armor with a stout and buoyant heart, and a well and unalterably defined purpose to battle for the right we resolutely took up the gage of battle that was defiantly and contentiously thrown at us by the minions of a corrupt and depraved National and State administration.

Attacking vice in all its forms—assailing corruption and want of honesty and integrity, wherever found—condemning and denouncing, in no measured terms, the vile and hellish attempts to bring about by National and State Legislation an intermingling and assimilation of the two races who inhabit this fair, sunny, Southern land.

We have had the proud satisfaction of seeing North Carolina pass from a Republican to a Democratic State, by nearly 15,000 popular majority, and a Legislature of more than two-thirds Democratic majority in each house.

We have had the glorious satisfaction of seeing one of Franklin's staunchest Democrats and truest men, chosen to a seat in the National Legislature by over 1,600 majority. Our county too has passed from under the yoke of Radical bondage, under which she languished and groaned so long, into the glorious light of Democratic mid-day. Twice in succession have we seen the dark and dingy banner of Radicalism, go down in Franklin before the noon-day splendor of the grand ensign of the Democracy. No longer is it the case when we go up to our State Capitol, during the session of our General Assembly, are we ashamed to point out the members there from our gallant county. But now when asked who does Franklin send? we take them into the lower House, and there introduce the gifted and chivalrous Mitchell, who bore our banner to so glorious a victory. Then we go to the other end of the Capitol, and with feelings of pride and joy, say, "Here is Cooke, one of the first men in North Carolina of his age—a young man with an old head." To the late Convention we elected the erudite, accomplished and able Green, whom any constituency in the State might point to with exultation and pride.

The COURIER has labored valiantly, for the attainment of all these ends. Much, very much we have striven for, has been accomplished. Much, yet a vast deal yet remains to be done. We are greatly encouraged with what has been done, and have strong hopes for the future.

To enable us to make our paper such a journal as will be worthy of the people of our County and section, it is necessary that our subscription list should be largely increased. To this end we hope that all of our friends, and the friends of good government, will exert themselves a little, and endeavor to increase our patronage.

We want to make a number of improvements in our paper. We want to enter the great fight of next year with a much larger number of readers than we now have. It will be remembered that within the next twelve months, many, ay! almost countless agents of stupendous importations are to take place. The National Campaign, the State Campaign, the County Campaign: the National Convention, the setting and doing of the first Democratic House of Representatives in 90 years.

Of all these things the COURIER will make a full and faithful record. Let

the people rally to our support, and we will guarantee them a paper worthy of the glorious Democracy of the County of Franklin.

The Amendments to the Constitution.

Ordinance number five of the Constitutional Convention is in these words, to-wit:

"AN ORDINANCE TO ABOGATE AND ANNUL SECTIONS 15, 16 AND 17, OF ARTICLE 4, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That sections 15, 16 and 17, of Article 4, of the Constitution, be abrogated and annulled, and the following substituted therefor:

SECTION —. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution, or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Read three times and ratified in open Convention, this 6th day of October, 1875.

The sections stricken from the present Constitution, by this ordinance are as follows:

Sec. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts; and of all criminal actions in which the punishment may exceed a fine of fifty dollars or imprisonment for one month.

Sec. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

Sec. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of administration, the appointment of guardians, the apprenticeship of orphans, and the accounts of executors, administrators and guardians, and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgments in all matters of law.

This amendment, it will be perceived leaves it within the power of the Legislature to regulate and distribute the jurisdiction and procedure of all the courts of the State except the Supreme Court, which is the final arbiter of all causes that may go up from the inferior courts. As there is another amendment authorizing the Legislature to establish other courts than now exist, inferior to the Supreme Court, this is a wise provision, as it will enable the General Assembly to so define and regulate the workings of the judiciary system, as to fit that department of the State Government to the largest as well as the smallest counties in the State. Under the present unwieldy cumbersome and bungling system of Courts, the same provision for administering justice is provided for Wake county with a population of 35,617, as is given to Clay Co., with a population of 2,461. While in all probability two weeks in theyear will be ample to dispatch all the business in the Superior Court of Clay. Yet three months of courts in Wake will barely suffice to keep the Dockets of that county clear.

Again, as the Constitution now stands, a man cannot appeal from a justice's judgment upon a matter of fact where the amount does not exceed \$25. So if a man is warranted for less than \$25 before an ignorant, (not to say corrupt) magistrate, and judgment is given against him, and the only issue is a matter of fact, then he has no remedy to have the case reviewed by a higher court, and where the law and justice would be meted according to the merits of the case, and not be left to the whims and caprices of a too often ignorant, prejudiced and corrupt magistrate. This whole matter of regulating the courts subordinate to the Supreme

Court is wisely left in the hands of the Legislature, where the people's representatives, from time to time, can make such changes as the procedure therein, and the spirit of the times may suggest.

We might say much more as to the benefits to arise from the ratification of this amendment, but the provision seems to us so wise, that it will commend itself to the people, and will add greatly to the reasons why the amendments should all be ratified by an overwhelming majority of the popular vote.

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