

Carolina Watchman.

THURSDAY, NOVEMBER 22, 1877.

CONGRESS.

A Congressional committee is investigating alleged discrepancies in the books and accounts of the Treasury Department. Delay is the Republican programme in relation to the contested seats in the Senate.

The contested case for a seat in the House from Colorado, will probably be sent back to the people to settle.

Congress has waked up to a very sudden and determined interest in the forests of the country. Will probably adopt strenuous measures to arrest the wholesale destruction of timber which has gone on for years. Better late than never. It is a very important matter.

It was thought the Senate would not agree to the House Bill of appropriations for the army, but it is said that body is receding from its opposition to it.

The Senate have been considering a bill to enable Indians to become citizens of the United States. Postponed to December.

House discussing a bill making appropriation for the Paris exhibition. The President says no drunkard can be admitted to take charge of public interests.

SPECIAL TERM OF THE SUPERIOR COURT.

It is rumored that we are to have a special term of the Superior Court for Rowan County in January for the trial of civil causes only. It is not desirable as a general thing to burden the county with the expense of such Courts, but in this case, it appears to be necessary in consequence of the time of the last court having been occupied almost entirely on the State Docket; two of the cases requiring about five days to try them. Both of these cases were between parties not of this county. The expense of these trials did not fall on our county, as his Honor very properly ordered the parties who caused the prosecutions to pay the costs.

If a special term is ordered we trust Governor Vance will select Judge Cox to hold it, as our people were so delighted with this gentleman both on and off the Bench that we want him to hold the Special term. And if Governor Vance shall in his future appointments so wisely consult the fitness of things, as he did in selecting W. R. Cox as one of the Judges of the Superior Court, then many of the people of the State will "rise up and call him blessed."

The Eastern War.—Telegrams dated London, Nov. 19, says that 15,000 Russians have captured Kars, having carried it by assault, in which they killed and captured Turks to the number of 15,000. The guns (300), ammunition, provisions and other stores, a large amount including money, fell into the hands of the Russians. It is a heavy loss to the Turks and may prove irreparable. The Russians lost about 5,000 men in the assault, killed and wounded.

Our representatives, Davis and Steele, have made speeches on the Resumption of Specie Payments. Mr. Davis, without any attempt at rhetorical display, certainly made one of the best speeches of the day on this subject. Mr. Steele had but a short time to talk, but what he said was well said.

The French Cabinet has resigned, and MacMahon has accepted the resignation. Officers will hold until their successors are appointed.

Hon. James G. Blaine is said to be in a very critical condition at his home in Maine.

The yellow fever has cleared out from Florida.

THE CONGRESSIONAL ELECTION, IN THE YEAR 1878.

NO CONFLICT EXISTS BETWEEN THE LAWS OF THE STATE AND THOSE OF THE UNITED STATES IN REGARD TO THE ELECTION.

Meigs, Editors.—The Raleigh Observer, in a series of editorial articles, deliberately arrives at the conclusion, that there exists a very grave conflict between the laws of North Carolina and those of the United States, in regard to the time of holding the Congressional election in this State in the year 1878. It says: "That no provision is made in the 'Election Law' of March 12, 1877, for holding such an election, and that the statutes of the State now in force concerning the matter in question, absolutely require the election to be held on the first Thursday in August, in the year 1878." (Bat. Rev. ed. 22, sec. 2—L. L. 1874-75, chap. 132, c. 1.)

But the election cannot be held on the day fixed by the law of the State—because an Act of Congress of Feb. 2, 1872, (U. S. Rev. Stat. sec. 25) requires the election to be held on the Tuesday next after the first Monday in November of the same year. Of course, says the Observer, the Federal law must control in fixing the day of election, but it has no operation in prescribing the necessary machinery for holding that election, and there is no provision elsewhere made for carrying the Federal law into execution.

If this view of the matter be correct—and the Observer cannot see it in any other light—unless there shall be some State legislation in the meantime, it thinks that "the whole of the representation, in the 40th Congress, from this State, will be seriously imperilled." And the Observer sees no escape from the dilemma, "except through an extra session of the General Assembly to be called by the Governor."

I have heretofore joined issue with the Observer on this question—but as yet no one has taken the trouble to answer the Observer's arguments. It is my purpose in this connection to give a full statement of what the law of North Carolina is upon the whole subject, as it is written in the statute books, with such comments as may seem appropriate and necessary to a right understanding of the law—citing what Federal statute law has any bearing on the question, and endeavoring to answer

satisfactorily all objections which have hitherto been urged to my view of the matter.

I wish to state in this connection, that I have no cause of complaint against the course which the Observer has seen proper to take on this question. It has acted the part of a fearless public journal. It is edited with extraordinary ability and industry, and I am glad to know that its circulation and influence are both largely and steadily increasing. If its income was only equal to its influence, and its influence to its real worth, the worldly lot of its editors would be enviable, indeed!

But to return to the subject. The existing law of the State, relating to Congressional elections, is contained in the "Election Law" adopted by the Legislature at its last session. The following extracts are so authentic—enable us to understand the general scope and meaning of the law, with special reference to the question before us:

An Act to Regulate Elections.

The General Assembly of North Carolina do enact:

SEC. 1. On the Tuesday next after the first Monday in November, 1880, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: First, Governor; second, Lieutenant Governor; third, Secretary of State; fourth, Auditor; fifth, Treasurer; sixth, Superintendent of Public Instruction; seventh, Attorney General; and on said Tuesday next after the first Monday in November, 1880, and every four years thereafter, an election shall be held for Members of Congress in the several districts; Members of the General Assembly;

a Register of Deeds, County Surveyor, Coroner, and Sheriff; and in such counties as have only one county treasurer,

SEC. 3. The Board of Justices of the Peace of the several counties shall select, on or before the first Monday of the month preceding each election, one or more persons

SEC. 4. No person who is a candidate

SEC. 5. Registrars shall be furnished with a registration book.

SEC. 6. Registrars of the Peace may direct, that there shall be an entire new registration of voters before any election.

SEC. 7. The following classes of persons shall not be allowed to register or vote in this State:

SEC. 8. Immediately after any election, the judges of election shall deposit the registration books

SEC. 9. The State officers, viz: Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, and Members of Congress, shall be elected on one ballot.

SEC. 10. The Board of county canvassers shall meet on the second day after each election, at the Court House of the county.

SEC. 11. The abstract of the votes for each of the following classes shall be made on a different sheet: 1st Governor and all State officers; 2d, Representatives in Congress; 3d, Senators; 4th, Justices of the Supreme Court; 5th, County officers.

SEC. 12. The Secretary of State shall, at least six days before each election, furnish the Board of county canvassers with a sufficient number of copies of this chapter.

SEC. 13. It shall not be lawful to

SEC. 14. If any person shall, at any time, before or after any election, give any money

SEC. 15. If any person shall treat on any day of election

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the times but to the manner and places of holding them, including the method of making returns, and of counting the votes of all the different officers. It defines the qualifications of voters—giving directions for their proper registration, and punishes those who shall register or vote illegally, or who shall offer to do so—prescribes penalties for neglect of duty on the part of Registrars, and for taking false oaths, giving bribes, &c. It directs how all vacancies shall be filled—has a special sub-chapter, relating exclusively to Congressional elections. Makes radical changes in our former laws. No longer requires the sheriffs to meet at a particular place in each Congressional district to compare and count the votes, but directs the Registrars to be counted by them—fixes the time for all general elections; repeals all laws and clauses of laws in conflict with said act, and expressly provides that the whole act shall take effect immediately after its ratification.

Now let us examine this act carefully and see whether any of the specified provisions for holding the Congressional election, are in conflict with the provisions of the Federal Constitution. The first section provides, that there shall be an election for Governor and State officers in November, 1880, and every four years thereafter, and that on the same day in November, 1880, and every two years thereafter, an election shall be held for members of Congress, all election.

It will be noticed, that none of the first class of officers will require to be elected until the year 1880; and as to the second class, the election for all the officers thus classified, will not fall together until the year 1880; and the provisions of the act, that some of these officers should be elected in August, and that an other description of the same class (i. e. Representatives in Congress) should be held in November, in the year 1878, (sec. 49, 77). The Legislature must be presumed to have known that a constitutional provision of Congress, the Supreme law of the land because constitutional, had in the most mandatory terms appointed the Tuesday next after the first Monday in November, A. D. 1878, as the day for holding that election. (Feb. 2, 1872 U. S. Rev. Stat. sec. 25). Section 1, therefore, proves nothing in regard to the time of holding the Congressional election in the year 1880.

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