

CONVENTION

Election, August 1st, 1875.

FOR DELEGATES:

BRUNSWICK COUNTY. DAVID S. COWAN,

DUPLIN COUNTY. J. N. STALLINGS, WILLIAM FARRIOR,

CUMBERLAND COUNTY. JOSEPH A. WORTH, NEILL R. BLAKE,

BOBSON. DUNCAN SINCLAIR, CALVIN A. McEACHERN.

BLADEN. J. W. RUSS.

CARTHER. JAMES RUMLEY.

COLUMBER COUNTY. FORNEY GEORGE.

OSWEGO COUNTY. JAMES G. SCOTT.

SAMPSON COUNTY. S. J. FAISON, WILLIAM KIRBY.

If, in spite of protest and challenge, an illegal vote is polled, let the proper affidavits be at once made before the proper officer, so that the parties thus illegally voting may at once be arrested and thereby prevented from escaping the penalty provided by law in such cases.

Remember that the election law requires "That when a voter is challenged at the polls upon demand of any citizen of the State it shall be the duty of the Inspectors of the Election to require said voter before being allowed to vote to prove by the oath of some other person known to the judges the fact of his residence for thirty days previous thereto in the county in which he proposes to vote."

Remember also that the election law says: "No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual or bona fide resident on the day of election, and no certificate of registration shall be given."

DO WE NEED A CONVENTION, AND WHY?

The delegates to the Convention will be elected in August, and the Convention will meet in Raleigh on the first Monday in September.

This is no longer a question whether we will have a Convention or not. That much is settled, and settled beyond all possible dispute by the Act of Assembly.

The only question now is whether the Convention shall be a Radical Convention or whether it shall be a Democratic Convention.

The radicals say the Constitution needs no changing and they propose for the Convention to adjourn without doing anything.

The Democrats say the Constitution does need changing and they propose that the delegates shall do the work for which the Convention was called by the Legislature.

Some of the work before that body we find so well pointed out in the last Goldsboro Messenger that we give our readers the benefit thereof.

The defects in the present Constitution are so many and so manifest, that almost every person of ordinary intelligence without reference to party affiliations, concedes that it needs to be materially altered and amended.

The organic law of the State should be so plain, precise, harmonious and logical in its form and terms as that the plainest mind can understand it, and to leave as little as possible to inference and legislative and judicial construction.

It is intended and ought to be the bulwark of the people's rights and liberties. To the extent that any of its provisions are left to inference or construction, to that extent are the rights of the people, and often their most valuable rights, left to the whim and caprice of their Executive, Judicial and Legislative officers.

Our present Constitution is on all hands admitted to be flagrantly liable to such objections; it is loose, illogical, contradictory and absurd in many material provisions, so much so, that a wise and learned lawyer has said of it "It is a monument of confusion and contradictions."

So great are the difficulties that arise in the practical workings of the judicial system inaugurated under it, that it is not surprising that the present Supreme Court at almost every session is called upon to review law conflicts arising out of contradictory clauses in the Constitution, and "JUDICIAL LEGISLATION" must be

exercised to effect harmony—a doctrine unheard of in former days in the jurisprudence of the State, and one that seems to us at variance with the theory of Republican Government in which the functions of the Executive, Judicial and Legislative departments are separated and defined.

In almost every county, suits are brought and prosecuted through the several courts, with much expense to ascertain the rights of the citizen under the conflicting provisions; and we have seen the Supreme Court in several instances, compelled, virtually, to make sections of the Constitution, in order to reconcile irreconcilable provisions. Whatever may be the character and learning of the Judiciary, it is dangerous in the extreme, that the most valuable rights of the citizen should depend upon an organic law so uncertain and conflicting in its terms as that five men must have the power by construction so to change and amend it.

This objection alone is sufficient to warrant this prompt action of the people. The Reports of the Supreme Court are accessible to all, and fully sustain what we have said on the subject.

The present Constitution has completely overturned and abolished our old system of jurisprudence, and introduced a new one in no sense adapted to the wants, habits, tastes, convenience or economy of our people, and it may be said of it most truly, that it is loose, uncertain, insecure and illegal, giving rise to interminable litigation and endless "judicial" legislation.

Fully one-third of the cases that go before the Supreme Court, we are told, go there upon questions of practice and construction, growing out of the "Code," and which brings justice and satisfaction to nobody. This is not only the case in North Carolina, but it is the experience of New York and Rhode Island where it prevails.

It may be further said that it is corrupting in its tendencies to the Bench, the bar and officers of the Court. The election of judges by the people of the respective Districts affords the amplest opportunity for corrupting Judges.

They should be appointed by the Legislature for a term of years, and not be eligible to reappointment at the expiration of the first term. Again the Judges should be made to rotate, exchange Districts.

The township system in each county is likewise exceedingly cumbersome and expensive, and quite as complicated. It gives great confusion and litigation wherever the attempt is made to carry out its provisions, which is never done, and could not be done without additional hardships to our people—it is not needed here, however well it may be adapted to a densely populated and wealthy country like New England. Here in the east our people must submit to ignorant negro Magistrates, who cannot write a warrant, negro school Committeemen who can neither read nor write, negro Constables and clerks. A change in the Constitution is necessary to afford the needed relief in this important particular.

Many other deficiencies and absurdities we propose to notice hereafter. There are altogether too many officers. We need less of these and better ones. The remedy for all which is in and through a Convention of true-hearted North Carolinians. Our Constitution would not be what it now is if our people had framed it. But more than one-third of the white voters of North Carolina were disfranchised when the Constitution was adopted, and only five Democrats were members of the Convention. It is the handwork, in a great measure, of ignorant, unprincipled adventurers, who had not the inclination to consult the wants, tastes and necessities of the people, nor the capacity to put together disjointed parts taken from other Constitutions. It is a shame of every North Carolinian that these adventurers, who have since left the State with ill-gotten riches, feeling no interest in us, have made the Constitution under which the State has been ruined, and such an absurdity as it is.

THE CANBY CONSTITUTION AND THE DYING HOURS OF THE CONVENTION THAT FRAMED IT.

To refresh the recollections of our people in regard to the formation of the Constitution that the Radical party now affect to worship as the perfection of reason, we present to our readers two accounts of the closing hours of the Convention that gave it birth.

General MILES then in command in the State and who it will be seen took part in the disgraceful orgies in the same man who mancoiled JEFFERSON DAVIS while a prisoner at Fortress Monroe. General LITTLEFIELD another participant in the notorious railroad theft and swindler, now a fugitive from justice. Mr. RODMAN, who "threw his whole soul into the melody" as he and others, black and white, of the "dirty concern" yelled forth "John Brown's soul is marching on," is now upon the bench of the Supreme Court of North Carolina, and has just declared our City Charter unconstitutional. KALVIN J. is Calvin J. Cowles, the president of the "dirty concern." The "Jaybird from Washington," was E. W. Jones, afterwards Judge—the one who had to resign his office to escape impeachment for drunkenness.

The first account we print was sent to us by telegram as follows: "HARRIS, N. C., 17 March, 1868. 'The Constitutional Convention adjourned to-day. The closing scenes last night and this morning were very

discreditable. After the ceremony of signing the Constitution was gone through with (the Conservatives having refused to sign it, retired from the hall) the capital was ordered to be rung in honor of the event. The floor was then cleared and the black and white Radicals joined hands, in a circle, and sang a part of a cornfield song, singing such songs as "Old John Brown's Soul is Marching On," and "Hail Columbia." The former song prevailed.

Gen. Littlefield, who had been manipulating the financial schemes of the Convention among others, made a glorification speech and closed by calling upon the body to aid him in singing "Old John Brown's Soul is Marching On," which was done, and was followed by other songs of the same disgraceful character.

The next account we print is taken from the Raleigh Sentinel as follows: THE CONSTITUTIONAL CONVENTION, [SO-CALLED]—THE DISGRACEFUL CLOSING SCENES.—CONFIELD DANCE AND ETHIOPIAN MINSTRELS.—HAM-BADICALISM IN ITS GOIT.

After the members present had affixed their signatures to the new Constitution on Monday night, Tourgee moved to take a recess for a quarter of an hour, flourishing, at the same time in his hand, a Freedman's Bureau song book.

The motion being put was carried, and Tourgee then repaired to the Secretary's desk and struck up the song, "We'll rally around the flag, boys."

Immediately the desk was surrounded by a crowd of inside and outside negroes, of both white and black complexions, who lent all the power of their lungs to the chorus.

As the song continued, the excitement increased—hands were joined all around and a regular African corn-field dance ensued.

Each man commenced singing his own song. Among the ditties that could be distinguished in the terrific din were such as "Hail in the garden siffin sand," "Come out of the wilderness," "Yellow gal can't you come out to night," "Hail Jeff Davis on a sour apple tree," "Old John Brown," "Yankee Doodle," "Hail Columbia," "Star Spangled Banner," "Round the tumbler," &c., &c.

This bedlam scene was kept up until sheer fatigue induced the participants to stop for breathing time.

Some saggared to their seats—others resting their bones on the floor. Calvin J., the strongly blown, managed to crawl to the chair, and seating his eyes and leaning his head gratefully back he yielded up himself up to dignified repose.

For some moments a deep silence reigned over the house. All seemed to be asleep. Not a sound could be heard to disturb the solemn stillness save now and then a deep and long-drawn snore from the "archives of gravity."

Presently Calvin J. started up, rubbing his eyes, and gazing wildly over the hall, convulsively clutching his hammer and brought it down with a thundering rap, and in an awful voice sang out: "Delegates arise! resume your seats and come to order straightway."

This started the antemates. Various groans, snarls and growls were indulged in and full half an hour passed before their keeper could get them in performing order.

Three or four ordinances for providing flat places for different pots both black and white were read and passed when another motion for recess was put and carried.

A scene somewhat similar but a great deal worse if possible than the first ensued and continued up to the hour of adjournment.

At 7 o'clock next morning the show again opened. The antemates came creeping out of their cages, one by one, looking a good deal used up.

No business was transacted until about half past 9 o'clock when some two or three more ordinances of the same character were passed.

Another recess being taken, Col. Heaton took the chair and loud calls were made for Gen. Miles, who being a bashful man excused himself in a few remarks. Gen. Littlefield being called on arose and expatiated "in a spread eagle" and concluded his harangue by singing something to the tune of "Old John Brown's Soul is Marching on," the house at his request joining in the chorus.

The Jaybird from Washington and the Ready Relief Judge (would-be) of the Supreme Court, Mr. Rodman, threw their whole souls into the melody. Byrnes, the fat Secretary, and others, being called upon for songs, proceeded to regale the Constitutionalists and dignified Convention with "Sherman's March to the Sea" and other songs appropriate to the occasion of celebrating the framing of a Constitution for the free white people of North Carolina.

These disgraceful scenes, disgusting even had they been enacted in a brothel, were kept up until, in the language of Mr. Williams of Sampson, the "dirty concern" adjourned, subject to the call of the President and Secretary.

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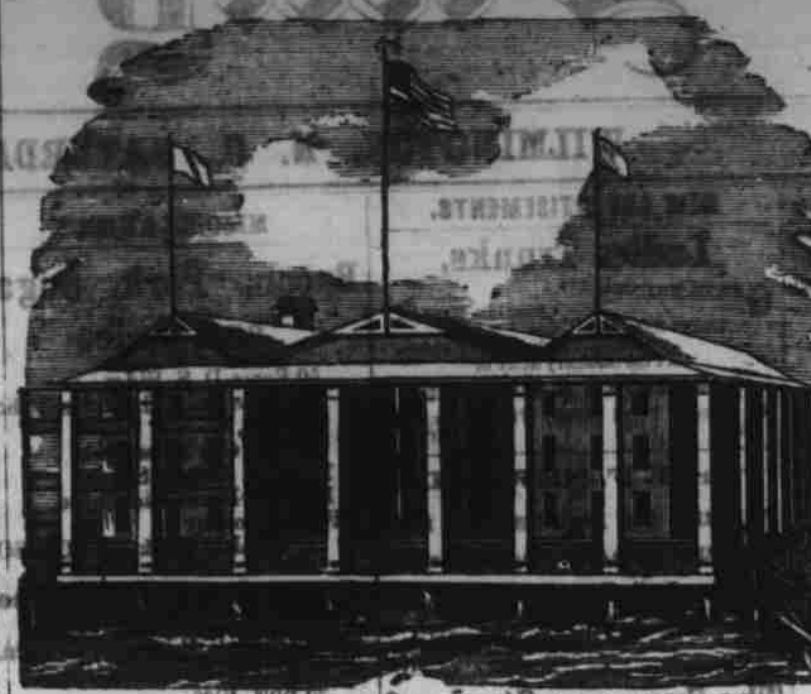
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For further information apply to either of the undersigned Agents of the Line. EDWIN FITZGERALD, Agent, Baltimore Line, 69 South Street, Baltimore, March 18-75. A. D. CAZAUX, Agent, Baltimore and New York Line, WILMINGTON, N. C.

NOTICE.

Carolina Central Railway,

GENERAL FRE