

Election, August 5th, 1875.

FOR DELEGATES:

- BRUNSWICK COUNTY. DAVID S. COWAN.
DUPES COUNTY. J. N. STALLINGS. WILLIAM FARRIOR.
CUMBERLAND COUNTY. JOSEPH A. WORTH. NEILL R. BLUE.
ROBESON. DUNCAN SINOLAIR. CALVIN A. MCGACHERN.
BLADEN. J. W. RUSS.
CARTERSVILLE. JAMES RUMLEY.
COLUMBUS COUNTY. FORNEY GEORGE.
ONLAW COUNTY. JAMES G. SCOTT.
HAMPSHIRE COUNTY. S. J. FAISON. WILLIAM KIRBY.

If, in spite of protest and challenge, an illegal vote is polled, let the proper affidavit 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 the voter to be 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."

Hon. J. M. Leach will address the people of Sampson at Newton Grove, on Friday July 30th, and at Clinton, July 31st. We predict for him rousing crowds.

THE "COLOR LINE."

The Fayetteville Gazette is in favor of drawing the "color line," and commenting upon this declaration, the Duplin Record says:

"The 'color line' has always been drawn by the negroes. We simply want the whites to do the same. We expect but few negroes to vote with us—they never have. We would not trouble to them onlookers to induce them to vote. While we are willing for them to go with us, let it always be with the understanding that our's is a white man's party, and that white men must rule."

We say draw the "color line" so strongly, so decidedly, so distinctly, that every white man who goes with the negro party, now, in this moment of supreme necessity, will be made to understand that his action puts him, politically at least, with the enemies of his color and people, and that he must abide the consequences.

The "color line" has been and still is drawn. The present contest is between the native white people, on the one hand, and the negroes, led by a few white men of the old carpet-bag school and native slaveholder office-holders and office-seekers, on the other. The one constitutes the Conservative-Democratic party, the other the Radical.

There can be no doubt, surely, on which side the earnest, honest, permanent white citizen will stand. Draw the "color line" so that every white man shall take position on the white side. Most of them are there, now, and many more will be there by the 6th of August.

The Journal is in full accord with its Fayetteville and Duplin contemporaries. It is idle to pretend that there is anything in eastern Carolina but a struggle between the white man and the negro for the mastery. If the negro party wins, then the white man will rule.

IS A STATE OR FEDERAL OFFICE HELD TO BE A SEAT IN THE CONVENTION?

Our attention not having been called to the question of the eligibility of office holders to seats in the coming convention and being aware of the precedent set by Judge Gaston, and others, in 1858, we have made no objection to any candidate on the ground of his being an office holder. An examination of

the question satisfies us, however, that no office holder and no place holder of a State or Federal office is eligible to the Convention. On several occasions the members of the Wilmington Alliance, if we mistake not, first called public attention to this point, and we confess that we can not see how its argument can be answered. It says:

"We are fully satisfied from an examination of the Constitution that office holders, either State or Federal, are not eligible to seats in the Convention. The Constitution of 1776 provided in Sec. 33:

"That no person in the State shall hold more than one lucrative office at any one time. Provided that no appointment in the militia or in the office of a Justice of the Peace shall be considered as a lucrative office."

Under the construction that a delegate to a Convention was not a lucrative office, Judge Gaston, Daniel and other State officers held seats in the Convention of 1855.

The Amended Constitution of 1835 provided: "Sec. 4. No person who shall hold an office or place of trust or profit under the United States or any department thereof or under this State or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly. Provided that nothing herein contained shall extend to officers in the Militia or Justices of the Peace."

A person holding an office or place of trust shall not hold or exercise any other office or place of trust. It seems plain if there is any meaning in the English language, that this provision excluding all persons holding an office from holding or exercising any place of trust, prohibits a Federal or State officer from holding a seat in the Convention, which, to say the least of it, is a place of trust.

Sec. 7, Art. 14 of the Constitution of 1868, provides: "No person shall hold more than one lucrative office under the State at the same time. Provided that officers in the militia, Justices of the Peace, Commissioners of public charities and commissioners appointed for special purposes shall not be considered officers within the meaning of this section."

Under this provision, as in the Constitution of 1776, a person holding an office might be a delegate to a Constitutional Convention only held a place of trust, and is no office holder.

But in the Amended Constitution of 1870, under which the present proposed Convention was called and will be held, the above section in the Constitution of 1868, was amended and provides as follows:

"No person who shall hold an office or place of trust, or profit under the United States or any department thereof, or under this State, or shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly—provided that nothing herein contained shall extend to officers of militia, Justices of the Peace, Commissioners of Public Charities or Commissioners for special purposes."

This is the law now, and so it seems plain to us that no office holder can be a delegate to the State Convention, even if such position is no office, and only a place of trust.

Nor is this the only argument. The Act of the Assembly, calling a Convention, says:

"Sec. 3. The said Convention shall consist of one hundred and twenty delegates, and each county shall be entitled to the same number of delegates that it has members of the House of Representatives in the present session, and the said delegates shall have the qualifications required of members of the House of Representatives of which qualifications the Convention shall be the judge."

By this Section the same qualifications are required for delegates to the Convention that are required for members of the House of Representatives. As, therefore, all persons who hold any office or place of trust or profit under the United States or any department thereof, or under the State or under any other State or Government, are expressly excluded, by the Constitution, from becoming members of the House of Representatives, it is clear they cannot be delegates to the Convention. In a word, the qualifications of a member of the House of Representatives constitute the test of the qualifications of a delegate to the Convention. If a man can be a member of the House of Representatives, he can be a delegate to the Convention. If he cannot be a member of the House of Representatives, he cannot be a delegate to the Convention. The Constitution expressly says, that no office holder and no place holder of trust or profit can be a member of the House of Representatives. No office holder, therefore, can be a delegate to the Convention.

Mr. E. A. Wright, of Goldsboro, having been nominated for office by the Radicals, published a manly card in the Messenger, declining to receive office at the hands of that party, and uses the following strong language: "I have seen hell for all honest living by the sweat of my brow and live poor, and die poor, and let be buried by subscription; than to bring this disgrace upon myself, my wife and my children, and the race of my kindred and the whole white race brown."

Scott Parish, who murdered his wife and child in Wake county a week ago, was arrested at Blountwood, Halifax county, and was carried to Raleigh on Sunday.

W. T. Fain and George A. Gresham have been nominated for Convention in Wayne county. Col. Edmund W. Jones has been nominated by the Democrats of Caldwell for Convention.

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