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THE SENTINEL

THE CONVENTION PROSPECTS

From all parts of the state, says the Battleboro *Advance*, come the cheering tidings that convention is gaining ground rapidly. Prominent republicans denounce the efforts of their party leaders to make a party issue of the question, and declare openly that they will support convention to root and personal influence. Welcome, gentlemen! North Carolina will honor the true sons who have the manliness to stand up to her in the time of her peril.

The hour and the day are propitious if the intelligence and worth of the state will pitch forward into the breach. And can these halt and hesitate now, when so much responsibility rests upon them, and so much of danger or hope depends upon their present action? Let every man who reads the newspapers and hears the public speakers, see the facts they so powerfully present, and let him not be slow to recognize the danger of disregarding the warnings they give. Let the educated man enlighten the mind of the illiterate voter. Every man of every age, class, profession, and condition in life ought to put his shoulders to the convention wheel. We appeal to the people—one who from his situation is able to detect the very beginnings of the storm that is brewing, to hear the distant mutterings, and from our watch tower we sound the note of timely warning: Without a convention of the people this Fall, we believe you will suffer greatly, if not be under probable means to pay all the interest $2,000,000 on the state debt. Their oath of office binds them to do this. If they refuse they perjure themselves. If they levy a tax to pay it off, you are ruined. You can scarcely able to keep up the regular expenses of state, county and township government. Here is no delusion. On the one side you perceive nothing but bankruptcy, starvation and ruin. On the other is salvation, peace and prosperity. You can not hesitate in making choice at all! Does not common sense, does not even the instinct that the brutes have compel you to vote and use every exertion for the convention cause?

OLD STUDENT.

An old Chapel Hillian writes us from was educated. He says he graduated in June, 1826, in a class with Wm. J. Bingham and some forty others. Among his contemporaries he names Gov. Graham, Judge Manly, Judge Gilliam, Wm. Cherry, Wm. Eaton, Charles B. Shepherd, James W. Bryan, Gov. Clark, the Norwoods, Winslows and Waddells. We wrote him that half of his school boy companions had finished their work and gone where radicals could no longer disturb them. We sent him a report of the committee appointed at the last session of the legislature to investigate the affairs of the university. From this export he will learn the sad condition of his *alma mater*.

How long will the people of North Carolina sigh and sorrow over their prostrate mother of learning before they bid her stand up and take her place again with Princeton, Harvard and other ancient mothers of learning!

WOMAN SUFFRAGE.

Major Smith, President of the North Carolina Railroad, told it himself, that he voted 200 negro women in Johnston county, by having them dressed in men's clothes. His plan was this: The registers books were kept open all day; the women in breeches registered when taken to the polls; the law forbid any man to challenge, so they were obliged to vote. At that election the negroes carried Johnston by 400 and more. At the subsequent election no women voted and the white folks carried the election by 500 and more. Down with woman suffrage!

VOTE IN YOUR TOWNSHIP.

Young men just of age must not fail to register. No man, young or old can vote without being registered. No man can vote except in the township where he lives. To the white men of the west, who complain of having to vote in their own township, we say it was necessary to prevent the negroes voting half a dozen times on the same day. We know a negro who boasts that he voted three times to fasten the carpet bag constitution upon the state. Those now registered in their own township need not register again.

OUR DUTY.—The duty of this local is to report what transpires; and faith he'll do it. The editor has mentioned the pumps, freight and meal of Mr. Troy. The meal was consigned to A. C. Sanders & Co. A jug of buttermilk and a bottle of brandy were consigned to Jo Turner, at least we read it so in the letter. This local has not seen either the buttermilk or the brandy. As Hall would fight Bailey before the spoils of the office should suffer, so we will return thanks for the editor for the brandy by way of keeping up the good manners of the office. By the by, and while our hand is in and on brandy, we will mention a bottle of whisky sent by Mr. George T. Stronach, on the 4th of July. The editor corked it up and said it should not be opened until the next 4th of July. We shall return no thanks for that bottle until it is opened on the next "4th."

EVERY VOTER MUST VOTE IN HIS OWN TOWNSHIP.

THE HOMESTEAD CAN BE SOLD FOR TAXES.

NORTH CAROLINA RAILROAD

Eleven stockholders, headed by Billy Smith, Gen. Rufus Barringer, and Wm. R. Myers, put their heads together and prevented a meeting on Thursday last.

We are very sure one fourth of a corporation cannot control three fourths. The state has $3,000,000 in the road and some seven hundred individuals have $1,000,000.

The present board of directors, appointed by Holden without consulting the stockholders or the state, leased the road for $25,000 less than other persons were willing to give. This was done last year.

It was reported that certain directors and stockholders had struck a bargain with the agents of the Pennsylvania Central for a lease. Judge Rodman was applied to and granted an injunction restraining the directory from leasing. Judge Mitchell was applied to for an injunction, restraining the persons appointed by Gov. Caldwell from acting as directors or state proxy.

The charter requires the stockholders to meet annually in July. A quorum of the private stock is required to make a meeting. Eleven stockholders out of the 700 put their heads together and prevented a meeting. When a quorum of the private stock fails to assemble and make a meeting, the old officers hold over until new ones are elected.

Gov. Caldwell and the party are anxious to hold the road until after the election. Billy Smith makes it worth all of [illegible] in an effort to make eleven men, owning or controlling one eighth of the stock of the company, control the corporation by trick and stratagem. The Pennsylvania Central is devil bent on owning or leasing the North Carolina Railroad. That corporation will buy out all opposition. They will soon run trains from New York to New Orleans, and ultimately to the Pacific.

The injunction issued by Judge Mitchell was not served. It would have been if Gov. Caldwell's proxy, the Rev. Carpet bag Welker, had presented himself to represent the state. All parties must now await the slow process of the law.

MISLED.

Mr. Hanes of the *Old North State*, says Moore and not his own. The next man to mislead Mr. Hanes will be Col. McCorkle.

The reason given by Mr Hanes for his change of base on the convention is both soft and green.

He can't deny the fact, but says he was "*misled*" by Mr. Moore. The man who is so easily misled should not be followed by others.

"Simple Simon met a pieman
Coming from the fair"

Mr. Hanes says

At the State Fair in October last, we had a conversation with Hon. B. F. Moore, who has always commanded our fullest confidence, and in whose patriotism and integrity we still have the fullest confidence, on the subject of a convention. There was no difference of opinion between us in relation to the propriety and necessity of calling a convention—we agreed perfectly on that point. Mr. Moore then briefly gave us his views in relation to the power of the general assembly to submit the question of a restricted convention to the people, and expressed the wish that we would write an article on the subject, which we promised to do and did do. *This article simply embodied the views expressed to us by Mr. Moore.* Our great confidence in his ability, and our knowledge of his honesty and patriotism, led us, *for the moment*, to accept of his views without question or investigation. Subsequently we were led to think of and investigate the question *for ourself*, when we found, as we believed, that we had been *misled* by Mr. Moore.

WHITE MAN'S GOVERNMENT.

We take the following from a speech of Mr. Phillips before the negroes were allowed to vote:

I enter fully into the counsels of those who define this to be a government of white men. For one, I propose that none but white men shall participate in the duty and distinction of controlling this government. I maintain that the right of suffrage shall be theirs exclusively—as also the duty of exercising public employment and the duty of distributing justice. Every public place—from the jury box to the chair of the president—must be a place for the white man alone. It is obvious that so long as this continues to be so the government will be the white man's government.

These were his honest sentiments. Will the white men of the west read it, and remember that Mr. Phillips is to day speaking to the negroes of Wake, spending his money for whisky to treat his friend and "brother," the negro, when he knows that the negro will get drunk and disqualify himself for work, which he should put forth for his daily bread?

Mr. Phillips not only speaks and treats the negro, but he is canvassing with a negro and one Willie D. Jones, who voted in the legislature against allowing a negro to give evidence in court. Mr. Philips says the convention bill is not unconstitutional. Let any man ask him on the stump if it is not constitutional, and he will say yes, or evade the question. He will not say no.

MARK IT.—The democratic conservative party are pledged to maintain the homestead and the laborer and mechanic's lien.

AND MARK IT.—The radicals, if they can, will defeat convention and cause the homestead to be sold for taxes to pay dishonest debts.

KEEP IT BEFORE THE PEOPLE.—Every vote given against convention is a vote instructing the members of assembly to levy the ruinous tax required to pay the interest upon the dishonest debts of the state.

THE WAKE COUNTY CANVASS.

We are gratified to hear of the large and enthusiastic meetings which the conservative candidates address throughout Wake county. There never has been a time in which greater interest has been manifested in the issues of a campaign in Wake; nor is it matter of surprize, for there never were before such important interests at stake. The people quit their fields and turn out almost *en masse* and listen for hours with undivided attention, and scores of them, we are informed, follow up our candidates and seem never to tire of hearing.

This is a hopeful sign, and shows that the people are in a determined frame of mind. Messrs. Barringer, Merrimon and Alford are doing noble service. It is to be regretted that Gov. Bragg, under advice of his physician, cannot just yet join in the campaign, though he is ably represented.

We trust our people will continued to greet our gallant standard bearers with their presence. Let each man make it a personal matter and turn out to perform an important duty to himself and family and to his fellow men. And let our fellow citizens of Raleigh turn out in large numbers and greet the farmers at their precinct meetings. The people of the country are doing and will continue to do their full duty; let the people of Raleigh emulate their example and join them from time to time in their enthusiasm. And let us have frequent meetings here in Raleigh, and let our young men [illegible] The state is above all the question. Let Raleigh be up with the foremost. Wake county *can* be carried for convention and in the election of our candidates, and *will be* if Raleigh will do her full duty. The people of Wake, outside of Raleigh, are buoyant and hopeful. Let us meet them on the night of election with our full strength and victory is won.

Up, young men of Raleigh. Organize and hold meetings, and have them frequently, and visit the country precincts and give assurance to our country friends that you too are on guard. "Up, boys, and at them!"

EVERY VOTER MUST VOTE IN HIS OWN TOWNSHIP.

MONUMENTAL LAW MUST BE SOLD FOR GRANVILLE COURT.

We sent the Granville candidates their tickets on Saturday last. If the white men of this county will show one half the zeal of Cuffy Mayo, John Ragland and Kilder Lassiter, we have no doubt they will carry the election. Let them guard against negro women in men's clothes. This trick of voting negro women was exposed in Granville at the last election. The fine voice of the woman created suspicion. She had registered, but in violation of the law, was challenged at the polls. Not only challenged, but examined, and she proved to be a woman, who was a coat and pants ahead of Harriet Beecher Stowe, Dr. Mary Walker and Susan An thony. Let the eagles of Granville show half the zeal of the Kildee, and victory will be theirs.

FAYETTEVILLE BROUGHT TO RALEIGH.—Our friend, W. C. Troy, the senator from Cumberland and Sampson, works with a will. He sent the first through freight over the Chatham Railroad to New York. He sent meal to A. C. Sanders & Co., of this city, on the 14th. The corn of which the meal was made left Baltimore on Saturday, July 8th, arrived in Fayetteville July 13th, that night was made into meal at Troy's Merchant Mills and shipped on the 14th to Sanders & Co., of this city. This is quick work for the new line of trade. Mr. Troy is superintendent of the Carolina Pump Company, and sends pumps over the same line to High Point, Franklin, Durham's, and other points.

We welcome the good old town of Fayetteville to the Capital. She is only five hours off, close enough to hear Billy blow his horn.

EVERY VOTER MUST VOTE IN HIS OWN TOWNSHIP.

THE HOMESTEAD CAN BE SOLD FOR TAXES.

PHILLIPS THEN AND NOW.

We have unearthed Mr. Samuel F. Phillips' speech delivered in the General Assembly in 1854 '55, which will be found in this issue. Look at Phillips' position before he became a scallawag and see it now. Will the *Old North State* and *Telegram* copy?

SUPREME COURT.—The following cases were argued in this court yesterday:

Isaac Street vs. Blount Bryan, Edgecombe. R. C. Badger and T. P. Devereux for the plaintiff and Hoskins & Hubbee for the defendant.

Sol. Bear *et al.* vs. P. Cohen, Wayne. Bragg & Strong and W. T. Faircloth for the plaintiffs and Phillips & Merrimon for the defendants.

Mike Wood vs. Joseph Morris, Wayne. Bragg & Strong and W. T. Faircloth for the plaintiff and Phillips & Merrimon for the defendant.

In the matter of J. C. Rhodes, Wayne, Bragg & Strong and W. T. Faircloth for the petitioner and A. S. Seymour for the respondents.

Samuel Hirsh vs. J. D. Whitehead & Co., *et al.* Phillips & Merrimon for the plaintiff and W. T. Faircloth for the defendants.

From the Raleigh Register, Feb. 14, 1855.

REMARKS OF MR. PHILLIPS,

OF ORANGE,

In Reply to the Remarks of Mr. Winston, of Bertie, on the Subject of a Convention, Delivered in the House of Commons, Session of 1854 '55.

MR. SPEAKER: I ask permission of the house to enter my dissent from the proposition of my friend from Bertie, (Mr. Winston,) and to state the reasons why I hold it to be law in North Carolina, that a convention to consider of alterations of the constitution may be called by the people acting at the suggestion of a BARE MAJORITY OF THE GENERAL ASSEMALY.

In order to establish the contrary, the gentleman has assumed that the constitution is to be construed by the strict rules of law. I deny it. It is not even an act of assembly, much less an act of parliament, which is to be construed by the strict rules of the common law. It is a fundamental law, which lays the whole structure of the guiding enactment is altered. The general assembly uses an affirmative expression; the convention a negative one. The assembly indicates than direction shall be given; the convention issues a prohibition. May I not ask, taking up the line of argument of my friend from Bertie, whether, in order to arrive at the meaning of the expressions agreed upon, between such a body and the people who ratified them, we are to strain them till further in order to extract a prohibitory force even beyond the language of their obvious reluctance. Is not the literary the rule of sound sense and of sound law? If a body of men, indisposed to act at all therein, is instructed to draw a method of amending the constitution, the maxim of construction, applicable to their labors is *ceteris proferendum est fortius accipiuntur*. The expression of the convention, if pressed at all, ought to be pressed in a direction opposite to the basis [bias?] of its members. Thus we can we fairly arrive at the common intention of the parties to that contract; mean the convention which uttered and the people who accepted it.

The first and a paramount [illegible] to another to create a life estate in a tract of land. In the latter under the power creates a fee, and the principal subsequently ratifies that estate, the deed binds according to its terms as ratified and not according to the language of the power of attorney. This is no more clear than the one which we are discussing; the only advantage to be gained from it is, that it is one about which no element or principle exists; one which therefore may be settled upon its own merits and the settlement of which necessarily involves the solution of the question before us. In arguing that the constitution of North Carolina is binding only so far as it pursues the terms of the instrument, under which the convention was called whether that instrument may be called as an act of Assembly, or as a constitutional document, it seems to me that the gentleman is trying to revive a rule of construction once thought applicable to the constitution of the United States, which was based on that instrument, and which, in its parts more or less binding, or more or less conformed to the principles adopted by States which convened the convention that gave it birth. Nor there any better ground for applying that rule to our constitution. If the delegates exceeded the commission, that exceeding vitiated the commission, that exceeding vitiation by the people, is such a part of the constitution as any other part of there are any omissions, these can be supplied by reference to the act which prescribed what should be done. Their written report of the result of their labors, when subsequently ratified by the people, was all that was engrafted upon our constitution, and whether as complying with their commission, defective or redundant, *if only* and *at all* was so engrafted. The number of its words cannot be increased or diminished, nor the force of them being enlarged or restrained by another instrument which is not of a dignity at least equal to its own. I mean by adding unless found in the constitution of North Carolina, or the constitution and laws of the United States.

We have before us a written constitution, the meaning of whose terms is to be discovered from dictionaries, or, when technical, from their usage in the sciences from which they have been borrowed; and this is my reply to the gentleman from Bertie, when he urgues that the act amble to the amendments refers to that of 1834, and asks whether, in attempting to discover the direction in which convention of 1835 went, we are not bound to consult the position of the "guiding star," by which the delegates professed their steps to have been guided. The white sails of the ship are in view and we should keep our eyes fixed upon them in order to learn the direction in which it is going, the tracks of the caravan are deep upon the sand before us and to discover its course, we should follow these, and not the rays of the star by which they believe themselves to be guided. We shall grossly deceive ourselves, if, in pursuing any object, we abandon the evidences of our senses, and fall upon some blind confidence in the results to be attained by balancing probabilities, by conjecture and hap hazard. And I do not know why it is not to lose all the benefits of a written constitution, if with its pages before us, we desert the light of its clear provisions for the fitting [illegible] or of the enactments which gave birth to the convention which framed it.

These remarks are due to the cause of truth, and are not compelled by any fear of the consequences of the opposite doctrine upon the question at issue. Upon the contrary, did I believe it right to embark upon the sea of conjecture, into which my friend has launched his boat, I might fish from its depths proofs that his construction of our mended constitution is one not to be relied upon; proofs, too, that are quite as conclusive as any that he has arrayed on the opposite side. I shall return to this hereafter, but ask to make good that claim in some degree, here, by calling attention to the manner in which the convention of 1835 was constituted, with the view of showing the line under which it acted towards the subject of its deliberations. That convention was composed of 130 members. Of these 78 came from the counties which had voted "no convention." Speaking of this circumstance, which had been alluded to by a distinguished eastern member, as "a melancholy fact which he could not pass by," Judge Gaston said in the convention: "He who enters upon a prescribed task, with a strong repugnance to it, seldom performs it faithfully." That proposition scarcely needed for its establishment the sanction of his great name; and after all his labors to nullify its effect upon the convention of 1835, its work bears obvious traces of its operation. I will refer briefly to one in point to this discussion, and then pass on. By the 16th section of the act of 1834, which apparently came in as an after thought—as any other duty of the proposed convention being prescribed in section 13—the convention is directed to provide in what manner amendments shall in future be made to the constitution. The reluctance of the convention, a majority of whose members were indisposed to even the pending changes, to anticipate and provide for further alterations is stamped upon the very first words of the clauses which point to such alterations. They seem to intend a provision against all future changes, rather than a mode in which change may be effected. Both clauses commence with a negative. This circumstance becomes the more remarkable, in view of the strictness [strictness?] with which the convention adhered to the form of expression used by the general assembly. It is not an exaggeration to say that the whole structure of the guiding enactment is altered. The general assembly uses an affirmative expression; the convention a negative one. The assembly indicates than direction shall be given; the convention issues a prohibition. May I not ask, taking up the line of argument of my friend from Bertie, whether, in order to arrive at the meaning of the expressions agreed upon, between such a body and the people who ratified them, we are to strain them till further in order to extract a prohibitory force even beyond the language of their obvious reluctance. Is not the literary the rule of sound sense and of sound law? If a body of men, indisposed to act at all therein, is instructed to draw a method of amending the constitution, the maxim of construction, applicable to their labors is *ceteris proferendum est fortius accipiuntur*. The expression of the convention, if pressed at all, ought to be pressed in a direction opposite to the basis [bias?] of its members. Thus we can we fairly arrive at the common intention of the parties to that contract; mean the convention which uttered and the people who accepted it.

[illegible] attention in order [illegible] is not obvious which determines me against pursuing the course taken by the gentleman from Bertie. Having shown this, I return to the canon of criticism laid down above and protest against any other construction than that afforded by an accurate consideration of the expressions used in the constitution.

It is true that there is another view in which it may be contended that the details of the act of 1834 are important, in considering the amendments to the constitution. It may be said, that as the assent of the existing government is necessary to any lawful change of government, it follows that any change in points not specified in such assent must be revolutionary. I reply that as an act of assembly, the material portions of the law of 1834 are, that it gives the assent of the existing government to the call of a convention, and prescribes certain forms of ratifying the results of that convention. Its other parts—I mean the limitations on the powers of that convention—so far as they are emanations from the general assembly, were admitted by Judge Gaston, as quoted. Then, as portions by the legislature, they are void, it must be presumed that even when the legislature consents to a limited convention, it thereby, for all legal purposes, consents to whatever the convention shall do that may be ratified by the people; and therefore, that no changes of the constitution made in a convention, to whose calling the existing government has given its assent are revolutionary. That these limitations were subsequently ratified by the people, and derived force therefrom is a point without bearing upon the immediate question, and, so far as it affects this investigation at all, has already been considered.

But, the gentleman urges, that the act of 1834, being referred to in the preamble to the amendments of 1835, thereby becomes a part of the constitution, upon the principle which has led the Supreme Court to hold, that descriptions contained in a deed, referred to in a second deed, are to be considered as if contained in the second deed; the old legal maxim being, *verba relata in esse videntur*. There is a fatal inaccuracy about this argument, in so far as it assumes that the preamble to the amendments is a part of those amendments; whereas, it is a mere *ordinance* of the convention passed by it in obedience to the direction of the act of 1834. The 13th section of that act directs the convention to "adopt *ordinances* for carrying into effect the *amendments* which shall be made," &c. Surely, no one will contend that these ordinances are amendments. If so where was the use of specifying the exact length and breath of each amendment that the convention could make, when the whole matter was to be left at sea by permitting the convention to effect the constitution by ordinances? If the ordinance is no part of the constitution, then, assured by, the act referred to therein, is none. To make this matter still clearer, let me call the gentleman's attention to the preamble to the constitution of 1776. That refers to "an act of the British legislature." Does he contend that by such reference, the provisions of that act of parliament are incorporated into the constitution? If not, where does he draw the distinction between that reference and the one before us? If there be any difference between the dignity of the prefix to the constitution of 1776 and that to the amendments of 1835, it seems to be in favor of the former. The former appears to be strictly a part of the constitution, whilst the latter is plainly only a portion of the formal action of the convention designed to bring the proposed amendments before the people, but no more a part of the constitution than are the proceedings about the organization of the convention, or its daily order of business. Indeed, this point appears to be so obvious, that I must attribute it entirely to inadvertence that so sound a reasoner as the gentleman from Bertie has laid any stress upon it for the purposes of his argument.

I think, then, Mr. Speaker, that I have a right to conclude that the act of 1834 cannot be appealed to in construing the terms of the amended constitution.

But even admitting that the gentleman is correct in bringing to bear upon this subject the language of the statute which provided for the convention of 1835, I suggest that there is much reason for complaint of his inconsistency. The strength of his argument seems to me to be contained in this proposition: The legislature, among other things, directed the convention of 1835 to order the method by which the constitution thereafter should be altered; the convention did make an express order to that effect; therefore, as according to the ancient maxim of law—what is expressed puts an end to that which before was implied,—the constitution can be altered in no other way. By that argument the gentleman arrives at the conclusion that no convention to change the constitution can be called, except as is expressly provided in the amendment; and so, desires to change the proposition of his distinguished colleague (Mr. Outlaw) to call such a convention by the people at the suggestion of a majority of the general assembly, by inserting "two-thirds of the general assembly concurring." I ask how any one, who believes in the argument just stated, can consistently say that any convention, even one called by two thirds of the general assembly can change our constitution? Where is it found that this *convention*, whose existence is provided for, may take upon itself to change the constitution? The constitution provides only for its existence and does not define, or even allude to its powers; except indeed so far as the next clause, construing the instrument, by the rule of my friend from Bertie, excludes from those powers that of changing the constitution. For it says—"No part of this constitution shall be changed," except by what is known as the legislative mode. Yet the gentleman admits that a convention called by two-thirds of the general assembly may alter our constitution; but how he can claim to be consistent in making this admission, I confess myself unable to comprehend. Surely, if the insertion of one method of calling a convention does, as he asserts, exclude all other methods of doing it, then, *a fortiori* the insertion of one method of amending the constitution, when declared to be exclusive of all others, must be held to exclude them, no matter how allowable theretofore. Nor can it be urged that the word convention necessarily imports a body whose labors are conversant with changes of the state constitution. Our own history shows the contrary. They are relied upon as tests of the popular will upon all extraordinary occasions of sufficient solemnity. A convention brought North Carolina into the Union, and the year 1850 is not so far distant from the present that we can forget that it is extensively relied upon as the proper means of ascertaining the popular will upon questions of great magnitude. Whether we are part or not of our political [illegible] involving other subjects than such as concern our state constitution, those who insist that the sort of convention specified in our constitution is exclusive of all others, are involved in gross inconsistency when they allow that that convention may intermeddle with the constitution. I am the more particular in calling attention to the consequences of this doctrine, because it is the cardinal error of this great heresy against popular rights. The position is not peculiar to the gentleman from Bertie, but is common to all who deny that a convention may be called by the people acting at the suggestion of a majority of the general assembly. They all admit that a convention called upon the two thirds principle may effect changes in the constitution; and yet, with this admission upon their lips, do not *blush at denouncing as revolutionary* those who, on the principle that they admit, maintain the position now occupied by myself.

No such inconsistency is attributable to us. Starting with that fundamental principle of our liberty,—that all power not are not delegated in any restraining provisions, unless referred to expressly, or by a necessary implication, our way is equally short and clear. The constitution says: "No convention shall be called *by the general assembly, unless*," &c. That general words in statutes do not bind the sovereign, is a maxim of construction pervading the whole body of the law. The rule is not merely technical. It has good sense in it; and whatever the measure of that good sense may be, it is increased in its application to the position that no general expressions are derogatory to the rights of the people; how much more, sir, when, as here, the restraint is in terms aimed at an individual, and, as regards the people, a *subordinate* department of the government. The provision is, as it were, a piece superadded in order to regulate another portion of the same machinery, and is not intended to apply to the hand of the operative which, from time to time, adjusts that machinery, putting it one while in motion, at another causing it to stop.

The times may come, sir, when it will be a received cannon of constitutional construction, that the powers of the people must yield to restraints by ordinary implication. I hope that those times are far distant, for they will be bad times. For ourselves, there is ground for congratulation that we live too near to the days of the revolution, and the origin of our free institutions, to stand in danger of its prevalency in our generation. And I take occasion here to protest against its being suggested as a rule that may be relied upon amongst us for any purpose. No one can say whither it may lead, or how bitter, though remote, may be the consequences of its introduction into debates upon our constitution.

But my friend from Bertie says that if a convention may be called by the people through the medium of a majority of the general assembly, he does not see why any concurrence of the general assembly is needed. I have already said that some concurrance of the existing government is necessary in order to prevent the change effected by the people from being *revolutionary*. That is the turning point of the decision in *Dorr's case*. I need not elaborate that point here. But I may be permitted to say that my understanding of that decision of the supreme court of the United States is that the right of the people to change their government is a revolutionary right, when exercised without the consent of the existing government; but when exercised with that consent, is a legal right. It seems to me that there is some confounding of the particular function exercised by the legislature in convoking a convention, and that other function of rendering such a convention legal, amongst those who contend that we who allow a convention to be called by the people, at the suggestion of a majority of the general assembly, are thereby permitting the legislature to do indirectly, what they cannot do directly. When the legislature, by a majority of two thirds, convokes a convention, it thereby at once calls a convention, and also gives its assent to such changes as it may effect. But surely, if there be among the other departments of government a power to call a convention, it cannot be said that the general assembly, by giving its assent, before or after, to the exercise of that power by the other departments, is thereby itself calling such convention. This is at once to admit and deny that some other departments may call a convention.

There seems to be a clear distinction between an act done by the general assembly, and an act done by the people, with the consent of the general assembly. High functions connected, at least as preliminaries, with changes in our organic law, if entrusted to the representatives of the people, at all, may properly have been so under restrictions for securing a more than ordinary approach to unanimity in order to perform them; at the same time that to manifest a consent by those representatives to such acts when performed by the people—a part of whose ordinary legislation under our forms of government such acts are—there may be very good reason why the departure from the common rules of proceeding should be demanded. There seems to be no color for contending that provisions restrictive of the former action comprehend as well the latter. As bearing somewhat upon this point, I cite the 5th section of the Declaration of Rights, which asserts that "all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, &c., ought not to be exercised:" which implies that there exists somewhere among the departments of our government a *power* to suspend laws, &c., a *power*, although such an one as ought not to be exercised without consent, &c. This section is aimed at the powers in our system of government, wherever vested or left, that are analogous to the powers exerted over our colonial legislation by the King: exerted, too, in England, without question in its early history, but in later times only under bad government. It seems to me a much too narrow construction of this section to suppose that it restrains only the executive in North Carolina. That is but a shallow consideration which concludes that the crown in England finds its correspondent in North Carolina in the governor. In England the King is the source of all political power. The enacting clauses of the old statutes show that he alone was the legislative power, and I believe the former continues much the same at the present day. It was in virtue of this transcendent power that he claimed that right whose exercise without consent, &c., is stigmatised in the section before us. Its exercise in England was at all times strictly in accordance with the theory of the constitution, but at length ceased under the continued encroachments of the growing free [illegible] the newly created executive. It may be that from an inconsideration, which, however, I will not attribute to them, they concluded that the English crown was represented in the new form of government by the governor. Time has taught us better. The history of the principle incorporated, and the language of the section, give it wider scope. That great source of legislative power which, in England, is represented by the King, finds its parallel with us in the people. And, if it be true that, in the language used above, this section is aimed at those powers amongst us that are analogous to the Kings in England, then any intermeddling, the smallest, and therefore any greater, by the people in legislation without consent of their representatives is denied, but with such consent is impliedly affirmed. And I think it clear that the section recognizes action by the general assembly, and action by some other power with consent of the general assembly, as essentially diverse, although equally allowable. I conclude that being different in [illegible] preme laws, and so of all our legislation that only which can fairly be compared with acts of parliament the suspension of which suggested this 5th section;—these latter being the supreme and over riding laws of Great Britain.

I sum up what I have said into the result: That the right of the people to call a convention, with the concurrence of a majority of the general assembly, is a constitutional right, because not expressly or by necessary implication inhibited; and is not revolutionary, because effected with the concurrence of the existing government:

That legislators may differ about the *expediency* of calling a convention by the people at the suggestion of a majority of the general assembly, I can very well understand. Different degrees of confidence in the people may very well account for this disagreement. *BUT HOW ANY GOOD LAWYER CAN ASSERT THAT SUCH A CALL IS UNCONSTITUTIONAL, I DO NOT UNDERSTAND;* not even now, sir, that I have had the aid of the strong and lucid argument of the learned gentleman from Bertie.

For the Sentinel.

JACKSON CO., N. C., July 10, 1871.

Messrs. Editors: You have doubtless seen in the northern papers the kuklux case from Jackson, where revenue officers had been fired upon, &c. I must tell you all about it. Mitchell B. Wood, a radical of the first water, was due the federal government for making whisky. The revenue officers, Cannon and Dever, took from him his only horse to satisfy taxes due. Wood offered them other property, but they would not take it. The revenue men advertised to sell the horse at Webster in ten days. Instead of doing so they took the horse to Asheville. At night, as they were leading off Wood's horse, some one fired on them. Cannon is a nephew of Judge Cannon; Dever, you know as one of Kirk's men. Judge Cannon issued a bench warrant for the arrest of Wood. The sheriff did not find him at home, upon which the northern papers report him as resisting the execution of the law. Wood came in and surrendered himself, and was tried by Judge Cannon and acquitted.

This is the only kuklux case we have had in Jackson and that existed only in the northern papers.

The vote of this county will be decidedly for convention. We have hopes even of carrying Mitchell which went against us last year by a small majority. The white people of the west are fast becoming aware of the injury and injustice they do their brethren of the east in voting with the negroes. If they will put all the black on one side why not put all the white on the other.

Yours, W.

CANVASSERS BRING GOOD NEWS.—We learn from a friend who has just returned from South Creek, Durham's Creek, and Blount's Creek, that our able candidate, Mr. Satterthwaite, has been doing good work. At every precinct the meetings were largely attended and the people enthusiastic for a convention. Large gains are evident and old Beaufort will surely roll up an increased majority in August next. Goose Creek and Dragon, we learn, are strong for convention. The prospects are bright on every hand and the people are rallying to the rescue. At South Creek Mr. Satterthwaite was met by Mr. Shepherd, who accompanied him to Blount's Creek and Durham's Creek, making telling speeches at each place. Our informant says Mr. Shepherd made a favorable impression and the people all seem anxious to hear him again.—*Washington Express.*

"NICHOLS AND GORMAN ARE WITH US."

W. W. HODGEN.

For the Sentinel.

CONVENTION—HEAVY LAW SUITS.

MESSRS. EDITORS:—We, the office holders, notice in your issue of the 13th inst., that an action has been commenced against us in the supreme court of public opinion by the tax payers of North Carolina; and although, from your course towards us heretofore, we have no right to expect any favors at your hands, yet we beg you, as an act of simple justice, to insert in your columns the following answer to plaintiffs' complaint in said action:

STATE OF NORTH CAROLINA,
In the Supreme Court of Public Opinion.

The tax-payers of North Carolina, plaintiffs,
vs.
The office-holders, bondholders and carpet baggers, defendants. } *Answer of Defendants.*

The defendants, answering the complaint in this action, say:

1. That there is no "law, reason, common sense or justice," as heretofore understood in North Carolina, which defendants feel bound to respect.

2. Defendants admit that in the convention of 1868, and in the legislature which followed, they did all the things as charged and set forth in paragraphs 2, 3, 4, 5 and 6 of the complaint; by which actings and doings of defendants, millions of debt were heaped upon the tax-payers of North Carolina, and a clause inserted in the constitution, requiring the legislature, under the solemn obligation of an oath to levy a tax to meet the interest on this debt, and to pay the principal after 1880, thus creating, as defendants candidly admit, a secure mortgage upon all the real and personal property in North Carolina; but defendants deny that plaintiffs have any right to complain of these things, as it is a well settled and recently *solemnly* adjudged principle that [illegible] water" for defendants, and defendants positively allege that they have acted and will continue to act with the utmost good faith and good conscience, in strict accordance with this principle.

3. That the sale of 22,000 acres of homestead land in New Hanover, and 25,000 in Robeson, for taxes, as set forth in paragraph 7 of the complaint, is only the legitimate beginning of the enforcement of defendants, rights, whereby they intend to sell out the lands and homesteads of North Carolina for their own aggrandizement; and, in fact, defendants always thought plaintiffs knew and understood, when the present constitution was ratified, that the homesteads were exempted from other debts and subjected to sale for taxes for the very purpose of enabling defendants, with their large amount of bonds and money, to get hold of them.

4. Defendants deny that the census mentioned in paragraph 8 of the complaint, is "unnecessary;" on the contrary, they allege that it is highly necessary and proper in order to fill their [illegible] even based still higher, and defendants deny that their conduct indicates "stupidity and ignorance," but on the contrary, it shows great sagacity and cunning; and they not only bitterly deny the charge of corruption, but are greatly surprised that such a charge should be brought against them in this age of "development and progress."

6. Defendants admit that many of them are "holding over," and many more intend to do so, against the will of the people; but they allege that the will of the people has ceased to be law in this land.

7. Defendants deny that they have been guilty of "fraud, corruption and general devilry," and allege that such words and such ideas, like Pearson's and Kirk's writs of *habeas corpus*, "have played out" in these days of *advanced* "moral ideas." Wherefore defendants demand that this suit be hence dismissed, and that they have judgment for their *usual high* costs and fees.

Sworn and subscribed,
OFFICE-HOLDER.

RADICAL FAILURE.—Last Saturday some half-dozen white scalawags and some 100 negroes met in the town hall and nominated, or *recommended* rather, as candidates on convention question, W. A. Guthrie and T. S. Lutterloh. This shows the radicals have not pluck enough to put up a solid ticket of their own representative men, and that they see no hope in making a square fight. They take Mr. Lutterloh, thinking he may get enough mixed conservatives to cripple our party somewhat, and they may think Guthrie is enough of a blank to be not painfully objectionable. Really they could not have selected or *recommended* men of weaker record, and none who can be more successfully attacked, and men who lack so entirely public confidence.

Guthrie is a new comer in the county, not identified with us, has always been an office holder, and what little substance he has, he made by the fees of the office; often most exorbitant charges too on our poor bankrupts and their families. He went in the war at the age of 21 under conscript law, but selected or volunteered into the cavalry, we learn, and after this partly volunteered soldier life, he took the iron-clad oath in 1866, for the appointment of Bankrupt Register. He loves office and has been active in the league business and a co-operator with the carpet-baggers and state officers who well nigh ruined us. Recently he expressed himself openly in favor of convention.

Mr. Lutterloh was once a highly respected and useful man here. He has almost entirely lost the confidence of his former friends and business associates.

He was associated with the trickery of A. J. Jones in our railroad affairs, and only withdrew from these attempted swindles from pure scare when threatened with prosecution by Attorney General Shipp. It appears he was the *last* man to bring a suit against this county, and to pay his judgment we must all now be taxed, although the county owes many others who kindly indulge us as the war left us so impoverished. Mr. Lutterloh was also loud in favor of Convention up to a few days ago, and was democratic delegate from this township to the county convention. He took active part in our nominations and said he felt governed by the resolution we all adopted; to support the nominees of the convention. The great inconsistency in this and his reckless conduct for a year or two past has placed him beyond the support, if not the sympathy, of all former friends. We will say more of this again.—*Fayetteville Eagle.*

Give the people of Cumberland an opportunity to vote on the question as to whether Tom Lutterloh is fitter for the penitentiary than the convention and he will trouble the people very little for a while.