The Daily Sentinel.

VOL. III. RALEIGH, N. C., TUESDAY, FEBRUARY 25, 1868. NO. 169.

DAILY SENTINEL.

WM. R. PELL, Proprietor.

REMARKS OF

J. W. Graham, of Orange,

On the Report of the Committee on Suffrage and Eligibility to office.

In Convention, February, 1868.

Having given, at some length, to the minority report signed by Capt. Durham and myself, the reasons why I could not consent to negro suffrage, I did not propose to consume the time of this Convention in an argument upon a question which has been settled in the mind of every member, and in regard to which the position of each one was fully defined in the canvas preceding the late election.

As to the first minority report, proposing to disfranchise a large number of white men, I was anxious to hear the reasons given by its authors for such an extraordinary course, before entering upon its discussion. But as the Chairman of the Committee (Mr. Pool) has seen proper to attack many of the positions advanced in the second minority report, and to consider the report as the platform of the Conservative party in this State, it is, perhaps, incumbent on me to correct some of the misrepresentations entertained in regard to our views and to rebut some of the inferences attempted to be drawn. Before closing I shall, also, notice some of the remarks of the delegate from Chowan, Mr. French, in support of the third minority report, which proposes to disqualify from holding office, all those excepted by the Howard amendment. And as the gentleman seems delighted to represent a constituency *"black but comely,"* I am proud to say that I was elected by white voters, nearly all of whom expressed their opposition to negro suffrage by voting against this Convention.

The whole subject before us may be divided into two branches: 1st, Shall we elevate to the position of *white* men 70,000 ignorant blacks? 2nd, Shall we, in addition to this, degrade, below the position assigned to the negro, 25,000 of the most enlightened and intelligent citizens of North Carolina? In reply to the remark of the Chairman, that the author of the first minority report regarded me as insane on the subject of negro suffrage, I will say "I am not mad," but believe "I speak forth the words of truth and soberness;" and I tell the Radical party, in all seriousness, that no government can last in North Carolina, after bayonets are withdrawn, which proscribes and degrades those men, that we have delighted to honor, because they will not cringe and fawn at the feet of those who persecute them.—But, says the Chairman, the report of the majority does not propose to proscribe any one. This is not because it is contrary to the spirit of your party, but that the whites being largely in the ascendant, it may be deemed prudent not to carry out your usual policy in this state. We dare and defy you to insert the proposed substitute—to go before the people with a Constitution requiring as a pre-requisite to voting and holding office the oath, "that I accept the civil and political equality of all men"—compelling every one to give up his private judgment and the right to think on a political question, and not only to recognize negro suffrage as established by your Constitution, but to give his moral assent to it as a thing proper in itself! We are told by the Radical party that it is not proposed to elevate the negro to the position of the white man—that they are not in favor of social equality, but merely wish to invest the negro with the elective franchise, because it is necessary to his freedom and protection. When you voted down a proposition to organize whites and blacks in o separate commands and to exempt white men from serving under negro officers—refused to prohibit intermarriage between the white and black races—objected to the use of this Hall by a benevolent association because colored people would not be allowed seats beside the wives and daughters of the white citizens of Raleigh—was there no advance towards social equality? And do not the "Union Republican Congressional Committee" of your party claim that the negro race "is indebted to the Republican party for its elevation to a position of *equality*?" And when the negro is allowed to fill the highest offices in the State, will he submit to an inferior social position? Did not Lincoln so regard it, when he said "I am not, nor ever have been, in favor of bringing about, in any way, the social and political equality of the white and black races. I am not in favor of making voters or jurors of negroes; of qualifying them to hold office or to intermarry with the whites. I am as much in favor as any man of having the superior position assigned the white race." But, says the Chairman, we should divest ourselves of our old prejudices and the ideas which brought on the rebellion, as enunciated by Chief Justice Taney, "that the negro had no rights which the white man was bound to respect." Now with all respect to the learned gentleman, I assert that Judge Taney delivered no such opinion—that his whole argument in the Dred Scott case is a refutation of this theory which, as he says, had been asserted by some in former times. And in reply to a question, what possible objection the people of the South could have had against the government of the United States, I will say it failed to compel obedience from the people of the Northern States to those laws which were necessary to the security of our property, and that the statute books of many of these States were filled with nullifications of the laws of Congress. While I was not of the number who urged the war and have always considered the inauguration of it as a great blunder—thinking that when it became necessary to resort to arms we should have contended for the possession of the government of the United States and not for a separate organization,—yet when it did commence and became a question of fighting those identified with us in interest and connected by blood, or the Northern States, my decision was soon made and I have no regrets for the course that either myself or my State pursued.

But to return to the matter immediately before us: The Chairman says he does regard the right to vote as natural and inherent.—I can only refer him to the speech of Judge Upshur, in the Virginia Convention of 1829, and the able opinion of Judge Gaston in State *vs.* Manuel, and if they fail to convince him of the correctness of the position I have assumed, I can add nothing more. With great admiration for the gallantry of the gentleman in expressing his readiness to bestow the right of suffrage upon the ladies, whenever they shall ask for it, I hardly think they will be much flattered by an invitation to participate in the disgusting scenes which mark our elections. Again, the Chairman says that we would exclude the illiterate of both races from the ballot-box. No, we would exclude no man to whom suffrage is granted by the laws of North Carolina.—Although a white man may be devoid of education, still, by his frequent and familiar contact and connection with the more intelligent, and by that Anglo Saxon pride of character which forms its own opinion, he seldom fails to discharge, intelligently and independently, the trust conferred upon him. But it is said, we make an invidious distinction between the two races. The Almighty has made the distinction. We do not propose to abolish it. As has been said: "The black man in what God and nature and circumstances have made him. That he is not fitted to be invested with these important rights, may be no fault of his; but the *fact* is patent to all, that the negro is utterly unfitted to exercise the highest functions of the citizen." Why, then, should we adopt a measure of such doubtful expediency? The answer is, that the Reconstruction Acts require this Convention to frame a Constitution, which "shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates," and that such a concession will materially advance us on "our journey home." Whether we ever left the Union, and, if so, where we now are, seems to be a matter in dispute between my friends on the other side. According to the Chairman, (Mr. Pool,) North Carolina is still a State in the Union, but all her rights forfeited; the gentleman from Beaufort, (Mr. Redman,) says she is a State out of the Union, having left in 1861; while the gentleman from Guilford, (Mr. Tourgee,) proclaims that we are not a State at all, but only a conquered Territory, to be disposed of according to the laws of nations. But, as has been well said, even the "laws of nations have no application to us since the war closed; and the laws of nations cannot, under any circumstances, interfere with or supersede the fundamental law of the nation itself. They profess only to prescribe the rules and maxims by which one nation should regulate its conduct towards another, and not the conduct of the nation towards its own people—towards itself. They do not regulate or interfere with the interior polity of nations or with their several internal departments. They cannot confer upon the President, the Supreme Court, or on Congress, any powers whatever, which they do not possess by virtue of the Constitution. They have no application as between the citizen and the nation itself." Is not the "Union" a union of co-equal States, with certain defined powers and duties and obligations? According to a distinguished writer, "the preservation of a nation consists in the duration of the political associations of which it is founded. * * * *

If a nation is obliged to preserve itself, it is no less obliged carefully to preserve all its members." As has been well said by Justice Davis, in the majority opinion of the Supreme Court in *ex parte* Milligan: "The Constitution of the United States is law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times, and under all circumstances." Chief Justice Chase also said: "We agree in the proposition that no department of the government of the United States, neither President, nor Congress, nor the Court, possess any power not given by the Constitution." He has also said: "Congress cannot establish and apply the laws of war, where no war exists. When peace exists, the laws of peace must prevail." And in opening his Court in this city, he announced "the national civil jurisdiction is fully restored." Are we not correct, then, in saying that Congress has no right to make a demand upon us to change our Constitution? Was not the right of each State to construct its own Constitution, and to regulate its own internal polity, admitted in the debates upon the Federal Constitution, and was it not recognized as one of the great rights reserved to the States by the distinguished writers of the Federalist? Even the most talented of the Radical leaders have, since the war, admitted that we still have this right. John W. Forney, speaking of the admission of Tennessee, asks, shall she "be denied representation in the next Congress, simply because the Legislature of that State does not authorize colored men to vote?" And also says: "as we continue this enquiry, we shall find, as I before stated, that in Massachusetts no citizen, white or black, can vote unless he can read and write. New York only allows colored men to vote on a property qualification; in New Jersey, Pennsylvania, Indiana and Illinois, they do not vote at all. In Ohio, only the colored man who has the largest admixture of white blood enjoys the right to vote. Let us recollect that the Constitutions of the original thirteen States, admitted to be "republican in form," yet nearly all withheld the right of suffrage from the negro. We might as well say that the Senators and Representatives of a State should not be admitted to seats in Congress because their State Constitutions denied the elective franchise to women or to boys of eighteen years of age. The whole question is left by the Constitution to the States, and it has been steadily disposed of by them from the beginning." Again Mr. Stevens said, in advocacy of the 1st article of the proposed 14th amendment, speaking of the "so-called" *rebel States*: "I hold that these States have the right and always have had it to fix the elective franchise within their own States and I hold this does not take it from them. Ought it to take it from them? Ought the domestic affairs of the States to be infringed upon by Congress so far as to regulate the restrictions and qualifications of their voters? How many States would accept such a proposition? How many would allow Congress to come within their jurisdiction to fix the qualifications of their voters? Would New York? Would Pennsylvania? Would the North-western States? I am sure not one of them would." Again he says: "But it grants no right. It says, however, to the State of South Carolina, and other slave States, true we leave where it has been left for eighty years, the right to fix the elective franchise, but you must not abuse it; if you do, the *Constitution* will impose upon you a penalty and will continue to inflict it until you have corrected your actions." To show what punishment he meant, he added: "Now, Sir, I say no more strong inducement could ever be held out to them; no more severe punishment could ever be inflicted upon them as States. If they exclude the colored population, they lose at least thirty-five representatives in this hall."

I have made these quotations, Mr. President, with no expectation of converting any Radical from the error of his ways, for of every one of them we may say "Ephraim is joined to his *idols*, let him alone," but with the hope that in this hour of their defeatment it may be a consolation to think that their party has not always been as vile and iniquitous as now; and I will also remind them that not two years ago "unconditional opposition to negro suffrage" was regarded as one of the planks in the Platform of "*Loyalty*" in North Carolina.

The Chairman says he acknowledges the justness of our complaint against those Northern States, which, while insisting that North Carolina shall invest the negro with suffrage, refuse to alter their Constitutions denying him this privilege, and adds that he hang his head in shame when he heard the results in Ohio and other States last fall. I am afraid my friends will hang their heads still lower when the returns of the next election are received—requiring Congress, in the language of a distinguished statesman of Ohio, "to rescind all measures which operate as mere insult and annoyance to intelligent men of the South; to give over the effort to establish negro government by the disfranchisement of the whites; repeal their ordinances placing the Southern States under military government, and make the military there again subordinate to the civil power, and replace it where the Constitution places it, under the control of the Executive—to admit loyal and legally qualified Senators and Representatives from the ten excluded States, not making party adhesion a test of either qualification or loyalty."

Mr. President, I do not propose to follow the Delegate from Chowan (Mr. French) through his vindictive harangue against the South, in which he asks are "midnight incendiaries to be restored," and designates our late leaders as "gigantic villains" and asks, "shall we call back such monsters to office?" I will only say that I see no bravery in calling for our degradation now, but would commend to his imitation the magnanimity of the gentleman from Pitt (Mr. Rich,) who considers the sufferings of the past, sufficient guarantees for the future, and will say, in reference to those whom he (Mr. French) denounces for exciting and countenancing secession, "the terrible calamities which it has brought upon them, will be an enduring monument against it, and nothing but *actual and persistent oppression* will drive them again to revolt." And as the gentleman (Mr. French) expresses his surprise at the course of the young men of the South, I will tell him plainly, that we do not propose to purchase favor for ourselves by uniting in the unlawful and tyrannical punishment of those we love and revere, nor to bring upon ourselves the curse of the descendants of Ham (for whom he professes so great admiration) by joining in a mockery over the humiliation of our own progenators. These measures of Congress, and the test oaths which are born of the passions engendered by the late war, must pass away with the return of reason and calm reflection. If the Southern people have been guilty of any crime, the Constitution provides the mode of trial and limits the punishment. As has been well said, "history admonished the fathers of the Republic, that in times of great excitement, in times of high party feeling and passion, revengeful and vindictive laws for the punishment of acts not before deemed crimes or deserving of punishment might be enacted." The Constitution of the United States provides "no bill of attainder or *ex post facto* law shall be passed." The Supreme Court, in the case of Cummings *vs.* State of Missouri, says "a bill of attainder is a legislative act which inflicts punishment without a judicial trial; within the meaning of the Constitution bills of attainder include bills of pains and penalties. In these cases, the legislative body, in addition to its legitimate functions, exercises the powers and duties of Judge." An *ex post facto* law is defined by Chief Justice Marshall: "A law which makes an act punishable, in a manner in which it was not punishable, when it was committed." Is not the proposed proscription liable to all these objections?

In conclusion, I would remind those North Carolinians, who are now urging it, that they are making but a poor return of gratitude to those men, who, in this very Hall, in 1862, when the passions of war were at their highest point, and others were carried away by the frenzy, stood forth in defence of your liberties and the rights of conscience, in opposition to test oaths, which, as was then said, "though weapons barbed and poisonous, neither skill or courage is requisite to handle them."

MISCELLANEOUS.

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PERSONAL.

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MISCELLANEOUS.

NOTICE.

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MISCELLANEOUS.

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FROM PHILADELPHIA: (Via Annemessic,) Philadelphia, Wilmington and Baltimore Depot, or Clyde's Line of Steamers, 14 S. Delaware Avenue, W. P. Clyde, Agent.

FROM BALTIMORE: Baltimore Steam Packet Co., Bay Line Steamers, Pratt Union Dock, L. P. Parks, Agent, or Patterson Steam Boat Co., 20 Light Street, Wharf. C. B. ALLEN, Freight Ag't. Aug 6-103-tf Raleigh N. C.

CHANGE OF SCHEDULE.

RALEIGH & GASTON RAILROAD CO., Superintendent's Office, Raleigh, N. C., Oct. 14th, 1867.

On and after October 15th, 1867, Trains will run on the Raleigh & Gaston Railroad as follows:

Mail Train leaves Raleigh	10 10 A. M.
Arrives at Weldon	3 17 P. M.
Mail Train leaves Weldon	10 35 A. M.
Arrives at Raleigh	3 20 P. M.
Freight Train leaves Raleigh	7 00 A. M.
" arrives at Raleigh	5 00 P. M.

The Mail Trains make unbroken connections with all points South. A. B. ANDREWS, Oct. 15—59-tf Supt. of Trans. ☞ Register and Standard copy tf.

HARDWARE &c.

BRIGGS & DODD, DEALERS IN HARDWARE AND CUTLERY, IRON, STEEL, HOUSE FURNISHING GOODS, CARRIAGE MATERIAL, PAINTS, VARNISHES, COLORS, OILS, GLUE AND GLASS.

ALSO Agents for the sale of Burr and Esopus Mill Stones, Bolting Cloth, India Rubber and Leather Belting, Circular Saws, Iron Verandahs, Fences, and all kinds of Ornamental Iron Work. ☞ Two doors below Southern Express Office. Nov. 7—70-tf

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NOW IN STORE A FINE STOCK OF LINseed, Cotton-Seed, Kerosene, Lubricating and Train Oils, of the best quality.

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WE HAVE, ON HAND, A COMMANDING stock of HARDWARE AND CUTLERY, CROCKERY AND GLASS WARE, TIN WARE, LAMPS, CHIMNEYS AND WICKS, BEST KEROSENE OIL, SPIRITS TURPENTINE, Which will be sold low for cash. Just to hand—Gun and Comet Burners and Chimneys. J. BROWN Raleigh, Jan. 6—tf With Hart & Lewis.

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A LAW ASSOCIATION HAVING BEEN formed between the undersigned, they will practice in the Courts of Wake and adjoining counties. W. H. JONES & CO. Jan 25-163-tf