

ADDRESS OF THE EXECUTIVE DEMOCRATIC CENTRAL COMMITTEE TO THE PEOPLE OF NORTH CAROLINA.

Below will be found this document upon the subject of the Constitutional Convention to which we invite the careful attention of our readers.

HOUSES OF THE DEMOCRATIC CONSERVATIVE PARTY, BALANCE, JUNE 1, 1875.

To the People of North Carolina: The General Assembly at its recent session called a Convention of the people to meet at Raleigh on the 6th day of September next, for the purpose of suggesting such alterations in our organic law as may be deemed wise and expedient.

NECESSITY FOR CHANGE.

The necessity for changing many of the provisions of the existing Constitution is generally admitted, and it is too apparent to require extended argument. It is true that some of our prominent men at one time opposed the call for a Convention; but their action was based on prudential considerations, and not on an indisposition to have the Constitution thoroughly revised. They feared that our purpose in seeking to reform our Fundamental Law, might be construed by the violent and ill-informed men then controlling Congress, and the property of our people checked, and the peace of the State jeopardized by some hasty and unconstitutional action on the part of the United States authorities. That fear is no longer extant. We now have every assurance that the Constitution of the United States will be observed by the officers of the government, and feel a satisfaction in announcing to you that the time has at last arrived when the officials at Washington City concede that the people of North Carolina have the same right to manage their local concerns which the citizens of other States enjoy. We can proceed without apprehension to perfect our Constitution and remodel it in the interests of our people.

THE CONSTITUTION THE CREATURE OF MILITARY LAW.

This Constitution, the creature of military dictation, was born in the throes of a military reconstruction. Its authors were mainly Socialists and adventurers, who had lived among us without preference, or possessed of qualifications entitling them to it; others were our recent slaves, who had known no law save the will of their masters, and others still were carpet-baggers, both black and white, alive in feeling and radical in education—who sought positions here that were denied them where known—to dwell and humiliate us. And when their work was submitted to the people at the polls, thousands of our best citizens were deprived of the right of voting upon it, and over eighty thousand ignorant negroes were given the ballot to secure its adoption. It is no exaggeration to say that not one person in ten who voted for it could read the instrument, and not one in fifty had read it or was even moderately familiar with its provisions, and many gave it their support believing it would be merely temporary, and to escape further agitation and revolution. It is natural therefore that a Constitution thus formed and adopted should be found unsuited to our condition, and that we should embrace the earliest opportunity consistent with reason and prudence to secure such changes as time and experience have shown to be necessary. Our organic law should be expressed in language clear, simple and perspicuous, so that nothing may be left to inference or construction; our rights, so precisely defined as to be comprehended by all men of ordinary intelligence; and each department of the government should be so restricted, that while left free to discharge its appropriate duties, it cannot by unwarranted encroachments embarrass the proper action of the others.

THE CONSTITUTION UNSUITED TO OUR CONDITION.

That the Constitution contains some good provisions no one denies; it would be singular if it did not, but its abominable characteristics were so manifest that not a single Conservative member of the Convention that passed it could be induced to affix his signature to it, as a fit instrument to be submitted to the people. Indeed its provisions are so loosely worded and so badly arranged as to constitute but a medley of inconsistencies that defies the successful construction of the courts; in fact, to recognize the difficulties arising from its practical workings, the court has in some instances been driven to supply omissions, and in others to introduce a new principle, hitherto unknown in the judicial history of our State, distinguished as "judicial legislation," an innovation anti-republican in character and invasive of the rights and duties of a separate department. Its provisions are so obscure that while the brief space of its existence many more decisions on constitutional questions have been demanded

than in the entire previous history of the State—and of late we have witnessed the extraordinary spectacle of two sets of Judges in both the 2nd and 4th Judicial Districts, contending for the same position, one of which claiming to hold by an appointment from the Governor for a period of ten years, an office that the Constitution seems to say is to be filled by the people at the polls, and whose term is expressed to be only eight years. In many counties, there is a practical denial of justice, the courts are inadequate to the public demands, and thus they are driven to resort to special terms, which are expensive and unsatisfactory, and persons accused of criminal offenses are often confined for months without trial. We need a speedier justice and a less expensive judiciary system. We should abolish every useless office, which is now filled by a mere pensioner; for only by a rigid and prudent economy in our public as well as private affairs, can we hope to restore the State to prosperity. It is believed that the laws will be more impartially administered by a return to the old practice of a rotation of the Judges.

AMENDMENTS TO THE CRIMINAL LAW.

It is also hoped that a greater incentive to honesty and a purification of the ballot box might result from depriving those who are convicted of infamous crimes of the elective franchise. The matter of the Penitentiary which already contains more than six hundred able-bodied men, also demands careful and practical attention, to remove in some measure that burden from our shoulders. Most of our private legislation should be excluded from the General Assembly. However, our limited space does not permit us to catalogue the numerous defects and imperfections of the present constitution or to enumerate the remedies to be offered.

There should be some general ordinance adopted in relation to private enactments, thereby reducing the expenses of the Legislature, and in order to prevent hasty and inconsiderate legislation, that no new matters be brought forward within—days of their adjournment.

CAREFUL SELECTION OF DELEGATES.

As to the specific changes that ought to be made, there are to be considered by the citizens of the various counties, who should be careful to select as delegates those who will properly reflect their wishes. Men of enlarged and practical statesmanship, spotless integrity, representatives of all classes of society, and whose positions among them will entitle their labors to confidence and support—and in their hands they certainly can more safely confide their rights than in the Convention of 1868.

METHODS OF CHANGE.

Of the two methods prescribed for changing the Constitution, that by legislative enactment is expensive, uncertain and dangerous; the several amendments recently submitted to and ratified by the people encountered the greatest difficulties in their passage, and even after the will of the people was declared in their favor by over 40,000 majority, serious apprehensions were entertained as to whether they were properly adopted; again, legislators who possessed of qualifications for such duties, are encumbered with numerous matters, and cannot bring that attention to each provision presented for consideration, without meeting such criticisms as may imperil their labors.

The Convention method is speedy and economical, the body is composed only of the same number of members as comprise the House of Representatives, and their minds are directed solely to constitutional reforms and their work may be completed and ratified, if necessary, in six months. As to the expenses that may be incurred, it is believed they will be more than defrayed in a short time by the reforms that will be inaugurated.

The restrictions imposed by the Legislature, fully and amply secure the Home-Stead, Mechanic Lien, Rights of Married Women and Personal Liberty, and should quiet the fears of the most timid, for they are recognized as of binding efficacy and are chiefly enjoyed by the friends of constitutional reform. Indeed they were incorporated in the bill mainly to remove partisan clamor, and anticipate unpopular agitation. They are not the property of a mere party, but had their origin in the necessities of civilized society and were found among the statutes of various States previous to the war.

QUALIFICATIONS OF DELEGATES.

It is useless, however, to seek to quiet the mere caviller; the keen optics of some persons defy all law. The mere fact that the honor of the best man in the State is pledged to their preservation, should satisfy every reasonable voter. This Convention is called in pursuance of law, and each delegate before he shall be permitted to sit, to be entitled to a seat in said Convention or act as a delegate thereto, shall swear to observe these "restrictions" (see acts 1874-'75) should a partition copy and part relate to take this oath, only those who obey the law are members of the body, nor are we without precedents; similar oaths were required of the members of the "restricted Convention" of 1868, and the question was raised, and after debate all the members took the oath and observed the re-

strictions, and that in a general high party excitement. In that discussion the distinguished Judge Gaston used the following language: "The House of Representatives had indeed no authority to impose an oath upon the members of the Convention, but the people had ratified the act of the Legislature by choosing delegates under it. If we transcend the limits or refuse obedience to the conditions therein prescribed, we are not the Convention called by the people, but a self-constituted body;" these views were concurred in by Mason, Edwards, Morehead and others. We will dismiss this subject, however, by calling attention to the able work of Judge Jamieson on "Constitutional Conventions," where by argument and the case cited by him in relation to this matter, he demonstrates that Conventions are bound to obey the restrictions imposed by the Legislature in the Act calling the Convention.

AID FROM REPUBLICANS.

In our last election it was gratifying to see Republicans who had hitherto submitted to the control of unscrupulous leaders under a mistaken belief that they were promoting the general welfare, seeing their corruptness as demonstrated by the "Credit Mobilier revelations," "Sanborn Contracts" and other frauds and defalcations, and their vindictive and relentless policy, whereby they sought to degrade the superior race by this iniquitous "Civil Rights Bill" overcome their party prejudices and give us their cordial support. To them we extend an invitation to remain and continue the work so successfully begun. To those who opposed us under the delusion of their leaders, who assured them this bill would never pass Congress and if it did would be vetoed by the President, though it now has his signature; and who have witnessed the earnestness with which the dangerous "Force Bill" was urged upon Congress, we say no longer remain where there is neither safety nor honor to a North Carolinian. The battle for civil liberty is not over, "Civil Rights" is still a part of the recent carpet-bag programme for this State; though driven from the halls of Congress, it will be renewed in the Southern States. We therefore invite their cooperation. The Convention owes its final success to the support of some of their ablest representatives in the General Assembly and they are doubtless aware that the wise provisions introduced into the Convention of 1868, by their ablest native representatives were scouted and defeated by that same element that has brought ruin upon their party and confusion to our State.

NECESSITY OF ORGANIZATION.

The friends of Convention should at once perfect their organization and bring out their best men in every county in the State. The leaders of the Republican party know that by their reckless violations of the Constitution and efforts to centralize all power in the hands of the Federal Government, they have justly forfeited the confidence and support of the people; they therefore trust not to their own strength but to our sympathy, and will endeavor to secure our defeat by divisions and false leaders. We therefore respectfully invite your attention to the following resolution adopted and successfully followed in our last campaign:

Resolved, That we earnestly recommend to the members of the Democratic Conservative party to discourage independent candidates and all other disorganizations, that all support be promptly withdrawn from every aspirant for office who shall oppose the regular nominees of our Conventions. Let your primary and county Conventions be duly advertised and see that the people have a full opportunity of attending and expressing their wishes. The contest is important not only in its immediate effects but in subsequent results. The Republican party, under the leadership of carpet-baggers still remaining among us, will advocate the election of delegates, who will agree to meet and adjourn without holding a Convention, and this in violation of the wishes of the people, expressed through a two-thirds majority of their chosen Representatives, and after a considerable part of the expenses for mileage and per diem is incurred. We believe, however, the promise is but a delusion and snare, for should they ascertain they have a majority in the body, it will be an easy matter for them to evade their promise by the refusal of a few to concur; as they do not acknowledge the "restrictions" as binding, they will resort to the most revolutionary measures to sustain their desperate fortunes, and in the end fail to submit their work to the people for ratification or rejection.

Let us, therefore, present a united front, and with a general advance along our lines Radicalism will not only be routed but overwhelmed, and a victory for Civil Liberty secured for 1876.

- W. R. Cox, Chairman, R. H. BATTLE, JR., C. M. BISHOP, R. H. HAYWOOD, J. J. DAVIS, W. H. JONES, W. N. H. FAIRBANKS, S. A. AUSTIN, O. P. MEARS, Committee.

J. J. LAYCHARD, Secretary.

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