

Legislative Restrictions on the Convention.

It might seem to be unnecessary to discuss this question, after it has been practically settled by all the members taking the oath to observe the restrictions. But in our judgment, a bad precedent has been set, which violates the Constitution, and which tends to strip the people of their rights. It should not be silently acquiesced in.

The Convention mode turns the whole subject matter over to the delegates to be elected for that purpose, and reserves not a shadow of power to the Legislature beyond that of ordering an election.

"No Convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly."

This clause contains all the power which the Legislature possesses over the Convention. It is simply the power to order an election of delegates. But upon this foundation the Legislature has assumed the prerogative of declaring what the Convention may, must, and must not do.

Clearly here is an assumption by the Legislature of sovereignty over the people. It is an assumption of powers which, if acquired, would authorize that body to make a Constitution by a two-thirds vote.

It may be contended that the act calling the Convention is only restrictive, or prohibitive. But this restrictive power is no more given by the Constitution than a power to direct what amendments shall be made.

It must be admitted that the Constitutional provision for calling Conventions is defective. It should have prescribed the oath to be taken by members, if any were deemed necessary, and the mode of organization. But in the absence of provisions such as these, it by no means follows that the power to make them is conferred by implication upon the Legislature; and it was sheer usurpation on the part of that body to assume it.

The Convention Act of 1835, it is true, imposed restrictions, and directed that certain Amendments should be made; and it required of members a preliminary oath that they would faithfully carry out the legislative directions.

When the delegates met, objection was made to taking the oath; and it was proposed that the body should be organized without taking it. But the proposition to call the Convention, with the restrictions, directions, and form of oath had been submitted to the people for their ratification; and it was the popular approval that determined the members to conform to the act by taking the oath.

But the act of last winter, for calling the present Convention, has no such mark of popular approbation attached to it. Its authors were careful not to submit it to the people for ratification, perhaps from instinctive consciousness that it would not be approved.

The fact seems to have been over-

looked, that in the early history of this country, it was not the custom to administer oaths to the delegates to Constitutional Conventions. When the delegates from the several States met at Philadelphia, in May, 1787, to frame a Constitution for the United States, they took no oath, but proceeded to elect the presiding officer, General Washington, with Secretaries and so forth, and commenced business. In like manner, we find in Elliott's Debates, that in not one of the State Conventions, called together to ratify the Constitution of the United States, was an oath taken by the members. Indeed, there was nothing to swear to. And in like manner, in recent times, when delegates meet to frame or alter a Constitution, it would seem to be absurd to require of them that they will support the Constitution which the people have authorized them to tear in pieces and overturn.

We have not been able to find in the State Library the report of the proceedings of the State Convention which framed the North Carolina Constitution at Halifax, in November, 1776, but Wheeler's brief account of it shows that the delegates proceeded to business without taking oaths.

The delegates to the Convention which met at Hillsborough in August, 1788, to consider the question of ratifying the Constitution of the United States took no oaths, although there would seem to have been far more need for it than in the case of the present Convention, whose work is to be submitted to the people for ratification.

Unlimited Power.

An ordinance was passed in the Convention to-day ostensibly for the purpose of reducing the number of Judicial Districts to nine. We charge that the Democrats intend an increase of the number of Judges and Judicial Districts under the provisions of this amendment. Why? Because the amendment itself gives to the Legislature the power to increase the number to an unlimited extent, and the Democrats refused to adopt amendments restraining the Legislature in this respect.

Monday, Mr. Bowman protested at such a record, but was overruled. Yesterday, the whole Republican side of the House offered a unanimous protest; and it was done in such a stubborn manner that the "chivalry" succumbed, and hereafter the propositions of the minority will be spread upon the journals.

When charged with a deliberate attempt to suppress the truth on the journals, and they found that the Republicans were determined to expose the fraud, a more "willing" set were never seen. "Of course, they were willing for 'the truth' to be spread upon the minutes," but singular to state, it took an hour's declamation by Tourgee, French, Justice, and other Republicans to show that any injustice had hitherto been done by their immaculate Clerk.

The Speaker was, as usual, extremely "muddled" during the debate, and it was all that whispering behind the curtain, and old Gov. Reid on the floor, could do to keep him straight. Like a flea in a tar-bucket, he stuck at every jump, and looked wildly to Father Reid, and the rear, for suggestions.

They exhibited too readily the fact that it is their purpose to hand to the people for ratification a sugar-coated Constitution, under the provisions of which, if adopted, the most sacred rights of the people can be destroyed, and no one can truthfully deny the fact that the whole policy of the Democrats is to deprive the masses of a voice in the control of the government. Here is in fact the evidence to sustain what we say. When the ordinance giving the power to the Legislature to establish such courts as it may see proper, with jurisdiction only inferior to that of the Supreme Court was before the Convention, Mr. Manning, of New Hanover, offered an amendment to the effect that if new courts were created, the qualified voters residing within the jurisdiction should elect all of the officers of the same. The Democrats voted this proposition down. Then here is the state of the case, they give the Legislature the power to establish as many new courts as it may feel disposed with jurisdiction equal to, if not greater than that of the present Superior Courts, they refuse to allow the people to elect the Judges and other officers of these new courts, the consequence is that the Legislature has the unqualified power to destroy the whole system of an elective judiciary. It is true there must remain nine districts for which judges will be elected, but under this amendment all of the original jurisdiction belonging to the Superior Courts can be given to the new Courts, the Judges of which are to be appointed by the Legislature. Then what good will it do the people of the State to go through the idle form of electing judges of courts whose jurisdiction has been ousted by other tribunals. Further than this, these amendments are intended to take away the right of the people to elect Justices of the Peace who can exercise the powers conferred upon them by the present Constitution. These ordinances most certainly look to the re-establishment of the system of old county courts, and judging from the action of the Democrats, it is their

intention to restore this judicial nuisance, for they voted down an amendment introduced by Mr. Manix, of Craven, forever forbidding the General Assembly to restore the old courts of pleas and quarter sessions. So we see while the whole thing is driving. It is the covert purpose of the Democratic party to use these indirect means to accomplish the utter destruction of popular rights secured in the present Constitution of the State.

The Convention.

The accidental majority in the Convention have sought to ignore the majority entirely, so far as the journals were concerned, until yesterday.

The Democratic Clerk has been in the habit of recording only the action of the majority, and ignoring the propositions offered by a minority—something like as follows, his record would read:

"The ordinance to reduce the number of Judges in the State from 12 to 9 was read."

"Mr. Bowman, (a Republican), offered an amendment, which was not agreed to."

"The ordinance passed by the following vote, &c."

Now, we affirm, that the thick-headed reporter ever employed for a daily press would tell what the imaginary Mr. B.'s amendment proposed. Not so the astute Democratic Clerk. He only informs the State, through his journal paid for by the taxpayers, that Mr. B. "offered an amendment which was lost;" and it might be to amend the ordinance to increase the number of Judges to fifty or reduce to two.

But what care the "accidental" majority, or its Democratic Clerk? They are in a fraudulent majority themselves, and the Clerk, he thinks, was elected only to report their proceedings, and hence the minority propositions were ignored, in order that the people might remain in ignorance of what actually transpired in the Convention. No Republican in the body had any right, a Democratic majority or Clerk was bound to respect.

But, the matter had become too outrageous to be longer borne. Monday, Mr. Bowman protested at such a record, but was overruled. Yesterday, the whole Republican side of the House offered a unanimous protest; and it was done in such a stubborn manner that the "chivalry" succumbed, and hereafter the propositions of the minority will be spread upon the journals.

When charged with a deliberate attempt to suppress the truth on the journals, and they found that the Republicans were determined to expose the fraud, a more "willing" set were never seen. "Of course, they were willing for 'the truth' to be spread upon the minutes," but singular to state, it took an hour's declamation by Tourgee, French, Justice, and other Republicans to show that any injustice had hitherto been done by their immaculate Clerk.

"Hold Robeson County by all Means, and Save the State"

Such was the language used by the chairman of the Democratic Executive Committee—after a summing up of the result in August last—to the vile and corrupt County Commissioners of Robeson county. The chairman of the Executive Committee had counted heads, and found the party of which he was the mouth-piece and leader, behind. Robeson was represented as doubtful. Upon that county depended the result as to whether the Convention was Republican or Democratic. Upon its count was the weal or woe of the Revolutionists. The county had a Democratic Board of County Commissioners. From them much might be expected. "They must count in our Representatives," said the Revolutionary Junta at the capital, and straightway, "orders" are issued by the chairman thereof, and lightning gave feet to the edict to "Hold Robeson county by ALL means, and save the State."

How well these supple tools obeyed the order of their chief! They "held" Robeson County and "saved" it to the Revolutionists. How? Miserable suborned tools as they were, they threw out enough Republican precincts to elect the candidates of the Revolutionary party, and in doing so, overrode equity, honesty, fairness and justice. They obeyed the orders of their chief, and saved the State, in the language of Gen. Cox, by becoming perjurers and scoundrels, whose names will stink in the nostrils of honest men as long as the memory of their infamy will be recollected by the people of the State. Democratic partisans may quietly laugh at the success that they have achieved by such an outrage and

imposition—such a flagrant usurpation of the rights of a people,—but it is the laugh of the rascal who feels sure of detection and punishment. It may answer their infamously dishonest purposes at the present, but a day of retribution is at hand,—and it is night. They may make much of their dishonest trick now, but when a jury of rioteers is called to sit upon their iniquity, a verdict will be rendered that will forever brand with infamy the projectors and accomplices, as well as the actors in this outrageous political conspiracy.

Remarkable Error.

We are surprised to see that the Sentinel of yesterday puts the fund sent by the Republicans to buy Democratic votes in the county of Orange, at the election on Thursday last, at the despicable figure of seven thousand dollars. Our information is that it was seventy thousand instead of seven. We understand that Friday Jones carried fifty thousand of this for distribution among the particular friends of the Sentinel man, but was too sharp to let them have it before they had voted, knowing the tendency there must be on the part of his followers to go back on those by whose bounty they received their daily rations. We are glad to see the righteous wrath of the Sentinel and hope its suggestions will be followed. A Republican who would attempt to satisfy the voracious appetites of the Orange Democrats who have been training with the valiant Joe so long, with a paltry seven thousand, deserves the extreme penalty of the law, and should receive it without delay.

The day of cheap Judases has past when the organ of honesty and pure disinterested patriotism, with its valorous head whom neither Holgren nor Kirk could terrify; who never quailed when accommodating Guy Fawkes blew him up with all his letter M's.

When this self-elected censor of the people cannot be restrained from attacking that sanctified swindle of the party of purity and chivalry by which the Chatham Railroad made its Jack to the tune of a million—when this fact stares us in the face we ought to know that the article has, viz: seven thousand! it is an insult to the intelligence of the party.

P. S.—Friday says we are wrong in giving the cause of his failure. He says he would have saved the county only the Orange kluks knew too much on each other to trust any one of their number to make the "divvy," and he, unfortunately, could not count over a hundred. And that's how the thing came to burst up.

Ransom.

At the battle of Gettysburg, the writer of this had command of a company to which had recently been assigned a number of conscripts. They arrived on the day before the fight, and were disposed of, according to height in the line, and soon thereafter, while lying in a wheatfield, were exposed to a merciless fire of artillery, and infantry as skirmishers. One of the conscripts was wounded in the arm, and was told to "go to the rear." He departed in that direction, and, after an absence of half an hour, returned, bloody from head to foot from his wound, and when expostulated as to returning, he exclaimed: "Didn't you tell me to go to the Rear. I've bin, and I can't find him. He's left, and gone home—where I wish I was now."

Ransom, or Ransone, or whatever the name is, of the Virginia carpet-bagger who presides over the Convention, had the identical look of the bloody conscript, on yesterday. The "record" question was up. He had given a ridiculous impromptu opinion upon the question, which brought Father Reid and Ex-Speaker Jarvis to the floor, to set him right according to Democratic authority, and there was no one "behind the curtain" to suggest the course he should pursue. He was in a dilemma. He looked appealingly to Father Reid, and would then cast longing glances "to the rear," behind the curtain, where Jarvis, or somebody else always stands, to tell him what to do. The Speaker reminded us of that conscript. As plain as words could say, his countenance indicated that he had "been to the rear and couldn't find him," and that he, at that moment, wished he was at "home," or out of the Speaker's chair.

Jarvis' face implied a prayer that Jesse Holmes, the foot-kicker, might visit Raleigh. When the final vote is taken to strike out of the people's Constitution the clause against secession, we think it would be appropriate to have cannon fired, as the traitors did in 1861. Jo Turner and his klan would enjoy this hugely. The fact is, Jo wants it done, but he is too shrewd to have public opinion yet awhile.

A Good Day's Work.

Ransom, Sinclair, McEachin & Co. certainly accomplished a good job of constitutional disruption on yesterday, showing clearly to the people the object and purposes of the accidental majority who bear sway therein through the self-sacrificing modesty of Ransom, and the fraudulent co-operation of the two men elected by four Commissioners and the Sheriff of Robeson. We give below a condensed tabular statement of the day's work of this body of revolutionary "HANDS," in order that our readers may see at a glance the animus of the majority:

- 1. An amendment to Article IV of the Constitution providing for nine Superior Court Judges, but authorizing the Legislature to increase or diminish this number at pleasure.
2. An amendment to the same article providing that the Legislature may establish as many courts as they choose inferior to the Supreme Court.
3. Voting down an amendment which provided that the Legislature should not re-establish the old county courts.
4. Voting down an amendment which provided that all the officers of any courts which might be established by the Legislature should be elected by the qualified voters within their jurisdiction.
5. Voting down an amendment which provided that the Legislature should not increase the number of Superior Courts above twelve!
6. Voting down an amendment that the Legislature should not increase the number of Superior Court Judges above fifteen!
7. Voting down an amendment which provided that the inferior courts to be established by the Legislature should only have criminal jurisdiction!

If this is not a good start towards making the Legislature absolute in North Carolina, we would like to know what is. It gives the Legislature power to make as many new courts as they may choose, appoint the Judges for life and fasten an unheard of incubus upon the people. Hurrah for modest patriotism and brazen-faced fraud!

Sinclair, one of the bogus delegates from Robeson whose "cheek" cannot be disputed, left for Robeson on Saturday, having obtained a leave of absence from his fellows. He is to be absent only a few days, but will be certain to draw his per diem, when he is allowed, for the days he is absent. The per diem is all that can induce him to remain. He is aware he is not the representative of Robeson county as declared at the ballot-box; but a prospective \$5 per day, including absence, is too attractive to be ignored, and hence, he sacrifices self-respect to profit; and votes regularly to postpone an examination into the right to the seat he occupies; or "pairs off" when he chooses to be absent. The Thirty pieces of silver obtained by treachery induced Judas Iscariot to hang himself. If Sinclair or McEachin had half as much conscience as Judas had, two or three first class suicides would have been reported by the daily press since this Convention assembled, and the Democratic party would have been that many in the minority.

It will hardly be much for future generations to brag of, when reflection carries them back to a Convention sitting in the capitol at Raleigh against the expressed wishes of the people, owing its organization to the treachery of one man and its continuance to two illegally seated members.

The "wealth and intelligence" will have no very enviable character in history for upright dealing. We should not wonder if many yet unborn will blush for shame at the acts and doings of their ancestors. The pen of the future historian must be indeed a shrewd one to cover up the villainous proceedings of many who claim to represent Southern chivalry and honor. It is enough to cause every true hearted North Carolinian to blush for shame. And Ransom, what will be said of him? To think that the Old North State whose gallant sons went through the good old revolutionary age without discredit, and whose record stands unsullied on the pages of our country's history, should now be classed among the commonwealths as a State that brought forth a traitor to stab her dearest interests. It is sad—it is mortifying.

"Our Harrington," of Harnett—the "Masonic delegate," hasn't opened his mouth except to say "Aye" or "Nay" during the session. He is evidently waiting for a Masonic subject to come up, when he will open like Coleman, the man of Buncombe; or the concentrated essence of wisdom from Chatham. We are daily expecting "Our Harrington" to ask the charter of a new Masonic lodge in Harnett, or to offer an amendment to the Constitution to prohibit any body from voting without the ballot, has the seal of a Masonic lodge attached. Go in Harrington! Make yourself famous. You have the fraternity upon you.

Every man or woman who buys or sells a piece of property can now have the deed for the same registered at once under our present Constitution. Every instrument of writing can be proved before the Superior Court Probate Judge, and recorded without delay. Wills can be proven without loss of time, and, in fact, the business of the people can be speedily attended to. The fraudulent Convention now in session in the Capitol, against the expressed will of a large majority of the voters of the State, want to wrest these privileges from the people and force upon them the old aristocratic tyrannical County Court system. These outrages, fellow-citizens, are perpetrated against your well known wishes and by the aid of two men who hold seats illegally, together with the assistance of an infamous traitor. Was such degradation ever before heaped upon a free people?

The present Supreme Court of North Carolina saved the people's homes. For this act of justice the Democrats hate it. The first object of the usurped majority in the Convention is to destroy this court, because it is the people's friend, and place in its stead one that they can use. Mark our words; the very first act of the new Supreme Court if it should be Democratic, will be to declare the retrospective features of the homestead unconstitutional and open to execution the poor man's property for old debts. This is what such lawyers as compose the usurping majority want, and if the people do not check them in time they will carry out their designs.

How the traitorous set in the Convention must glory in the simple revenge of being able to strike out the clause forbidding North Carolina to secede. If they could only succeed in reality, instead of on paper, we expect the fellows would run wild with delight. We would not be surprised any moment to hear that they had ordered the National flag lowered from the top of the Capitol, and the old Secession rag substituted in its stead. It is not the want of will; they would do it if they dared.

The most shameful outrage of modern times is the recalling of a Legislature elected without any reference to the questions now at issue, for the purpose of passing laws for a people who have by a large majority repudiated them. Every fair-minded citizen knows that if the question of the return of the present unpopular Assembly was presented to the people, the verdict would be largely against it. But what care the Democracy so they can fatten at the people's expense?

Jo Turner is said to be in favor of cutting out as much work as possible for the Legislature. He wants a long session of that body. The Sentinel is heavily pressed just now, and unless the Legislature assembles soon and has a long session, it will be compelled to collapse. With a long session of the Legislature, Jo can pocket enough from the public printing to keep him going while, provided the stockholders of the News don't take a turn in crowding him out, Turner is shrewd.

Mr. Smyth, the colored delegate from New Hanover, is admittedly one of the finest orators in the Convention, and is recognized as a man of education and culture; this is a concession from the Democracy, and is remarkable, as coming from that source. There can be no doubt that with the exercise of a sound discretion, and reasonable diligence and application, he has it in his power to become one of the foremost men of his race in the United States.

Bear it in mind, people of North Carolina, that the accidental, fraudulent Democratic majority in the Convention have on a square vote, forced upon them by Republicans, virtually voted for the re-establishment of the old County Courts, and intend to permit a Democratic Legislature, (as they hope), to force this measure upon the people. Will you allow it?

We wonder how many Democratic lawyers there are in the Convention who have executions filed away waiting for the triumvirate which they propose to establish in the place of the people's Supreme Court, to pronounce the homestead law unconstitutional so far as it relates to old debts. Rumor says there are several such Shylocks among the Democrats.

The grape trade of Raleigh is prodigious. Scuppernons are selling at only 25 cents per quart, and consequently delegates to the Convention live cheaply. Bertie cherries, however, are not to be found, either in the market or at the Capitol.

Ransom rarely retains his seat in the President's chair more than half an hour at a time. The man seems restless. Does conscience make a yawning of him or is the native hue of resolution sicklied o'er with the pale cast of thought?

Hassell, the "bigot," from Martin attempted this morning a reply to the very able speech delivered a few days ago by Judge Tourgee in the Convention, and which had occasioned some comment from the Daily News and Sentinel. The old "Pharisee" little dreamed of the severe exhortation to which he subjected himself. The Judge literally tore the skin from him, and laid the old cleric bare.

The truth is, it is a little amusing to see with what ease Judge Tourgee can handle some of the "wealth and intelligence." They feel and know that they have none in their ranks who can measure with his lance. Upon such men as Tourgee, Badger, Young, Barringer, Wheeler, Boyd, Buxton, Albertson and others, the Republicans of the State can safely rely to meet any charge the Hotspurs may make. It must be acknowledged, that in point of intellect, the Republicans of the Convention far outstrip their adversaries.

When the question of suffrage comes up for final action, we want to see if some Democrat won't introduce an amendment to the clause preventing criminals from voting, by which kluks murderers will be allowed the ballot. We venture that the matter will be so arranged that a poor man who has been convicted of petty larceny will be excluded from the ballot, while such unwholesome scoundrels as murdered poor Stephens in Caswell, will be allowed all the rights and privileges of freemen. We are anxious to see this question come up.

A certain member of the Convention, and one of the most notable, is reported to have said when he arrived at Raleigh: "I had to borrow money to get here; I must let it back. I come with at least thirty days' rations." Has he got it back, and if so, how?

Since Patterson has taken his seat, Ransom looks rather worried. The Democrats having used him to carry out their nefarious designs, do not pay him the respect they formerly did.

Is Ransom any kin to an Ingun? is the question often asked. Modern times is the recalling of a Legislature elected without any reference to the questions now at issue, for the purpose of passing laws for a people who have by a large majority repudiated them.

CORRESPONDENCE.

It must not be understood that we endorse the sentiments of our correspondents in every instance. Our columns are open to the friends of the party, and their communications will be given to the public containing the views and sentiments of the writers.

A Card. The editor of the Daily News is respectfully informed by the Raleigh correspondent of the New York Herald, that said correspondent does not propose to discontinue his past policy of making entirely fair, impartial and independent reports of the proceedings of the Constitutional Convention now in session. Occupying as he does a position which imposes upon him, by considerations as binding as any oath, the duty of fearless statement and honest criticism, no money or cajolery will drive or coax him from it.

Raleigh, Sept. 21, 1875.

Remarks of Mr. Chamberlain, of Camden.

On the motion to adjourn sine die, under discussion on the 18th of September.

Mr. Chamberlain (Delegate from Camden) said:

Mr. President—I rise not for the purpose of making captious opposition to the progress of legislation, nor to trespass upon the time of the body, but simply to give expression to my views upon the subject matter under consideration. I favor the proposition to adjourn, because first, it is the wish of my constituents that our Constitution be left untouched in all its material points, they having a decided preference for the legislative mode of amending the Constitution; second, the overwhelming majority cast by the people of the entire State against the project leads me to the conclusion beyond a shadow of a doubt, that it is the fixed purpose of the people never to tamper with the Constitution through Conventions. What stronger evidences, Mr. President, do gentlemen on this floor desire? Have they become so blinded with selfish purposes and party zeal, as not to discover that the people (as the past teaches us) are slow to favor radical changes of the organic law of the land. Or have the gentlemen become so infatuated with the oft-repeated cry of reform and economy as to allow themselves to be duped into the belief that every change is reform, and every reduction is economy?

Far be it from me to entertain any such opinion of immediate adjournment, is the numberless propositions before the body, and the peculiar character of legislation which has taken place in the last few days. Propositions which are astounding in themselves, and bear the impress upon their faces of our avowed purpose to entirely uproot the whole judicial system of the State, and invest future General Assemblies with such rights and powers as not only to increase the burden of taxation, but actually to divest the laboring class of the country with the last vestige of hope that lingers around their cherished homestead privileges, guaranteed unto them under the present Constitution. Upon you, gentlemen, on the other side of the House, rests the responsibility. I am here to represent the whole people of the State, and my future course of action under the circumstances will be such as after calm reflection and an unbiased review of the situation my judgment may dictate.