

The Daily Carolinian.

"Breathes there a man with soul so dead, Who never to himself hath said, This is my own, my native land."

OLD SERIES—VOLUME 43.
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RALEIGH, N. C., SATURDAY MORNING, NOVEMBER 4, 1871.

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SPACE.	1 Mo.	3 Mo.	6 Mo.	1 Year
1 square	3 00	7 00	10 00	16 00
2 squares	5 00	12 00	18 00	28 00
3 squares	8 00	16 00	24 00	38 00
4 squares	10 00	17 50	26 00	40 00
1 column	13 00	25 00	35 00	50 00
2 columns	17 00	30 00	42 00	60 00
3 columns	20 00	36 00	48 00	70 00
1 column	30 00	60 00	87 50	120 00

An inch space, or less, is a square.

extravagant—the township system alone making necessary about three thousand officers at an annual expense of from \$300,000 to \$400,000. It establishes a half of which is confessedly dishonest and fraudulent, and which the people are unable to pay.

MISRULE, FRAUD, FORCE AND THE SWORD.

Under this organic law the people are subjected to an intolerable misrule at the hands of the radical party. By means of notorious fraud, force and the sword, that party had absolute control of the Convention that framed the present Constitution, and like control of the first Legislature that assembled under it; and although the people were impoverished, this radical Convention and Legislature increased the public debt from \$20,000,000 to near \$40,000,000 in less than eighteen months. Of this \$20,000,000, less than \$500,000 have gone to the public works or to the benefit of the people. This party placed in office a Governor who absolutely suspended the Constitution and laws of the State; he arrested scores of innocent citizens without warrant or any authority of law; he suspended the writ of *habeas corpus* and defied the Chief Justice of the State; he made his warrant from time to time on the Treasurer for large sums of money without the sanction of law; he raised a lawless and mercenary horde of desperadoes and armed them at the public expense to execute his despotic will. This party elected to the State Convention and the Legislature scores of men notorious for their ignorance, licentiousness, dishonesty and corruption, who, at the behest of their party and knavish speculators, increased the public debt to the enormous sum already stated. This party degraded and disgraced the Judiciary by electing to high judicial stations men shamefully ignorant and corrupt, and others who have not scrupled to manifest the most blatant partisan feelings while holding their offices. This party have ruined the credit of the State—they have blasted the hopes and prosperity of the people in the most shameful and defiant manner—they have made every department of the government a by-word and reproach. To establish the truth of these charges we need but point to the history of the State for the last three years and appeal to the observation of every intelligent citizen.

THE PRESENT CONSTITUTION.

This Constitution and this party, with a radical, reckless and extravagant administration of the Federal Government, make up the manifold causes of the sufferings, poverty and ruin that crush the people of the State. The Radical party have brought upon us all these evils, and there is no relief from them but through salutary changes of the Constitution, and a change of our present rulers for others who shall be capable, honest, wise and patriotic.

THE PRESENT CONSTITUTION IS LOOSE, ILLOGICAL, CONTRADICTIONARY AND ABSURD IN MANY OF ITS PROVISIONS, AND IT IS NOT PRACTICABLE BY THE LEGISLATIVE MODE OF AMENDMENT.

Action will be expedited by amending it in a few very important particulars, for the present, and leaving general amendment to a future time.

CONSTITUTIONAL AMENDMENTS SUGGESTED.

In the judgment of the Executive Committee, the Constitution should at once be amended in the following particulars:

Section 1 of Article 1 should be so amended as to strike out all thereof that provides the *inviolability of the public debt*.

Section 2 of Article 2 should be so amended as to provide that the Legislature shall meet regularly every two years, instead of every year, and should be entirely re-written, but this is not practicable by the legislative mode of amendment. Action will be expedited by amending it in a few very important particulars, for the present, and leaving general amendment to a future time.

Section 3 of Article 2 should be so amended as to provide that the Legislature shall receive but \$3 per day and 10 cents mileage, and such pay for no longer a period than 100 days during their term of office.

The office of Superintendent of Public Works should be abolished.

Section 4 of Article 3 should be so amended as the Governor and other officers, therein mentioned, shall hold their offices but two years, instead of four years, as now provided.

Section 10 of Article 3 should be so amended as to provide that the Governor shall nominate the officers therein mentioned, by and with the advice and consent of the Senate, unless otherwise provided by law.

Article 4 should be so amended as to strike out sections 2 and 3, thus abolishing the Code Commission.

Section 4 of Article 4 should be stricken out, leaving the Legislature to regulate the number and style of Courts. Instead of five Supreme Court Judges, and twelve Superior Court Judges, as now provided, there should be but three Supreme Court and eight Superior Court Judges, who shall be elected every eight years.

Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Section 6 of Article 5 should be stricken out, thus striking out the mortgage provision on all the property of the State for the interest of the public debt.

Section 6 of Article 5, should be so amended as to enlarge the class of exemptions so as to include "stock and provisions."

Section 7 of Article 5, should be so amended as to provide that the persons therein rendered ineligible for office shall likewise be rendered incompetent to vote.

Article 7 should be abolished, except section 13, thus sweeping away the *Township system* and leaving the matter to the Legislature.

Section 10 should be so amended as to provide that the Homestead provisions should apply to all debts alike, and it should be in fee—that is, absolute.

Section 11, section 10, should be so amended as to provide that its benefits shall extend only to *indigent persons*.

Section 14, section 7, should be so amended as to provide that no person shall hold any lucrative office under this State while he holds an office under the United States.

Section 5 of Article 2 should be so amended as to abolish the provision for taking a census of the State in 1875, and every ten years thereafter.

We would suggest as a further amendment, that Sec. 5 of Art. 9 be so amended as to provide that the University shall be under the control of the General Assembly, who shall elect a Board of Trustees, of

which the Governor shall be an *ex officio* Chairman, and Sections 13 and 14, of that Act should be stricken out.

Other amendments ought to be made, but those suggested would relieve the people from the burdensome and extravagant State government that now swallows up their earnings, and fastens upon them a State debt which they cannot pay, but of which they may easily so compromise and adjust the honest position, as will reduce it within manageable limits.

CRIME AND OUTRAGE.

We deem it worth while to notice in this address, that wicked and interested persons, unprincipled and violent radical partisans in and out of this State—for sinister purposes, have sought to produce the false impression that the "Democratic Conservative party have and do connive at and encourage the perpetration of crime and outrage. To this detestable and untrue charge, we would respectfully refer the press, legislative and judicial proceedings, and resolved to every means within their power. Such imputation is not only groundless, false and scandalous, but infamous to the last degree, and betrays a spirit of wickedness, we venture to assert, without a parallel in political warfare.

The party which has always and persistently condemned crime, by whomsoever perpetrated, and has repeatedly gone out of the usual political course to denounce it, and urge upon the people the high importance of peace and good order, and the duty of every good citizen to be active and zealous in bringing offenders to justice.

The course pursued by the unworthy persons to whom we refer is deeply to be deplored by all good men of every political party. It is not only ignoble, but it tends to destroy the moral and legitimate effect of the voice of the press, legislative action and judicial determination, for the suppression of crime—their constant effort is to turn such matters to political advantage by giving them a political taint, and thus they produce the almost inevitable conviction on the minds of disinterested observers that the purpose of the press, the Legislature and Courts, is not to suppress crime and outrage, but to manufacture political capital and advantage from the crimes of offenders, and thus engender bitter feelings among their opponents, destroy confidence in the Courts and bring them into disrepute and contempt.

We again urge our friends to set their faces against violence and lawlessness of all kinds, and to be especially active in preventing secret outrages by disguised persons.

NATIONAL POLITICS.

It is to be regretted that the people of this State have failed to take any very active interest in national politics since the close of the late war. In our judgment this is unwise. Our people are of the Union—let our Government be what we most look, as we have the right, for support and protection in our rights of life, liberty and property, at home and abroad—we owe it allegiance and support, and it is a patriotic duty to yield these—it is as much our duty to join our fellow-countrymen in shaping and controlling the policy and destiny of this great common national government. We have all the rights that any of the American people have, and we are false to the country and ourselves if we fail to recognize, exercise and act upon them. The people have rights; let them exercise them firmly and respectfully, and when need be, assert them as freemen and American citizens in the councils of the nation, in political assemblies, and everywhere. If we consent to be dwarfed and ignored nationally, then indeed, we may expect to be for all time to come.

CORRUPTION, EXTRAVAGANCE AND USURPATION.

Our common country is subject to grievous political evils to which the compass of this address will allow us to advert very briefly.

Official corruption in high and low places; public extravagance; usurpation of great powers not conferred, but denied and prohibited by the Constitution; and oppressive tariffs which foster immense monopolies; the direct encouragement and support of monopolies; prostitution of official patronage to promote party ascendancy; a system of taxation which brings into active service in the interests of the party in power, hordes of lateral revenue officers who oppress, plunder and outrage the people of the nation, and under which large surplus sums of money are raised that ought to remain in the pockets of the people; a general system of espionage; a suspension of the liberties of the people upon the slightest pretext, in express violation of the Constitution; armed military interference with the freedom of elections; a general system of official bribery and party favoritism in every department, and the administration of the affairs of the government, are public national evils, the enormity, extent and danger of which can scarcely be measured or appreciated by those who are not witnesses. That these evils exist is manifest to everybody. The dearest, highest interests of a free people demand that they shall not close their eyes to such dangers too long lest the time shall come when they will find their form of government changed in name as well as in fact, and their liberties lost.

SOURCE OF PUBLIC EVILS—THE "HIGHER LAW" OF THE REPUBLICAN PARTY.

Most if not all these evils, are attributable to the Radical or Republican party of the nation,—to its doctrines, policy and practices. It is essentially a party inimical and dangerous to the constitution and public and personal liberty. It is founded upon the despotic dogma that there is a "higher law" than the constitution; it is emphatically and essentially a "higher law" party. This dogma is its life and soul, and it proceeds on the jesuitical maxim, that "the end justifies the means." Hence it is, the lead of this party, the president, does not hesitate to send the army to New York and elsewhere at the North, to this State, Texas and all over the South, in violation of the letter and spirit of the Constitution, to control the elections and prepare the way for his and his party's continued ascendancy, and his own election. Hence, too, we find him for like purposes suspending the privilege of the writ of *habeas corpus* in a time of profound peace, arresting the citizens without warrant or lawful authority, but only by lawless force. Hence, too, we find this party in Congress avowedly, and in the most riotous manner, passing laws at one time to oust the jurisdiction of the Supreme Court of the Union to prevent that great tribunal

from declaring its acts and assaults on the Constitution unconstitutional and void,—at another time passing a similar law to "check" that Court with partisans to alter a solemn decision already made, but distasteful to this "higher law" party. Hence, too, hundreds of other similar acts done by this party which illustrate the principles, policy and practices which we have attributed to it, and which if not arrested and suppressed, must result in the absolute overthrow of the system of government formed and handed down to us by Washington and his compatriots. That such a party has been allowed to spring up on American soil is monstrous and alarming!

THE NATIONAL DEMOCRATIC PARTY THE ONLY OTHER PARTY.

There is but one other great political party in the country—that is the National Democratic party. In our judgment, it is the patriotic duty of every lover of liberty and free government to co-operate with that great and powerful party to arrest the tremendous evils to which we have adverted, and which will, sooner or later, if not suppressed, destroy freedom and establish despotism and the sword.

POLITICAL DUTY OF ALL PATRIOTS.

To accomplish this great measure of reform in our State and National Governments, we cordially invite the zealous cooperation of every patriot, without regard to his hitherto party affiliations. We stand in determined opposition to the crimes and evils to which we have briefly directed public attention, and we ask all good citizens to stand forth, bringing such common political efforts, through the blessing of God, may save us and our country from impending danger and ruin.

THOS. BRAGG, Chairman.

A. S. MERRIMON,
M. A. BLEDSOE,
R. H. BATTLE, JR.,
J. Q. DECATUR, JR.,
C. B. BUBBEE,
W. R. COX,
J. J. LITCHFORD,
Central Executive Committee.

The Constitution of North Carolina.

PROVISIONS AFFECTED BY AMENDMENTS SUGGESTED BY CENTRAL COMMITTEE OF THE DEMOCRATIC PARTY.

The following Articles and Sections are taken from the Constitution of the State to show wherein it is proposed by the Democratic party to amend the Constitution of North Carolina by Legislative enactment:

ARTICLE I.

Section 6. To maintain the honor and good-faith of the State untrammelled, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable and never be questioned; but the State shall never assume or pay, or authorize the collection of, any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

[Proposed to be amended as to strike out all thereof that provides the *inviolability of the public debt*.]

ARTICLE II.

Section 2. The Senate and House of Representatives shall meet annually on the third Monday in November, and when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business, unless a majority of all the members are actually present.

[So amended as to provide that the Legislature shall meet regularly every two years, instead of every year, and it should be provided that the members of the Legislature shall receive but \$3 per day and 10 cents mileage, and such pay for no longer period than 100 days during their term of office.]

ARTICLE III.

Section 1. The Executive Department shall consist of a Governor, (in whom shall be vested the Supreme executive power of the State,) a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works,* a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their office four years from and after the first day of January, 1869.

*Address asks for abolition of this office.

[So amended as the Governor and other officers, therein mentioned, shall hold their offices but two years, instead of four years, as now provided.]

Section 10. The Governor shall nominate, and, by and with the advice and consent of a majority of the Senate, shall appoint all officers whose offices are established by this Constitution, or which shall be created by law, and whose appointments are not otherwise provided for, and no such officer shall be appointed or elected by the General Assembly.

[Should be so amended as to provide that the Governor shall nominate the officers therein mentioned, and with the advice and consent of the Senate, unless otherwise provided by law.]

ARTICLE IV.

Section 3. Three Commissioners shall be appointed by this Convention to report to the General Assembly at its first session after this Constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the Convention shall provide for the Commissioners a reasonable compensation.

Sec. 3. The same Commissioners shall also report to the General Assembly as soon as practicable, a code of the law of North Carolina. The Governor shall have power to fill all vacancies occurring in this Commission.

[Strike out sections 2 and 3, thus abolishing the Code Commission.]

Sec. 4. The judicial power of the State shall be vested in a Court for the trial of civil causes, a Supreme Court, Superior Courts, Courts of Justice of the Peace, and Special Courts.

[Strike out, and leave the Legislature to regulate the number and style of Courts. Instead of five Supreme Court Judges, and twelve Superior Court Judges, as now provided, there should be but three Supreme Court and eight Superior Court Judges, who shall be elected every eight years.]

Sec. 11. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Sec. 12. The State shall be divided into twelve judicial Districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in each County in said District at least twice in each year, to continue for two weeks, unless the business shall be sooner disposed of.

Sec. 13. Until altered by law, the following shall be the judicial Districts: First District—Transylvania, Caldwell, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie.

Second District—Tyrrell, Hyde, Washington, Beaufort, Martin, Pitt, Edgecombe.

Third District—Craven, Carteret, Jones, Greene, Onslow, Lenoir, Wayne, Wilson.

Fourth District—Brunswick, New Hanover, Duplin, Columbus, Bladen, Sampson, Robeson.

Fifth District—Cumberland, Harnett, Moore, Richmond, Anson, Montgomery, Stanly, Union.

Sixth District—Northampton, Warren, Halifax, Wake, Nash, Franklin, Johnston, Granville.

Seventh District—Person, Orange, Chatham, Randolph, Guilford, Alamance, Caswell, Rockingham.

Eighth District—Stokes, Forsyth, Davidson, Rowan, Davie, Yadkin, Surry.

Ninth District—Catawba, Cabarrus, Mecklenburg, Lincoln, Gaston, Cleveland, Rutherford, Polk.

Tenth District—Iredell, Wilkes, Burke, Alexander, Caldwell, McDowell.

Eleventh District—Allegany, Ashe, Watauga, Mitchell, Yancey, Madison, Buncombe.

Twelfth District—Henderson, Transylvania, Haywood, Macon, Jackson, Clay, Cherokee, Polk.

Sec. 14. Every Judge of a Superior Court shall reside in his District while holding his office. The Judges may exchange Districts with each other with the consent of the Governor, and the Governor, for good reasons, which he shall report to the Legislature at its current or next session, may transfer any Judge to one or more specified terms of said Courts in lieu of the Judge in whose District they are.

Sec. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is hereby given to some other Court, and of all criminal actions in which the punishment may exceed a fine of fifty dollars or imprisonment for one month.

Sec. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

Sec. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of wills, the granting of letters testamentary and of administration, the appointment of guardians, the apprenticing of orphans, to acquire the accounts of executors, administrators and guardians, and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgments in all matters of law.

Sec. 18. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict of a jury.

Sec. 19. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in Cities and Towns, where the same may be necessary.

Sec. 26. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Justices of the Superior Courts shall be elected for eight years; but the Justices of the Superior Courts elected at the first election under this Constitution shall, after their election, under the superintendence of the Justices of the Supreme Court, be divided by lot into two equal classes, one of which shall hold office for four years, the other for eight years.

Sec. 27. The General Assembly may provide by law that the Justices of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective Districts.

Sec. 28. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Sec. 31. All vacancies occurring in the offices provided for by this Article of this Constitution, shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

Sec. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their Counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same, and, if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate

Court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate Court only in case of appeal. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his County.

[Secs. 11, to 19, 26 to 28, 31 and 33 should be stricken out, and it should be provided that the judicial powers of the State shall be vested in one Supreme Court and in such Superior Courts and inferior Courts as the General Assembly may establish.]

ARTICLE V.

Sec. 4. The General Assembly shall, by appropriate legislation, and by adequate taxation, provide for the prompt and regular payment of the interest on the public debt, and after the year 1880, it shall levy a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt.

[Should be stricken out, thus striking out the mortgage provision on all the property of the State for the interest of the public debt.]

Sec. 6. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanic and farmers, libraries and scientific instruments, to a value not exceeding three hundred dollars.

[Should be so amended as to enlarge the class of exemptions so as to include "stock and provisions."]

ARTICLE VI.