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K. K. K.

Convention Campaign Opened—The Ku Klux make a Raid into the Town of Rutherfordton—They Whip James M. Justice, a Member of the present Legislature, and Demolish the Star Printing Office!!!

The long threatened raid upon Rutherfordton, the County seat of Rutherford County, was made by a company of Ku Klux on Sunday night, 11th inst.

Col. R. W. Logan, Junior editor of the *Star*, Mr. Aaron Biggerstaff, the victim of two outrages recently inflicted by the Ku Klux Klan, and Mrs. Norville, a daughter of Mr. Biggerstaff, are in the City, and from them we obtained the following account of the outrage:

For several weeks the Republicans, who live in Rutherfordton, kept watch and were prepared for the threatened attack, but the espionage of the Ku Klux is so great that the Klan was in possession of complete knowledge as to the preparations that the Republicans had made to kill or capture the Ku Klux whenever an attack was made on the town. Since the arrests that have been made by authority of warrants issued by the U. S. Commissioner of Rutherford County, there has been comparative peace and quiet in the County, and the Republicans of Rutherfordton had ceased to fear an attack; consequently, the watch was no longer kept up. This fact was known to a portion of the Klan who live in the town, and they informed their brethren in the country that the time had arrived when an attack could be made without danger to the Klan. In addition to this, it was known that Judge Logan was absent on his Circuit holding Court; that Mr. J. B. Carpenter, Senior of the *Star*, was absent also. Every Republican that lives in the town was at his own house expecting no attack, and therefore there was no organization to repel the Ku Klux.

About one o'clock on Sunday night, some fifty Ku Klux, all disguised, entered the town. They did not march in altogether, but walked in, in squads of two or more. At the firing of a pistol a certain number of times, (which is the signal to assemble,) the Klan all met at the Court House Square. Here they divided. About twenty went to the *Star* newspaper office—broke the printing press—knocked all the type into pi—broke the stands and cases, and made a complete wreck of the office. The remaining portion of the Klan proceeded to the residence of James M. Justice, the member of the present Legislature from Rutherford County, broke his door down with an axe, and just as Mr. J. got out of bed he was struck in the forehead with a pistol, cutting a gash about two inches long, and of considerable depth. He was struck on the side several times with pistols. He was then carried out of town, to the edge of the woods, with nothing but his night clothes on. When the Klan halted, the commander told Mr. Justice that they had orders to kill him, and that they had come for that purpose; but that he (the Commander) had never seen Justice before, and from the accounts that they had received, they were led to believe that he (Justice) was the meanest man in the county—that he was of the scum of the population of the county—but that he (the Commander) knew from his (Justice's) appearance, that such was not the case—that from his appearance and conversation he was a man of character and influence, therefore, he (the Commander) would not kill him, and he would not allow the klan to kill him. When this was said all the klan except six or seven swore that they had come there to kill him, that they were under orders to kill him, and that they intended to do it. The Commander assembled the six or seven men around Justice who were willing to obey the Commander, and the balance of the klan were told by the Commander that they must obey him or leave; that he would kill some of them before they should molest Justice any farther. All the klan except the Commander and the men who were opposed to killing Justice left, and the Commander and the six or seven men then went back nearly into town with Justice. When they were about to part, the Commander told Justice that he had been whipped because he was a REPUBLICAN—that they had nothing else against him except that—and, that he must promise him, that he (Justice) would not take any part in the Convention Campaign—that he would abandon his political principles; and further, that he would agree to meet the Klan on Saturday next, the 17th inst., and inform them as to the whereabouts of Judge Logan, Aaron Biggerstaff and others. Having promised all that was required, the Commander then turned him loose and left.

Mr. Justice went home. Dr. J. M. Craton was called in and dressed the wounds, which he pronounced not serious.

Mr. Biggerstaff was in what is known as the Burnett House the same night. Mrs. Norville heard the signal, and she and her father succeeded in getting out of the way. After the *Star* office had been broken up, the door of the Burnett House was broken open and a search was made for Mr. B.

We neglected to state that the commander told Justice that the Democratic party intend to restore the old Constitution as it was before the war; that the negroes should be put under the white men, and that every man that resisted would be killed.

A search was also made for Judge George W. Logan. The Klan said they wanted to kill him, and that they intended to kill him yet.

This is a plain statement of the outrage; and out of an outrage of similar character [illegible] case. Judge Logan was endeavoring to arrest and bring the perpetrators of the outrage to justice, when Schenck addressed his letter to Frank Blair.

It is well known to the people of the State that Judge Logan was one of the leading Republicans of Western North Carolina. He probably contributed as much to the success of the Republican party in that portion of the State, as any man in the State. In 1868, Rutherford, the county in which the Judge lives, was the banner county of the State. The registered vote was five hundred black, and eighteen hundred white. At the April election in 1868, the majority for the Constitution was nine hundred. In November following, Grant's majority was six hundred. In August last the Republican majority ranged from two to five hundred. So it will be seen that a constant and persistent effort has been made to break down the party in Rutherford, and thereby carry the county for Convention. Since Judge Logan has been on the bench, he has been untiring in his efforts to maintain order and preserve peace in his circuit. He has been impartial whilst upon the bench, endeavoring to hold the scales of justice even and to meet out to all suitors justice as he understood the law. In addition to all this, Judge Logan has shown a determination to put down the Ku Klux and restore quiet in his circuit. For this he has been denounced by newspapers published in the interest of the Ku Klux. It is believed by a great many good people in the western part of the State that Schenck is a leader of the Ku Klux; hence his letter to Blair relative to Judge Logan, and the great effort his brother Ku Klux are making to sustain him. We may refer to this [illegible]

REVOLUTION.

What the Democratic-Secession Leaders say—Robert Toombs for another War—Alexander H. Stephens denies that the XIVth and XVth Amendments are part of the United States Constitution.

We published sometime ago the speech of Mr. Jefferson Davis at Atlanta, Georgia. We give below the views of Robert Toombs as reported by the N. Y. *Herald*. Also the views of Alexander H. Stephens as reported by the N. Y. *Tribune*.

Mr. Toombs when asked if he thought the people of the South prepared to accept the

NEW PLATFORM

of the Northern democracy, replied:

"Why, of course they won't accept it. They cannot do so without being false to every principle of justice and freedom."

"What are they going to do about it?"

"I don't know. But they cannot support it. For my part I see no difference now between the democrats and the republicans. I should advise our people to make the best bargain they can and side with which ever party bids the highest."

"You have given up, however, all hope of making armed resistance to the United States government?"

"Not at all. I don't know but that it is about time for us to

FIGHT AGAIN.

Our only hope is in ourselves: every party in the North abandons us. I never expected much from Northern Democrats since they deserted us at the beginning of the war, so I am not greatly disappointed. I know the men who are their leaders, and they are just as unscrupulous as the radicals. The clique who run Tammany and the Northern Democracy don't want Democratic principles to be successful; they would rather lose the election than have it result in a victory for the old doctrines of the party. They are bondholders, and are just as much in favor of a centralized despotism as the radicals."

"But you surely do not seriously mean that the war ought to begin again!"

"Yes, I do."

"And you remember the bloodshed and misery which that must involve?"

"Yes; but what of it? I am not a peace man. There are

MANY WORSE OCCUPATIONS

for a gentleman than fighting. Besides, everything nearly in the way of political freedom has been won in battle. Look at the blood that was shed during four centuries for the sake of the six lines in Magna Charta, that contain the fundamental principles of Anglo Saxon freedom. But, terrible as was the price, the rights secured were well worth the sacrifice. So with us. The right we struggled for in vain—the right of self-government—would be cheaply purchased by a few generations of fighting."

"When are you going to raise the standard of revolt?"

"Whenever a favorable opportunity occurs. We will wait until you people at the North are divided among yourselves or are at war with some foreign Power. The time will come, sooner or later. And these men" (here Mr. Toombs pointed to some farmers stand near by) "would fight again, to-day, if need be. You

CANNOT CONQUER US

except by killing us all off, and that is an impossibility."

"But, if you want to start fighting again, don't you think it unwise to talk about it?"

"No, Sir; I think it time to let the Northern people know that we are ready to fight if they won't let us alone. We ask nothing but that—to be let alone. And if we can't get it, I say we had better again have war than a pretence of peace [illegible] ing, of course. But there is always a chance of success, and the chance is worth trying."

"Will nothing short of Southern independence satisfy you?"

"Oh, yes. I suppose the North and the South might be kept together on the basis of the constitution. But you destroy our local governments and impose another government upon us at the point of the bayonet. That cannot be long persisted in among a people who inherit traditions of freedom, without a revolution. When law is overthrown men naturally take to the sword. A lasting peace might possibly have followed generous terms, like those proposed by Sherman, but it can never be the fruit of the oppression that we have had to suffer since the war."

"Don't you regard the acts of THE RECONSTUCTED LEGISLATURES, then, as binding upon the Southern people?"

"Of course not. Those Legislatures have not been legally elected, and whatever they have done is therefore invalid. They represent only a part of the people—and the worst part—and I have no doubt that most of what they have done will be at some time or other undone."

Mr. Stephens when asked for his views upon the present condition of the country, denounced the Republican leaders in the strongest terms as guilty of "the most outrageous perfidy" in prosecuting the war for the avowed purpose of restoring the Southern States to their old places in the Union, and then, when they had triumphed, refusing to let them take those places, denying them the rights of self-government and representation in Congress, putting them under bayonet rule, and afterward reconstructing them by uprooting all the foundations of their society, disqualifying all men of intelligence and property from holding office or voting, and placing their Governments in the hands of the Republicans as Jacobins without conscience or consistency, whose purpose was to establish a centralized, despotic government, and to destroy the liberties of the people. All of the Reconstruction legislation of Congress he believed to be unconstitutional, fraudulent, and void. The XIIIth Amendment he admitted to be valid, because it had been ratified by the rightful Governments of the Southern States—the Governments *de jure*, and not the Governments *de facto* afterwards established by bayonets. The XIVth and XVth Amendments he claimed were no part of the Constitution, because their pretended ratification had been effected by force and fraud. They were not results of the war, as the Radical leaders falsely claimed, but were conceived after the war was over, as a part of the scheme of centralization which those leaders had concocted to keep themselves in power. He did not hold the XVth Amendment to be invalid because he opposed negro suffrage, but because of the usurpations and outrages upon the Constitution by which it was wrongfully adopted. He did not believe the ballot would ever be taken from the negro if the XVth Amendment was declared void, and the control of suffrage placed where it rightfully belonged, under the exclusive jurisdiction of the States. In such a case, if it should be proposed to deprive the negroes of the franchise, the white man would divide into two parties upon the question, and the one that opposed the measure, with the aid of the votes of the negroes, would carry the day. But the fact that Universal Suffrage was so firmly established did not, he said, lessen the duty of all lovers of constitutional liberty to oppose the XVth Amendment. This usurpation should never be permitted to pass without proper rebuke and condemnation, even by those who favor the object aimed at by it. The *de jure* Governments of the Southern States, he said, are still in a condition of repression, and he declared that the history of no country shows grosser or more palpable usurpations of power, or more glaring acts of wrong, violence, fraud, and perfidy on the part of those in authority than were committed by the Republican party in the passage of the so-called Amendments and the Reconstruction laws.

Mr. Davis says, the "lost cause" is not lost; that its principles will triumph whenever the Democrats get control of the Union; that he accepts none of the issues of the war. So it will be seen that Davis and Toombs are for stirring up another rebellion. Mr. Stephens is not so bold; he expects to undo the Reconstruction Acts, repeal or declare void the XIVth and XVth Amendment to the Constitution of the United States, when the Democrats get control of the country. The leaders of the revolutionary Klux Democracy of this State are in sympathy and accord with Messrs. Davis, Toombs and Stephens. Their revolutionary programme to carry the Convention is in accordance with the orders of Davis, Toombs and Stephens. The control of the Southern States is the first step in bringing about an open fight against the Government. We warn the people of this State against these men. They will lead the people to ruin.

[illegible]

MR. SPEAKER:—Until very lately, it was by no means my intention to occupy the time of the Senate in expressing my views upon this question; and having been prevented by special engagements from giving much time to the consideration of the subject, I enter upon the discussion not without hesitation, after hearing the very able efforts of distinguished gentlemen who have preceded me, on both sides. Nor should I consider it necessary to go over the ground already covered so fully, but for the strong argument last made, by the honorable member from Chatham, which appears to me to require some notice. I shall, therefore, ask the indulgence of the Senate to enable me to remark briefly upon the main points of this question, inasmuch as the decision may rule as an important precedent hereafter.

We know, sir, that precedents of wrong action make most dangerous errors, which are operative not only in their immediate effects, but live to be cited to the injury of justice and to the perversion of right legislation in all time to come.

Since, then, this is not a question of mere present policy, but a very grave enquiry touching the Constitutional powers of the legislative department, we should approach its examination with careful and dispassionate deliberation—when it is obvious that any hasty deliberation, and unwarranted construction of the Constitution may hereafter be fruitful, not only of error and of danger, but of no less than an actual subversion of law in revolution—for it is undeniable, sir, that the doing that which the Constitution does not authorize is an act of revolution. And, as this is the first enquiry of the kind since the adoption of the present Constitution, it becomes us to look carefully as was accustomed to be said in the Senate of ancient State, "lest the republic receive injury." The question has nothing in its embodiment of a party or political character, and should not be so regarded, except in its tendency to supercede and override the proposed constitutional amendment for Free Suffrage as embraced in the bill [illegible]

We must all agree, sir, that the age is certainly one of great progress; and a taunt which we, of the democratic republican faith, are accustomed to hear most frequently, is that charging us with imprudent progressiveness. In the present instance, the gentlemen who advocate this new movement have out traveled us; they have taken the track and are rapidly outstripping even Young America in the race of progress in that career leading directly and rapidly to the goal of ultra-democracy; a place for which honorable gentlemen of that side have, in time past, entertained a decided horror. We, sir, hold no such democracy, but doctrines far more conservative as well as restrictive, because restricted by the letter of the Constitution.

For what are Constitutions made but to *limit* power—to define the manner and mode of its exercise according to prescribed grants of latitude—and to *restrain* its exercise within these grants?

And here, I am led to remark, what it is, amidst all the changes of party contests and the fluctuations of political warfare, that constitutes the marked distinction between the two great political schools of this country. I say the two—for from the foundation of the Government there have existed but two, and there can be, in fact, but two. Differences may arise, and parties may spring up, on questions of policy affecting local interests of a temporary nature. Issues may be made extraneous or collateral, but in the end, after the subsidence of the excited elements, questions are resolved back, the two forces are ranged in line under their respective banners, and these true banners are, what sir? What inscription do they bear? On one you read, "*strict construction*"—on the other "*unlimited construction*."

These, after all, are the antagonistic doctrines which lie at the bottom of all political action, and in this question now under discussion, are they not, in a most remarkable manner illustrated? I know, sir, it is insisted that our Constitutions are very profound and very complex; requiring to be studied and expounded with learned investigation; and so they should be, let wisdom always elucidate—but that they can be properly understood in no other way, from this I dissent entirely, and hold no such belief. The Constitutions under which we live, sir, were not made, like the oracles of old, to speak words which might be construed to mean whatever should happen to be desirable, which were intended to be capable of any two-fold interpretation; they are not enigmas of erudition, comprehensible only by the learned schoolmen of the law; but in the opinion of those who hold the doctrines upon which we, of this side, ever stand, these great charters of liberty and of equal rights are plain in word simple in expression—clear in significance, and were intended to mean precisely what in terms they express—no less and no more. Otherwise, what *are* the things called Constitutions? What but common instruments liable to be interpreted, to be explained, and sir, far more than this, *liable to be perverted* to their own uses by the learned, the astute, the ingenious? So that the great intellects of the age become the authoritative, and are deemed the most infallible, *because* the most trusted and the most incontrovertible expounders. To what must this inevitably lead? It must lead surely to an arbitrary absolutism of construction, the most dangerous, as it is the most unlimited. If a just and true interpretation should always be made, then no injury would ensue; but if otherwise, as must be inevitable, then woe to the State, and the people who have surrendered themselves bound. For myself, sir, as one of this body, I deprecate most earnestly any such surrender, or any course of action to fix a precedent that may lead to it.

Thus much, sir, may be said in objection to the general tendency of this measure which proposes to do a new thing; let us now come to the point at issue, and enquire what it is; and in [illegible] this inquiry, I must take leave [illegible] guished Senator from Orange [illegible] ous admonitions against destroying the present balances of power by an abolition of the landed qualification of voters; but does he propose nothing more dangerous? To this measure of amendment there is annexed only a question of expediency; to his proposition, a question of constitutionality. We heard from the able Senator from Guilford but little directly referring to the proposition in the amendment before us, much however of a nature somewhat startling as he sets it forth in respect to the inequalities and oppressive operation of our present Constitution. We expected to hear, sir, first, a defence and argument in favor of the *manner of calling* a Convention as proposed, not the reasons merely why in his opinion a Convention is needed, for I am unable to see that this last has anything to do with the question before the Senate. We heard from the learned Senator from Chatham a more elaborate argument directly upon the question, to which I shall refer, according to my recollection of his positions, and which he endeavored to fortify by high legal authorities; these I shall not stop either to refer to or examine further than to say that I cannot see the proper application, to this case, of the authorities so cited; or indeed the necessity for adducing any from abroad to settle for us a question to determine which we have abundant authority in the Constitution of our State and in the debates of our Convention.

I proceed then to inquire what have we before us? First, the bill proposed by the Senator from Rockingham to abolish the freehold qualification restricting voters for the Senate, and enunciating the principle of what we all know under the name of "Free Suffrage." I do not propose to discuss this principle—its wisdom, its justice, or its expediency. All has been sufficiently done in North Carolina, in every contest of the last six years, and its discussion now would be simple superfluity of words. The people have repeatedly rendered a verdict on this, and I certainly acknowledge its authority. Let us pass on to the next point, the amendment of the Senator from Orange, who [illegible] demanded, but what he is of opinion *they ought* to ask or to want.

This amendment proposes to call a Convention, or to institute a call for one, in a mode not prescribed by the Constitution. I say not prescribed, for it is not contended that the Constitution does prescribe this mode; but it is claimed either as an inherent right of the people, or as a mode not expressly prohibited, therefore allowed. If I understand the Senator from Chatham correctly, he laid down his propositions somewhat thus:

That the people, being sovereign, have the right to alter a Constitution at their will.

That the people did in 1835, by a Convention called, as is now proposed, exercise this right. That this exercise of power is acknowled to have been proper and constitutional then—that having been exercised then constitutionally, and never ceded, the same right exists to be exercised now as then in the same manner.

This I believe was the substance of his propositions, and though not fully stated, embraces perhaps all his points. Now, sir, his first proposition is unquestionable as far as it goes, but it stops short too soon. Constitutions can be altered in only one of two ways—*by law*, or subversion and reorganization, that is, *revolution*. If by law, then it must be done according to a constitutional mode, if one exists, and is duly prescribed; if no such mode exists and is prescribed, then by the constituted authorities, empowered in general terms, to take such action as is deemed best for the emergency.

His second position is of course admitted to be a fact of history; and his third also, for it was effected by the constituted authorities in the most proper, convenient, and only lawful mode then existing. From the conclusion in the fourth, I entirely dissent, because there having been previously no prescribed mode, the deduction does not follow; for the people *did cede* to the Convention of 1835 the power to make a constitutional provision, or the action of the Convention in so far *was unauthorized*. If they ceded this power, the proper and only proper mode is the one prescribed by this action—if they did not cede it, but hold the full power and right themselves, as before, then this action is a nullity from its extrajudicial exceeding of authority, which gentlemen will scarely maintain.

Not having taken notes of the arguments on the other side, I shall proceed to examine the constitutional question without reference, specially to what has been said, any further; and first, let us see what is the law: The Constitution prescribes in express terms in respect to the calling a Convention thus: "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."

Now it must be allowed, sir, that these words are very clear, and no reason exists why any difficulty should occur as to their meaning and intent. It is not assumed they are obscure, but it is insisted that, inasmuch as the Constitution does not prohibit a call in any other mode, it allows one; or that although the Assembly cannot actually *call* a Convention, it can *suggest a call!* This, sir, really seems to me a most extraordinary induction. Is it not in effect taking the ground that a man may procure a thing to be done—may instigate and aid in doing a thing, in a manner in which it is unlawful for him to do it himself? The General Assembly cannot *call* a Convention by a *majority vote*—it would directly violate the Constitution; but this body, gentlemen say, can by such bare majority vote, *suggest the call*. It would be clearly unlawful to take the whole step for calling in this way, so they will stop at three-quarters of a step, which may be made to answer as well.

Mr. Meares, and other members of the Convention of 1835, both eastern and western men, were opposed to "too easy a mode of calling another Convention," therefore they preferred to have [illegible] power is to be taken by implication.

But, sir, as to this mode of *proposing*. The Constitution refers to only *one competency* of the legislative department, and that is the call by a two-thirds majority; from whence, then is it possible to derive authority for any other?

We are told that in order to ascertain truly the proper construction of this instrument we must go back to the body who framed it. I do not admit this as a rule indispensable. We *may* go back, but not of necessity; it is right to go back, but not at all indispensable. But let us grant that it is, and return to the record, and cite the able men who formed this body to come forward here, and answer for themselves on this very point. We find, when this matter was taken up in Convention, a report was made by a committee charged with this especial subject. It says: "That whenever a majority of the whole number of each House of the General Assembly shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments to the people."

Why, sir, here is the very proposition itself of the Senator from Orange, if not *ipsissimis verbis*, certainly so far as to mode; the indifference being, this required a proposing of "the alterations or amendmens," while the one here under consideration proposes the calling a Convention with unrestricted power to alter; certainly the most objectionable of the two, since in the one case what is to be done is designated, in the other there would be unlimited power to alter.

The next move in the Convention was as follows: Mr. Meares, on the part of the minority of the committee, being opposed to the whole principle of the report, offers this amendment:

"No part of the Constitution shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of each house respectively."

Upon these two questions, the report and amendment, an excited discussion arose, from which I ask to read a few extracts, which will serve to bring the particular attention of the Senate to a most significant fact, that the word Convention does not occur in either the report or amendments; and mark, sir, this important attendant fact also, that this was the regular report of the committee charged with this special and most weighty subject; one of all others engaging the attention of the Convention to an intense degree, yet this committee suggests but one manner of alteration and amendment—by the legislative mode. Is it not strange, if these able, experienced men contemplated the necessity of a Convention, that its very mention was omitted?

"Mr. Meares thought, that when the law of the land was solemnly fixed, it ought not to be disturbed for light causes, and he was unwilling, therefore, to leave in the power of *bare majorities of the Legislature to bring about another Convention*."

Mr. Gaston said: "This was one of the most important questions that had come before the Convention; for whatever benefits we may have promised ourselves from our labors in this body, in laying the foundations of our Constitution on fair and equitable principles, *if we put in the power of bare legislative majorities to upset them all, then have we toiled in vain*."

Mr. Meares said further: "That if there were any real necessity for a Convention at any time, there would be found no difficulty in obtaining it."

In the whole debate on the reports referred to above, there occurs nothing to sustain the doctrine of the proposition before us, but much to disapprove and condemn; more than this, in the extracts just read, the strongest language is used to repudiate it expressly.

At a later day the article came up on its final reading, and Mr. Meares offered to amend—wherefore? Let him answer—"as an additional safeguard against the efforts *of a bare majority* to uproot the fundamental principles of the Government"—and he desires to amend "so that no Convention of the people should hereafter be called, except by a concurrent vote of two-thirds of each house of the General Assembly."

Mr. Giles strongly opposed this, and here it is that gentlemen advocating the proposition before the Senate find the only base upon which to fix their argument, and the only solitary reference which is to be found in the whole debates in the Convention of 1835, to afford them any the smallest chance for a deduction in their favor. And what did Mr. Giles desire to substitute? *Three-fifths* instead of *two-thirds*, in Mr. Meares' amendment.

Mr. Giles asked: "If it was possible this body would assume to control the future action of the people of North Carolina." Mr. Gaston replied: "It was not the people but the creatures of the people (the Legislature) that this amendment proposed to limit."

Mr. Meares said: "To satisfy some gentlemen near him he would modify his amendment so as to provide that no Convention shall hereafter be called by the General Assembly, except by a concurrent vote of two-thirds of each house."

I am quite willing, sir, to give honorable gentlemen the full benefit of all they are able to produce and claim as in their favor from the record, and believe this is a fair statement of what they have claimed. I do not undertake to make any conclusions not warranted by the record, and therefore shall not attempt to account for the opposition of Mr. Giles to the original amendment of Mr. Meares, and his acquiescence in the change. It is hardly possible to conceive what causes may have induced excitement and distrust in such a body, but this I do undertake to say—*that the modified amendment is no essential change from the original*.

And now, sir, I come to the last point, in making which no unauthorized deductions, no new inferences are suggested; and, I ask, if Mr. Giles, as is insisted, intended to guard the article so that a majority of the General Assembly might *propose* to the people a convention, what was gained by inserting the word "called"? Mr. Meares' amendment read thus: "No Convention of the people shall be hereafter called except by a concurrent vote of two thirds of each house of the General Assembly." This is objected to and amended by inserting "General Assembly" after "called." Now, what possible difference as to the *implication* of power could ensue from the change—this insertion of "General Assembly?" If it is to be properly understood that an *implied* power exists in the Legislature to propose to the people the call of a Convention, may not this power be *equally* implied, in the same manner and degree, as justly and as fully, under the original proposed by Mr. Meares, and objected to by Mr. Giles, as under the amendment adopted and acquiesced in by Mr. Giles? If not, why not? And if it is so, then what force in the argument based on Mr. Giles' objection?

Allow to the Legislature the power to propose to the people a call under the article as it now stands, and what prohibitory word in the amendment, as first proposed, forbids it?

I arrive then, sir, in concluding, at this point, that as the article in the Constitution in the respect essentially differs from the one to which objection was made, both being equally, but neither, in my opinion properly, liable to the construction of implied power in the General Assembly to *propose* the thing which they are in express terms restricted from doing, except in the mode prescribed, it is right to conclude that no idea was entertained of any such implied power, as no word was expressed. And that mode being clearly and fully provided for, both the calling a Convention by the Legislature, and for amending the Constitution, the General Assembly has no competency beyond this single one granted, and therefore no power whatever to touch the question, except as a Constitution prescribes.

"Whether a majority of the people are discontented with the Constitution as it is, and therefore really desire to alter it in any or all of these important respects, I cannot undertake to say; yet I do believe, from my judgment, ought to be settled and ascertained antecedent to any Legislative enactments for altering the organic law of the State. A certain mode of determining the point would be to pass a law at once for taking the sense of voters upon the question of change or no change. You will then know what public opinion is, but until something of that kind shall have been done, any action that is intended to be based upon the popular will, must rest upon conjecture. This act may be passed by a majority of the General Assembly. If the result of the popular vote should show either indifference or hostility to the change, none ought to be attempted by the General Assembly. If on the other hand it shall exhibit a very decided popular feeling in favor of the alterations or any of them, the moral effect of this popular vote might suffice to procure from our Legislature the requisite constitutional sanction to any desirable reform."—*Message of Gov Charles Manly, to the Legislature of 1850-'51.*

A CHINESE WILL.

A Chinaman died, leaving his property by will to his three sons, as follows: To Fum-Hum, his eldest, one-half thereof, Nu-Pin, his second son, one-third thereof, and to Ding-Bat, his youngest, one-ninth thereof. When the property was inventoried it was found to consist of nothing more or less than seventeen elephants, and it puzzled these three heirs to decide how to divide the property according to the terms of the will without chopping up the seventeen elephants, and thereby seriously impair their value. Finally they applied to a wise neighbor, Sum-Punk, for advice. Sum-Punk had an elephant of his own. He drove it into the yard with the seventeen, and said: "Now, we will suppose that your father left these eighteen elephants. Fum-Hum take your half and depart." So Fum-Hum took nine elephants and went his way. "Now, Nu-Pin," said the wise man, "take your third and git." So Nu-Pin took six elephants and travelled. "Now, Ding-Bat, said the wise man, "take your ninth and begone." So Ding-Bat took two elephants and absquatulated. Then Sum-Punk took his own elephant and drove him home again. Query: Was the property divided according to the terms of the will?—*Exchange.*

The platform of the Pennsylvania Democracy throws Vallandigham and his "new departure" in the cold. It repudiates the constitutional amendments, negro suffrage, and drags along in the same old ruts of antagonism to everything not comprised in Democratic ethics fifty years ago. The next National Convention will be like the mixing of oil and water, so adverse will be the quality and character of the delegates.

The *Telegram* hears that the Hon. J. M. Leach of Davidson, is against the present Convention bill, and says that "it is unconstitutional and revolutionary, and should it be carried in the State, (which he says will never be,) it would be no more than a caucus, a mob, and that any person who votes for it, votes to sustain a mob."