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LEADS ALL NORTH CAROLINA DAILIES IN NEWS AND CIRCULATION.

UNDERSTANDING IS THE TEST

Constitutional Amendment Provides Two Ways of Showing it

NO RACE DISCRIMINATION

IF NEGROES CANNOT VOTE UNDER AMENDMENT IT IS BECAUSE THEY LACK UNDERSTANDING.

THE PRACTICAL OPERATION ILLUSTRATED

If the Amendment was Proposed in New York Nobody Wou'd Suggest that it Violated the Fifteenth Amendment.

Hon. F. M. Simmons, Chairman of the Democratic State Executive Committee, who has given much thought to the constitutionality and practical operations of the proposed amendment, gives his matured views in the following:

MR. SIMMONS ON THE AMENDMENT.

It has been suggested that the constitutional amendment discriminates against the negro, and is therefore violative of the Fifteenth amendment. Now, the Fifteenth amendment nowhere uses the word "discriminate," it simply provides that no State shall "deny or abridge" the right of a citizen to vote, "on account of race, color or previous condition of servitude." Subject to this limitation, it is well settled, and admitted by every one, that the State can prescribe any condition or qualification, however discriminative, to the suffrage it may see fit to impose.

The Constitutional Amendment upon which the people are to vote does not in any legal sense, either "deny or abridge" the right of the black man to vote; it simply establishes a qualification of suffrage. This qualification is that the voter shall have a DUE UNDERSTANDING OF THE NATURE OF HIS ACT, and THE EFFECT THEREOF upon HIMSELF and HIS FELLOW MAN, and it prescribes TWO WAYS in which the voter may SHOW that he POSSESSES this REQUIRED DEGREE of UNDERSTANDING.

First. If he can read and write, it is conclusively presumed from that fact that he possesses the required degree of understanding.

Second. If he or his ancestors began to exercise the right of suffrage prior to 1867, it is conclusively presumed from that fact, that he possesses the required degree of understanding.

The reasoning in the latter case being that the voter having been thus long accustomed to exercise the function of suffrage, and to participate in the affairs of Government, or having been in parental relationship and association with those who have thus participated, has come, both to understand and appreciate the full significance and import of the suffrage, and that it is as safe to presume the possession by the voter of the required degree of understanding from the knowledge and training thus acquired, as it is to presume it from a knowledge by him of the art of reading and writing. Of course, all qualifications predicated on the intelligence of the voter must necessarily be based upon presumptions, there being no scales in which you may weigh mind and understanding.

This is the qualification, and the manner of proving the possession of it, by the voter, and every negro who can show either in the ONE or the OTHER of these TWO WAYS that he POSSESSES it, is entitled to VOTE under the AMENDMENT.

Certainly, there can be no successful denial of the right of the State to base the right of suffrage upon the voter's ability to understand the nature and effect of the exercise of the suffrage. This right of the State is equally as clear as is its right to impose what is commonly known as an educational qualification by requiring the voter to be able to read and write, for this is itself in effect nothing but an understanding qualification. The object of requiring the voter to show that he can read and write is solely to prove his capacity to understand, and certainly this may be proved just as well and just as satisfactorily in other ways.

The Mississippi Constitution, which has recently been upheld by the Supreme court of the United States, not only imposes an understanding qualification, but even goes to the extent of permitting the registrar of elections to decide arbitrarily whether the voter sufficiently understands.

If the negro, when he comes to vote, cannot qualify himself under the amendment by showing that he is able to read and write, certainly no one will contend for a moment that the Amendment, in refusing his ballot for that reason, either "denies or abridges" his right of suffrage within the meaning of the Fifteenth Amendment. If failing to come up to this test, (reading and writing) he cannot qualify himself under the other test prescribed by the Amendment, to wit: The test of presumed understanding from long participation in government, or descent from and intimate association with those who have been long accustomed to such participation, certainly, no wrong is done him, nor is his right to vote denied or abridged because somebody else is able to qualify himself under the test.

The master said that the Lord of the vineyard did no wrong to those who began to labor at the third, and the sixth, and the ninth hour, when he gave to those who only began at the eleventh hour "likewise a penny." "Take that which is thine and go thy way."

Let us make a practical application of the Amendment. Take four citizens of the State, neither of whom can read and write, let two of them be white men, one a native North Carolinian, who has lived here all his life, one a Pole or German, who has only been 20 years in this country; let the other two be negroes, one of whom has lived in the State all his life, and the other one who has recently moved to the State, let us say, from Massachusetts, where he voted before 1867, or whose ancestors were free negroes and could vote before 1867. Now, under the Constitutional Amendment one of these white men can vote, and one of these negroes can vote; while the other white man (the foreigner), and the other negro cannot vote.

The white man and the negro, who are permitted to vote, are both allowed to vote for the same reason, because they or their ancestors could vote before 1867. The white man and the negro, who are excluded from voting, are excluded for the same reason, because they could neither read and write, nor did they or their ancestors vote in this country before 1867. I suppose no one will contend that the foreigner, who is excluded from the suffrage under this Amendment is denied the right to vote "by reason of race, color or previous condition of servitude." Then upon what principle of law or common sense will the courts hold that the negro, who is excluded with him is denied his right to vote "on account of race, color or previous condition of servitude?"

But it is suggested that the courts will not construe this Amendment by its terms, but that it will look beyond and outside of the Amendment, and consider any historical facts connected with its initiation and adoption, and inquire into the motive and intent of the measure.

Well, for the sake of the argument, let us admit it, although it must be confessed that this would be a novel method of interpreting a written Constitution. It is contended that the court has only to look to well known facts concerning our population, and the facts connected with the emancipation of the negro to see that only a very few negroes could qualify themselves for suffrage under the so-called "grandfather" clause, while all the white people except a few foreigners could qualify themselves under it and therefore the court, predicating its action upon these facts dehors the amendement, would hold that the object of this clause was to "deny and abridge" the suffrage of the negro, "on account of race, color or previous condition of servitude." But North Carolina is not the whole of the United States.

Let us suppose that an amendment identical with ours should be submitted to the people of New York and ratified by them, and a case to test its constitutionality should be taken to the Supreme court and that court should apply the rule of construction contended for, as above stated, what would be the result?

MENT——TWO ..6 ..6..6..

New York has an enormous population. There are some negroes, but not many, probably twenty-five or thirty thousand negro voters in the State. A large part of its white population are foreigners who have moved into that State since 1867. A large proportion of this foreign element are utterly ignorant and often depraved. There are probably more than 200,000 such voters in that State today.

Does any one suppose that the court looking at these well known facts concerning the population of New York would say that such an amendment was intended or had the effect of denying or abridging the negroes' right to vote, "on account of race, color or previous condition of servitude?" On the contrary, would not the court, and every intelligent person, see that for every ignorant negro effected by the amendment in any way there would be from 8 to 10 uneducated foreigners effected in the same way, and would not the court and every intelligent person say that the amendment was aimed at the ignorant foreign vote of that State and that, though the negro was effected thereby in the same way, as the foreigner, the suffrage of neither was denied or abridged "on account of race, color, or previous condition of servitude," but on account of presumed unfitness and mental and moral delinquinces, as well as because of defective training and inadequate education in the republican principles of self-government, and would not the court hold that such an amendment to New York's constitution was not only constitutional, but just?

There are many States of the great West which have to a large extent been settled since the close of the civil war, which, while having a few negroes, are largely populated by foreigners. In all of these States, if the Supreme Court in construing an amendment similar to ours should look to the conditions of population, they would say that the object of such an amendment was to reach that element of the population which had too recently settled there to have divested themselves of the monarchical theories and practices which they brought with them from the old world, or to imbibe the democratic principles of self-government upon which our Republic is founded and it it absurd to suppose the court would say such an amendment was unconstitutional, because forsooth the few negroes who happen to be living there along with the great mass of uneducated foreigners, might not be able to qualify themselves under the clause limiting the franchise to those who were entitled to vote before a time antedating his emancipation.

If such a law would be constitutional in New York, or in any of the States of the great West having a large uneducated foreign population, why would it not be constitutional in North Carolina? If there is anything that is absolutely certain it is that the Supreme Court of the United States cannot hold that a law which would be constitutional in one State would be unconstitutional in another. The Federal Constitution applies to every inch of territory in the Union, and if there be one State in which such a constitutional provision would be constitutional it would be constitutional in all. If it were competent for the court to look to political conditions in construing a constitutional provision it would have to consider the conditions in every part of the country and not the conditions in one nook or corner of the country, or in one State or a division of States, else it might find itself by the application of this rule of interpretation deciding that a law constitutional in one part of the country was unconstitutional in another part. This analysis shows no such rule of construction can be safely adopted by the court of last resort of forty-five States.

It is true we have not in North Carolina today a very large foreign population, but who knows when the tide of foreign emigration may turn to our shores and quickly fill up waste places as it has done in the great West in the last three decades. The day may come, and in the near future, when there may be more uneducated foreigners in North Carolina than ignorant negroes. When that day may come, if it ever comes, we cannot know, neither can the Supreme Court. If, however, the court should look outside of the amendment and takes into consideration the motives which led to its ratification and the history of this question of suffrage, we have seen that it would find ample ground to support its constitutionality, but it is confidently affirmed that the court in construing this measure will look only at the written instrument and will not ascribe to it any motive or purpose which its language fails to disclose. It is a rule as old as jurisprudence that the intent of a law and of the law-makers must be gathered from the language of the law and that the courts have nothing to do with any motive of the law-makers, which does not appear from the context of the law itself. The courts are frequently and properly moved in reaching their conclusions by considerations of urgent public policy and there are many instances in our judicial history where the courts have seemed to "strain a point" to accomplish a great public purpose and it is believed if it were necessary the court would "strain a point" in this behalf to accomplish the purpose of suffrage purification and elevation which this amendment has in view for it is manifest that both the best thought and enlightened conscience of the nation longs to see the South relieved of the insufferable evils of unrestricted negro suffrage and that thirty years experience has overwhelmingly convinced the nation that the Fifteenth Amendment is the greatest political blunder of the century. That the court will not inquire into the motives of this legislation would seem to be conclusively settled by its decision sustaining the Chinese naturalization act. It was desirable to withhold the suffrage from the Chinaman because he had become a troublesome and dangerous political factor on the Pacific coast, just as the negro has become a source of political irritation and trouble in the South. With the avowed and notorious purpose of denying him the franchise, Congress passed an act by the provisions of which the Chinaman was excluded from citizenship and the Supreme Court held this legislation which was intended and in fact did disfranchise him by indirection, constitutional, and today the Chinaman, the descendant of a nation which has produced some of the greatest men and foremost thinkers of the world, and which represents the oldest civilization in history cannot vote in this country as the result of legislation which, though it does not in itself disfranchise him, is recognized everywhere as a shrewd device by which his disfranchisement was accomplished. If the court had followed the rule of interpretation, which it is contended by some applies to our amendment in this case, it would have looked behind the act of Congress and said "though it appears to be valid upon its face, it is void and unconstitutional because its purpose and object is to deprive the Chinaman of his right to vote by a legislative device."

Any rule of interpretation which involves a supervision by the court of the motives or policy of the Legislature would be rank usurpation of the functions of a co-ordinate branch of the government.

MISS DAISY L. HOLT.
Of Burlington.

Sponsor for North Carolina Division of Veterans.

(Charleston News and Courier.)

Miss Daisy L. Holt, sponsor for North Carolina Division, U. C. V., was born in the town of Burlington, N. C., and is the daughter of the late James H. Holt. She has had the highest advantages in her education, having lately graduated from one of the fashionable schools in New York city, and now appears as a debutante in society. Mr. James H. Holt was enlisted April 22, 1861, as a private in Company K, Tenth North Carolina State troops, artillery, and served with his command at the forts below Wilmington. He was detailed as adjutant to Maj. James Reilly, of that regiment, and later was ordered to report to the commandant of the military school at Fayetteville, as captain, a few days before the attack, and was not present at the capture of Fort Fisher. Mr. Holt then took up the manufacture of cotton, and built up a very heavy business in cotton

MISS ADELAIDE SNOW.
Of Raleigh.

Maid of Honor for North Carolina Division of Veterans.

(Charleston News and Courier.)

Miss Adelaide Boylan Snow, of Raleigh, the maid of honor for North Carolina, is one of the Old North State's most charming and accomplished debutantes. Miss Snow is the daughter of the late George H. Snow, a prominent lawyer of Raleigh, and a captain in the Confederate army, and combines in her charming personality the grace and attractiveness of her mother, who was Miss Elizabeth McCulloch Boylan, and the spirit and magnetic force of character of her lamented father. She received her primary education at the historic school of St. Mary's, in Raleigh, and completed her studies in New York. Miss Snow is a handsome blonde of fine presence and gracious manners, and possesses a large circle of friends and admirers.

THE RACE PROBLEM IN THE SOUTH.

As Viewed by an Intelligent North Carolina Observer.

To the Editor (Springfield Republican):

On reading your editorial comments on Dr. Campbell's pamphlet in your issue of the 13th, I am moved to offer an observation or two. Jefferson a century ago said that the negroes and whites could never live together, were the negroes of the South freed, Mr. Lincoln, if I remember aright, said the same thing, in September, 1863, in connection with his first mancipation proclamation. Before the war I also thought it impossible, and that opinion was generally held by thoughtful men at the South. I know of none who thought otherwise. This idea was not founded on race antipathies or race prejudices, but on the estimate placed on the negro as an uncivilized man. It was apprehended that worthless and savage negroes would inaugurate lawlessness, and disorder and inquietude would prevail—not because of race differences, but because of the natural characteristics of the negroes.

To some extent these apprehensions have been realized. But it has been a great blessing that they have not been realized except in a moderate degree. The South has occasion to rejoice that the negro has behaved himself in freedom much better than Southern men thought it possible. And here I may also say that Southern men award the negroes high credit for their faithful conduct during the war.

From my standpoint, and I am quite sure my views are shared by a large number of persons in North Carolina, instead of the negroes being condemned for their lawlessness, they are to be commended because they are less lawless than it was thought they would be.

Comment is made on the relative number of criminals—negroes as compared with the whites—at the South. Well, what of it? We have, comparatively speaking, no criminal class of whites at the South. Our whites are church-going, law-abiding people. Even Tourgee, in his "Fool's Errand," says that. Occasionally horrible things have been done by some of them under some provocation that swept away their reason and made them madmen—things too horrible to mention—and though a foul blot on manhood and on civilization, still possible to occur in any latitude when an entire community becomes frenzied and utterly bereft of reason. But despite those exhibitions, the Southern whites generally follow the law. And doubtless it is because the negroes are regarded as an inferior race the whites have a pride in moving on a higher plane. The presence of the negro has always tended to the elevation of the whites and has made the poorer class of whites much superior in tone and character to what they would have been had there been no negroes beneath them.

But compare the negroes in North Carolina as criminals with the poorer classes of your own whites. I challenge you to institute the commission. I venture you have a greater precentage of criminals in Massachusetts than you can find among the negroes in North Carolina!

There is, I think, a disposition to magnify the immorality of the negroes. It may be as bad in Washington as represented, but while the percentage of illegitimate births among the negroes there is 25, in Paris among all classes it is 26. And although it may have been bad at the South in the past, I think there has been a great improvement in the last 15 years—a very decided and notable improvement.

Indeed, when we consider how the negroes have amassed property; how they have conducted themselves so that our fears of their lawlessness have not been realized; how they have improved in education, and what great advances they have made all along the line, we have much reason to be thankful and to be greatly encouraged for the future of the race. Let me commend your own suggestion.—that the negro can be benefitted more through the friendly interest of the Southern whites than by the friendly interest of outsiders acting independently. That the negroes are arrayed politically against the dominant element of Southern whites is a fact that now cuts but little figure. The whites will not tolerate that they shall ever be in the ascendency. That being understood and accepted, and the politics of the negro being known by his skin, that element enters but little into the problem of his race. If it is sought to secure his contentment, his prosperity ,his education and elevation as a man and a citizen, the object is to be attained through the co-operation of his white neighobrs. The negroes understand this very well, and they are wise, and they cultivate their white neighbors with considerable address. They seek to make friends with the mammon of unrighteousness. Nearly every one has his particular friends among the whites.

In closing I venture to say that despite the poverty of the negroes as a class, those in North Carolina will compare favorably with the lower class in most countries in many essential respects. They never want for work. They make an easy living. They have few needs. They have congenial associations. They are generally contented, and are not rendered unhappy by nursing their grievances, whether fancied or real.

S. A. ASHE.

Raleigh, N. C., May 14, 1899.

ANTI-TRUST NOTES.

(Southern Tobacco Journal.)

The anti-trust folks are coming from talk down to business. A good deal has been done of late. They are lining up for the fight.

What Arkansas and Missouri have done has been told already in this paper. They have anti-trust laws and are enforcing them.

The Texas legislature has passed an anti-trust law similar to that of Arkansas but more drastic.

The Michigan Senate has passed a bill prohibiting the organization in that State of any trust or combination designed to prevent competition or control prices. The bill will pass the house and Governor Pingree will certainly sign it.

The anti-trust movement has reached New Orleans. The Wholesale Grocers' Association, composed of all the leading wholesale grocers of New Orleans, is determined to lead the fight, and has called upon commercial exchanges and merchants to unite with them in driving trusts out of Louisiana.

The Civic Federation, an organization of Chicago, in its plan for a national conference on trusts and combinations, proposes to invite the Governor, Attorney-General and labor commissioner of each State. Each Governor will be asked to appoint the representatives of his State. All the large commercial associations will be invited to send delegates.

Capt. H. B. Skadden, a travelling man, who will be a candidate for the Ohio legislature, says trusts have displaced 72,000 traveling men in five months. The latter will exercise their influence, which is strong, he says, to have the trusts condemned in the platforms of all parties.

"FIRST AT CARDENAS; LAST AT SANTIAGO."

(Extract from E. W. Pou's Memorial address at Greensboro.)

"No people under the sun would sacrifice more to defend the honor of the nation. Go with me to the Winslow's shattered deck. Go with me to Santiago's burning height. What beautiful boy lies here? What fine proportioned man lies here? Speak, dead hero, and tell us which one of the sister States didst yield thee up a sacrifice for thy country's honor. Thou canst not speak: thy lips are sealed in the silence of death, and yet the world doth know.

"One day thy State shall build another monument. Upon its bosom, shall be chiseled for the generations to read: 'First at Cardenas. Last at Santiago.'"

The less a wife finds out about her husband the more suspicious she is of his actions.

Use the fewest possible words when you have anything to say.

PREACHER MIGHT PULL THE ROPE

That's What a Presbyterian Preacher Would Do.

HE MIGHT PARTICIPATE

A SON OF AN ABOLITIONIST SAYS HIS MIND HAS CHANGED ON SOME MATTERS.

RESOLUTIONS WERE NOT SECTIONAL

Original Resolution Introduced at Pittsburg Presbytery Were Much Modified After an Interesting Debate.

(Pittsburg Dispatch.)

Pittsburg Presbytery is not a unit on lynching. At its meeting at Swissvale yesterday a resolution was introduced denouncing the recent lynching in Georgia. The resolution precipitated one of the hottest debates ever known in the presbytery, and the resolution finally adopted bore scarcely any resemblance to the original. During the discussion one member of Presbytery announced that under certain conditions he would pull a rope himself.

The original resolution was presented by Rev. George N. Johnston, D. D., and read:

"In view of the deplorable frequency of the lynchings of negroes in the southern portion of our country, so as to cause all right-thinking people to tremble in view of the possible future to which such a course must inevitably lead, therefore, the Presbytery of Pittsburg feels called upon at this time to utter its most solemn protest against the inhuman course of dealing with supposed criminals and of expressing its deep abhorrence of the condition of society that permits and above all, approves, of such savagery, believing as we do that mob law is only savage violence, and has no tendency to deter criminals. Besides, from the commission of crime the certain result must be to brutalize the perpetrators and plunge the land into a most fearful race war. We hereby express, also, our sympathy with all those in the South who are working to abolish mob violence."

WOULD CHEERFULLY PULL THE ROPE.

Rev. Allan Douglas Carlile said: "As one of the barbarians, I want to oppose the whole resolution with my whole heart. I regard it as a piece of cheap buncombe, which will do no good whatever, and will only make feeling in the South rankle toward the North. The resolution is unjustly sectional, as many parts of the North are just as guilty. Again, I would not vote against an action which under similar circumstances I would do my self. If my wife were assaulted and murder committed as in the Georgia case I would cheerfully pull the rope."

Dr. Johnston said he was born and raised in the South, but he had been distressed for weeks over the terrible state of affairs in the South. "No mortal man can tell what we are coming to. We only want to express the righteous indignation of our people against the violation of all human and Divine law."

Rev. A. D. Carlile said some laws are written in the heart, and he repeated that he would have taken a hand with the mob, under the circumstances, in getting away with the wretch who committed the crime down in Georgia.

Rev. George W. Montgomery moved as a substitute that "the presbytery looks with horror on the lynching business, and sympathizes with the good people of the South in their efforts to suppress the business."

HE HAS CHANGED HIS MIND.

Rev. Dr. R. S. Holmes, said he was the son of a man who kept an underground railroad station, was an abolitionist, had been brought up to believe "a man could not be a Democrat and go to Heaven," but he had changed his mind as he grew older. He was opposed to such action as that proposed, as the Presbytery did not know the facts in the case, and in all respects it was out of place.

Rev. George W. Montgomery's substitute was adopted, after a motion to table the whole business had been voted down. Mr. Montgomery's resolution, as adopted is as follows:

Resolved, That this Presbytery looks with horror upon the seeming growth of the mob spirit as recently exemplified in different parts of the country.

Resolved, That this Presbytery extends its heartfelt sympathy for all those who are striving so nobly to build up a higher appreciation of the dignity of the law.

An effort to strike out the word "seeming" failed. The action of the Presbytery was discussed among the members after adjournment, and was generally regarded as meaningless.

Some people are so busy criticising creeds that they have no time left for practical religion.

When a man in love is shy about expressing his sentiments a declaration by male would not be amiss.

If some people profitted by their errors it would keep them busy declaring dividends.