

THE XIV AMENDMENT—THE LEGISLATURE.

From the operation of the third section of the XIV Amendment...

This question, which is one of great importance, not only to the class of persons supposed to be particularly affected by it...

The writer referred to above sets out by presenting a clear analysis of the section of the amendment under consideration...

Also, concluding the argument from the above point, the writer takes another view. He says:

But admitting that each House may exercise the extraordinary and unheard of right of converting itself into a High Court of impeachment...

Another opinion, from one of the ablest lawyers and statesmen in North Carolina, in manuscript, has likewise been placed in our hands...

It is true that in the case of Worthy vs. Barrett, et al., before cited, there is a dictum of our Supreme Court...

Those who think that it has been settled by our Supreme Court and the Supreme Court of the United States...

Which House shall be the judge of the qualification and election of its own members...

We cannot understand how jurisdiction can be given to each House over the question of the qualification of its members...

No person shall be a Senator or Representative in Congress or Elector of President and Vice President...

It is quite true that in the clause above quoted a distinction seems to be taken between members of Congress and officers of the United States...

But, it may be asked, why did not the framers of the amendment use the words "Legislative, Executive or Judicial officers of any State"...

These members of the Legislature are not only considered as officers, but they are placed second in importance in the list, and ranked above Judicial officers...

Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States...

The last oath contained in the above section of our State Constitution is not, indeed, called an oath of office, but surely it cannot be a thing else...

No distinction is made in this section between members of Congress and of the State Legislature, and executive and judicial officers of the United States and of the several States...

In pursuance of the mandates of the above section of the Constitution Congress has enacted, not only an oath to support the Constitution, but in addition thereto an oath of office...

The question to be decided seems to us to be almost as much a political as a legal one.

The disabilities imposed are only political in their character, and consequently, the question is as much one for the political as for the judicial power.

But suppose the Courts should not be disposed to recognize and blindly follow the decision already made by the political power...

But, for sake of argument, let us suppose that the amendment is, what the writer of the opinion in the Star says it is, a political statute...

But, able and learned as every one must admit Mr. Phillips to be as a lawyer, the opposition can present his equal as a candidate for the office of Attorney General.

W. H. BAILEY, Esq.

THE REPUBLICAN CONVENTION—MR. PHILLIPS.

The Republican Convention which assembled at Raleigh, on the 11th inst., had a rather boisterous session the first day, one of its members—Galway—having been arrested on the floor and sent to the city prison.

The Convention nominated Hon. Samuel F. Phillips as the Republican candidate for Attorney General. This is almost the only really sensible nomination the Republican party has ever made in North Carolina for any important office.

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one of the objects and intents of the amendment scarcely admits of a doubt, judging from the circumstances and events of the times in which it was adopted.

But, for sake of argument, let us suppose that the amendment is, what the writer of the opinion in the Star says it is, a political statute, and the disability is only increased until it becomes simply ridiculous.

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