

JUDGE BOYD CHARGES JURY

As to indictment of persons committing offenses against the franchise--Bribery, Intimidation, Fraud or Other Lawlessness--The Right to Vote Guaranteed to All Races Alike.

Special to The Gazette. GREENSBORO, N. C., October 2.--Federal court opened to day. Judge Boyd's charge to the grand jury was able and learned. He went into detail on the revenue laws, covering every phase. He said it was commonly supposed that the court had no jurisdiction over crimes other than the revenue laws but this was a mistake. It had eight cases of offenses against the postal laws, operation of the department of justice for official misconduct, counterfeiting cases and offenses against the elective franchise. The most interesting portion of the charge regarding the franchise elicited a great deal of comment and was the talk on the streets, in hotel lobbies and elsewhere. The Judge's words on this interesting subject were as follows:

The fourteenth article of the constitution of the United States provides that "All persons born or naturalized in the United States and subjects to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," and the first section of the fifteenth article of the constitution is as follows: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude." The right to vote is one of the most sacred privileges accorded to the American citizen, and the very character of our government makes it of the highest importance that the citizen should be protected in this right. Under our form of government the people rule; they select their public servants and instruct them as to the policy to be pursued in administering our affairs. This is done through the ballot, and a majority at the ballot box declares who are to be entrusted with the management of the government and what particular lines of action shall be taken. If, therefore, the source of power is corrupted, the citizen is unlawfully deprived of his right to vote, or of the result of his vote; if elections are not free or are controlled by bribery, intimidation, fraud or other lawless methods, then the whole purpose of our free institutions is thwarted, the right guaranteed by the constitution are ignored, and the liberties which have come to us as our inheritance from those who fought for, planned and formed our government will be overwhelmed in anarchy and chaos. The freedom and purity of the ballot is the foundation upon which the perpetuation of our republican form of government must rest; and the destruction and impairment of this foundation will eventually result in the ruin of the structure. The constitution leave it to the several States of the Union each to provide qualifications for voters, the restriction being that the laws of suffrage of a State shall not deny or abridge the right of a citizen to vote because of his race, color, or because he may have been a slave. The intent and purpose of this constitutional provision is at once apparent. In a number of the States of the Union anterior to 1865 the institution of human slavery existed, and persons of the African or colored race were held as property. By the proclamation of the President and by virtue of the thirteenth amendment to the constitution, slavery was abolished and the former bondman was elevated to citizenship. The purpose, therefore, of the provision referred to was to place the freedman on the same plane with others in so far as his right and privileges of citizenship were concerned. But the laws of the United States are not confined to the protection of any one class in securing the free exercise of these rights. They are ample, when properly obeyed and enforced, to protect every citizen, no matter of what race, in the full enjoyment of the rights, privileges and immunities guaranteed by the provisions of our organic and statute law. As I stated before the State can prescribe qualifications for the voter which the citizen must possess before he is entitled to vote, but when the State has prescribed such qualifications then every person having them is entitled to vote, and it is a violation of the criminal laws of the United States for any person or persons to deprive such person of his legal right to vote at any general or special election held by law at which qualified voters are entitled to vote. There is an impression among some that the laws of the United States apply only to elections at which presidential electors or candidates for congress are voted for. This is erroneous, for the United States undertakes to punish the invasion of the rights

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and privileges guaranteed to the citizen whether such invasion effects his action in a State election or a federal election, the object being to bring to the aid of the citizen the power of the federal government to shield him in the enjoyment of the privileges which the law has conferred, and to punish those who by force, fraud or other unlawful means interfere with the exercise of such privileges. "Having called your attention generally to the provisions and purposes of the federal laws upon this subject, I will now cite certain statutes enacted for the punishment of those who willfully infringe the rights of the citizen, or unjustly deprive him of the opportunity to exercise such rights. Section 5507, Revised Statutes of the United States, reads as follows: "Every person who prevents, hinders, controls or intimidates another from exercising or in exercising the rights of suffrage, to whom the right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section; that is by fine or imprisonment or both. In accordance with what I have said before, you will see that the right to vote is guaranteed to all races and colors alike, and the States are forbidden to make any discrimination what ever against any person on account of race or color. Under article VI, section 1, of the Constitution of North Carolina: "Every male person born in the United States and every male person who has been naturalized, is twenty-one years old or upwards, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. The exception extends only to persons who have been convicted of felony or other infamous crimes and have not been restored to citizenship. The constitution of the State then makes it the duty of the general assembly to provide from time to time for the reg

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