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For President
WILLIAM McKINLEY, of Ohio.

For Governor of North Carolina.
JAS. E. BOYD, of Guilford.

For Congress,
WILLIAM A BAILEY, of Davie.

For brass and effrontery the edi-al in the Post of May, 20th, s the climax. The idea of the ocratic press boldly proclaim-the object of the amendment he Constitution to make North olina everlastingly Democratic, or the Post to have the audac-ask Republicans to join hands them in ratifying said amend-t. You may get Simmons & to write learned articles in or-to muddy the waters and de-e the people as to the object intent, etc., but we have failed ar to see or read anything from ir profound reasonings which plains or in other words which troverts this simple fact, that uch, it does discriminate against negro, and was so intended. at the primary object of the 5th tion was to disfranchise the ne-, and not disfranchise the white til 1908, then the poor and igno-nt white will be forever elimina-d from participation in the ad-inistration of a government which is forefathers helped to make. ou want to eliminate enough ne-groes to make North Carolina ever-lastingly Democratic, yet leave him in politics so that your demo-gogic politicians can use him to ride into power in the future. No, Democratic friends, the ears of the ass are too familiar to catch or de-ceive Republicans. Your howl, al-ready raised to rescue the East from negro donomination, is too thin, in he face of your neglect to apply the remedy pointed out by a non-parti-zan Supreme Court in Harris vs. Wright. Had that Democratic gang been actuated by the motives of sincerity on this question of protecting the East, it would never have adjourned without placing the eastern counties and towns in the hands of the whites, but no, were in view, and you preferred to put up with the negro a little longer, if by so doing you can make North Carolina everlast-ingly Democratic. The case is be-fore the court, and you will be tried by the people. Let us hear a lit-tle from you, my Democratic friends, occasionally about that "fair and honest," election law you passed. Stand to the rack. Be fair and just,

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The Democrats of North Carolina may yet learn, and profit by the ex-ample set by the Democracy of Alabama. The Legislature of that State which recently assembled to formulate a new constitution and suffrage clause to limit the franchise in that State, adjourned without doing any thing on that line. Who knows but what that April session will reconsider some of it's grave blunders. We are of the opinion that great problems effecting the peoples of these United States should be settled by the govern-ment at Washington.

We give space this week to Mr. Nash's article on the Constitutional Amendment, I presume Mr. Nash is a Democrat as his article was first printed in a Democratic paper. We agree with him on the unconstitu-ality of the amendment. Its an able article. Read it.

THE "LINEAL ANCESTOR" CLAUSE DISCUSSED.

Morning Post.

Frank Nash, Esq., of Hillsboro, furnishes the following argument from his standpoint, of the grand-father clause, or "lineal ancestor" section of the proposed Constitution-al Amendment in regard to the bearing which the 15th Amend-ment of the Constitution of the Un-ited States, in his opinion, will bear thereupon.

Introduction.—This discussion is one purely of constitutional law. It is entitled to more consideration than the strength of the argument gives it. I know that men of abili-ty and character do not reach the same conclusion that I do. Of course these gentlemen are actuated by perfect integrity of purpose. I think they are mistaken; and, as I commit my reasons for for so think-ing to writing. I cannot refrain from demanding that the tribute which I have paid to their integrity of purpose, shall be paid likewise to mine.

As, however, the conclusion that I reach is unpopular. I think, I owe what follows to myself; certainly that much, if not more. All my sympathies are with the better class of people in North Carolina, who desire the purification of the ballot by an educational, property or tax-paying qualification, or by any, or all of them. But the reason for my sympathy is this: A Democracy is moved to radical action only by ap-peals to its prejudices and pas-sions. When thus aroused, it has no prevision and little memory. It is regardless of the future and for-getful of the past. It has its own short-sighted reasons for its pres-ent action, and these, to it, are all sufficing. Insuperable barriers make it fret and fume in impo-tent wrath, lash both the barriers and itself. The makers of our consti-tutions, Federal and State, under-stood the weakness as well as the strength of Democracy, much bet-ter than our modern apostles of the people, so they made the breakwa-ters so strong that they could with-stand all the angry waves of popu-lar excitement while providing in-side the harbor a calm and serene haven. Now it is a fact that one of the signs of the times, is popular restiveness against the restraints of a written constitution, not so much now, it is true, as in 1896, not so much as it will be in 1900, simply because the politician was then and will be next year, moving upon the face of the waters. It is true that we have substantial reason to object to both the Federal and State con-stitutions. Candidly, I think the greatest political crime committed in the history of our country was the enactment of the fifteenth a-mendment. I believe it to have been a product both of hatred and revenge. Further, I believe, Leisy vs. Hardin, (the original package case) and the income tax case to have been two of the greatest politi-cal misfortunes in it's history. But can I listen with patience to the politician while he tells the people that the briber had entered the Su-preme Court room and had paid Chief Justice Fuller and Judge Shiras for their opinions in these cases? Or shall I believe the politi-cian and join with those who, dis-regard the means provided by the constitution itself for its amend-ment, seek by main force to break down its barriers.

Conscientiously, then, believing that section 5 of the proposed suf-frage prevision is obnoxious to the fifteenth amendment, I submit the following argument, which to my mind is conclusive. Analyzed it may be stated thus:

1. For the purpose of the argu-ment, there are no restrictions in the Federal Constitution upon the right of the State to regulate the suffrage except those contained in the fifteenth amendment.

2. Suffrage is a privilege and not a right,

3. The fifteenth amendment, however, makes it a right, when-ever any class is excluded by rea-son of race, color or previous condi-tions of servitude, and it makes no difference whether it is excluded directly or indirectly.

THE ARGUMENT.

Constitutions are not themes pro-posed for ingenious speculation, but fundamental laws ordained for practical purposes, said Judge Gas-ton.

Before the adoption of the fif-teenth amendment there was no limitation on the State's power over the suffrage in the Federal Consti-tution, except that which is con-tained in article 1, section 4, and article IV, section 4 of said consti-tution. Amendment 15 then is a limitation upon the admitted pow-er of the State and the question to be discussed is the extent of that limitation, and incidentally the present power of the State to qual-ify suffrage. As far as this discus-sion is concerned, artitle I, section 4 any article IV, section 4 may be put to one side, though they may suggest what the future shall bring forth.

Amendment 15 reads thus: "The right of citizens of the United States to vote shall not be denied or abridg-ed by the United States, or by any State on account of race, color or previous condition of servitude." It is incorporated in our supreme law, and there are few intelligent white men in North Carolina, who have not taken an oath to sustain it.

1. Who are the citizens of the United States of the fifteenth a-mendment?. The fourteenth a-mendment answers: "All persons born or naturalized in the United States—and subject to the jurisdic-tion of the same are citizens of the United States and of the State wherein they reside." We need not go outside of North Carolina for a definition which is as ac-curate if not so broad. Says Judge Gaston: "The term citizen as un-derstood in our country, is precise-ly analygous to the term subject to the common law. and the change of phraseology has entirely resulted from the change of government. The sovereignty has been trasferred from one man to the collective body of the people and he who was before a subject of the king, is now a citizen of the State." To meet hypercriticism, I remark just here that I know both of the above defi-nitions include women and that the Supreme Court of the United States has made one of them include corporations and, I think, very nat-urally and very properly so, though there are very strong arguments to the contrary. Further. that wom-en, may vote and do vote in some States, is, itself evidence that the term "citizens" of the fifteenth amendment means the same thing as the term "citizens" of the four-teenth amendment, so far as politi-cal privileges are concerned. No one, would contend, I suppose, that the ballot might be conferred upon the white women of the State with-out conferring it likewise on the ne-gro women. This would make a discrimination by reason of race, so would offend against the fifteenth amendment. Why? Because the negro women, under these circum-stances would be the citizens pro-tected by the fifteenth amendment The further discussion will make this point plain.

2. What citizens are protected by this amendment in the exercise of this franchise? They are only those who are, or attempted to be, disfranchised on account of color, race ar previous condition of servi-tude, There is no limination upon the general and admitted power of the State except in these particu-lars. In other words, the State may confer suffrage upon,

(a) Those educationally qualified.

(b) Those qualified by ownership of property.

(c) Those qualified by having paid their taxes,

All these matters are to be deter-mined by the State. And in addi-tion thereto that women may vote. There is no discrimination of race, color or previous condition of servitude. The fifteenth amend-ment was intended to secure equal-ty of privilege to all colors and all races, and it prohibits directly any discrimination on account of previ-ous condition of servitude. It goes no further. It interferes no more with the State power than this. It does not and was never intended to confer the ballot upon any class upon whom the State itself had not conferred it. It is, in other words, a prohibition upon the State to ex-ercise its power in the above par-ticulars, and only in those while it leaves it free to act in other partic-ulars. Consequently when a gen-eral law is passed which acts equal-ly upon all colors, and all races is constitutional, though it may dis-franchise more of one color, etc., than of another. The cases have decided this. The following con-siderations must convince anyone independent of cases. The 15th amendment protects all races. Suppose a negro State. which at-tempted to disfranchise, directly or indirectly the whites residing there-in; certainly the whites would ap-peal to this amendment and would be protected by it. But we are dealing now with a general law which acts upon all colors, and all races, and we are taking an educa-tional qualification as an illustra-tion. There are, say 100,000 negro voters. out of a population of 500,-000, who are entitled to vote under this educational qualification. There are 250,000 white voters out of a population of 1,250,000 under this educational qualification, which are entitled to vote. That is an equal proportion of those entitled to vote on election day, supposing the equal proportion to occur on that day. The next day it would be different and the next day after that it would be still different. So this general law would disfranchise more men of one color one day than another: This would be unconsti-tutional one day according to the accident of circumstances and con-stitutional the next, which is a re-ductio ad absurdum. Constitu-tions and constitutional construc-tion do not run along these fooli-h lines.

So, repeating, when a general law is enacted which acts equally upon all races and colors, and re-gardless of their previous condition in restricting the suffrage, that law is constitutional notwithstanding the fact that it disfranchises a greater number of blacks than whites, or whites than blacks. This principle, however, does not extend so far as to permit the State to es-tablish a merely arbitrary qualifi-cation, though it does not in terms import a discrimination by reason of races, etc., if in fact and in truth it is such discrimination. Courts cannot close their eyes to the his-tory of this country. Indeed, in construing constitutional questions, they are bound to take judicial no-tice of it. The negro as a class was a slave until 1865. As a class, neither he nor his forefathers could vote before January 1, 1867. Is there any other class in North Ca-rolina who could fill the bill that that section 5 describes so well as the negroes? Is there any other class for whom section 5 was enact-ed? The previous sections of the proposed suffrage provisions are plainly constitutional. All of the designated class are disfranchised regardless of race, color previous condition. That class includes quite a large number of white men as well as negroes. whose education does not qualify them to vote. Then section 5 is added- Why? Simply to remove the educational qualifi-cation theretofore imposed upon all white voters, leaving it still effec-tive against the negro voters. That is what the section does and that is what it was intended to do. There is no concealment of its purpose by its authors. Section 5 was in-tended to disfranchise as many ne-groes as possible and not a single white man if possible. And the meaning of this section cannot be hidden to a court, that has common sense, by a paraphrastical designa-tion of a class which is designed to favor at the expense of the fifteenth amendment and the expense of a class which the fifteenth amend-ment protects in direct terms. Sec-tion 5 is an exception in both Mr. Rountree's and Mayor Guthrie's arguments. So section 5 might as well have been incorporated in sec-tion 4 as an express exception to its provisions. Putting it down in plain terms as an exception to sec-tion 4 and ommitting all paraphra-es, would not section 4 read thus. Every person presenting himself for registration, except him who was, on January 1st 8 7, or at any time prior thereto entitled to vote under the laws, etc., any lenieal descendant of any person who was entitled as aforesaid to vote under the laws, etc." Does not this form a class and segregate it by reason of its race, color and former con-dition of servitude? If it does not, then the Legislature has failed in carrying out the intention, which it has frequently both before and since the passage of the constitu-tional act, announced. If it does, then it is obnoxious to the fifteenth amendment. That amend nent was never intended to secure more than equality of privilege in voting, It confers upon neither white or black special exemption from disqualifica-tion. It says simply to the State that in making your classes, you are free, provided your classifica-tion makes no distinction. in reali-ty, on account of race color or pre-vious condition of servitude. Ev-erybody knows that the Federal Constitution is the Supreme law of the land. Everybody knows that such official oath is a recognition of this fact. Indeed, the proposed suffrage amendment incorporates this oath in its provisions. Shall we like Virginius, let out the life blood of the Federal Constitution with one hand, while with the oth-er, we support it? Let us, howev-er, examine some of the arguments on the other side.

First. It is said that if the pro-posed suffrage provision does not on its face discriminate against a race the courts have nothing to do with the discrimination which re-sults from its practical operation; that though section 5 removes the educational qualification from a great number of whites, yet it does, not from others, and though it does not remove it from a great number of blacks, its does from others?

If there is any principle of con-stitutional law which may be con-sidered as established, so far as to make it am axiom it is this, that the constitutionality of any law is to be determined, not by its form, but by the effects of its operation.

Indeed, to such an extent is this true, that we have the maxim, "Nothing can be done indirectly, which cannot be done directly." And there is not a case which lim-its the State's control over private right or limits the police power of the State by the inter-state com-merce provision of the Federal Constitution, in the determination of which the courts have not gone back of the face of the act, to the results which ensue from its practi-cal operation. This is so true, that it requires no citation of authority. There is not a case in our reports that does not become an authority. There are none in the United States Supreme Court Reports. I need only cite Judge Harlan's discussion in Mugler vs. Kansas: "The courts are not bound by mere forms, nor are they to be misled by mere pre-tence. They are at liberty, indeed, are under a solumn duty—to look at the substance of things whenever they enter upon an enquiry wheth-er the Legislature has transcended the limits of its authority." So that it may be considered certain that the court is construing this sec-tion will disregard forms and look at the substance of things.

It is said further that under this section some whites, not education-ally qualified will still be disfran-chised. But how infinitessimally small is their number compared with those whites from whom the disqualification is removed? This is a mere minor incident in the great controlling purpose and effect of this section, to allow the white man disqualifiedly educationally to vote. while the negro so disqualifi-ed shall not. Ah! but, say they. the white was segreggated into a class by himself from his race, and his former freedom from servitude. He may exercise the franchise there-fore, because better prepared for it, than his negro confrere of the same class, educationally. True, every word of it. I have myself seen men. white men, who could neither read nor write, who were infinitely better prepared from integrity of purpose and honesty, to cast a vote than the man who was addressing them. Why? On acocunt of their race, on account of their heredity. And that is exactly what the fif-teenth amendment forbids any State to make any discrimination about. If it does not forbid that, it forbids nothing at all. Again, however, the lineal descendants of negroes who were free before 1835 have not the educational qualifica-tian applied to them. True again, but why! Simply because their ancestors were free before 1835. Does not the fifteenth amendment read in the last alternative, "or on account of previous condition of servitude."

Would the gentlemen who have announced their fixed conviction that section 5 is constitutional, in-sist the last alternative applies only to those who have been themselves slaves? Would they limit this con-stitutional amendment to this nar-row plane? Ah, I suppose not. That would have been too easy a so-lution to the suffrage problem for them to have disregarded it, in formulating the provision to be submitted to the people.

But whatever these gentlemen may think about it, it is perfectly plain that the fifteenth amendment would carry about its own death wound if it could be construed as protecting only those who had themselves been slaves. The ar-gument here, however, is exactly the same as in the principle point, with only this additional matter. It is possible to construe a constitutional provision as strickly as the law requires a criminal stat-ute to be construed? All history and all experience show that it is not.

Finally the advocates of the con-stitutionality of section 5 have this delemma thurst upon them, either the fixing of the time therein, Jan-uary 1, 1867, was arbitrary, or it was fixed with the deliberate pur-pose to disfranchising as few white men as possible. If it was arbitra-ry and its result was to disfranchise the negros while not distranchising white men of the same class it would be directly obnoxious to the fif-teenth amendment. And a portion of it would be in the second in-stance.

I have written the above in a very condensed form (too condens-ed, indeed, to do full justice to the subject) because I was not willing to let the discussion go by default against those who are neither politi-cians nor partisans. I appreciate more, perhaps, than most politi-cians, the reason of unrestricted suffrage and particularly of unre-stricted negro suffrage. I know that it is a constant source of evil to the white men of the South. I need mention only one particular. His presence as a voter has almost entirely destroyed the independ-ence of the white voter and the white public man in the South. "You belong to the nigger party," or you are aiding the "nigger par-ty," stops his mouth many a time where he should speak out, and hampers him, if it does not enslave him when he desires to vote his honest convictions or aid his fellow citizens in arriving at an honest conclusion. No, the negro is not a slave any longer. He is leading by the nose to the ballot box too many white men for him to feel that he has no power in this country. His presence is making Jeffersonian Democracy in the South a cross be-tween Federalism and Radicalism, and I fear it is making us forget our ancient respect for law; while it revives our still more ancient re-gard for force. Yet neither the ne-gro nor ourselves are to blame for this condition. Let us bear our burden bravely and as far as we can be just to him.