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The Campaign.

CONSTITUTIONAL CONVENTION.

ELECTION—THURSDAY, AUGUST 5TH.

REPUBLICAN NOMINATIONS.

WAKE COUNTY.

For Delegates: RICHARD C. BADGER, ALEXANDER L. DAVIS, MADISON C. HODGE, JEREMIAH J. NOWELL.

RALEIGH TOWNSHIP.

For Justices of the Peace: M. B. BARBER, M. N. DUNSTON, W. M. H. MARTIN, J. T. HICKMAN, J. P. PHARRE, J. D. MOIGAN, ALBERT MAGNIN.

For Constable: JOHN R. CASWELL.

For Clerk: JOHN F. WILLIAMS.

For School Committee: A. W. SHAFER, J. M. V. B. GILBERT, OSBORNE HUNTER, JR.

POLITICAL SPEAKING.—Hon. W. A. Smith and others will speak at Bentonville, July 10, Beulah, July 13, Onals, " 14, Wilder's, " 15, Clayton, " 16, Pleasant Grove, 17, Elevation, " 19, Ingram's, " 20.

SPEAKING.—Hon. S. W. Watts will address the people of Chatham in Pittsboro, on Saturday, 10th inst. Turn out and hear him. He will speak at Concord, Saturday, July 17, Morganton, Thursday, " 20, Marion, Thursday, " 22, Charlotte, Saturday, " 24.

Republican Headquarters.

The Rooms of the State Republican Executive Committee are secured for the campaign at the National Hotel, Raleigh.

Thos. B. Keogh, Chairman of the Committee, will be found at his post at the National during the campaign.

OUTSIDE CORPORATE LIMITS.—The voters of Raleigh Township outside the city limits, will find the registration books at the store of Mills H. Brown, on Fayetteville street. Those entitled to vote who have reached twenty-one years of age since August, 1874, or who have come into the territory named, since, will have to register in order to vote; etc., will call upon W. D. Haywood, Esq., at Mr. Brown's store, and see that their names are correctly entered in the new book.

REGISTER.—The Wards in the city having been changed by the act of the Legislature, it will be necessary for a new registration in order to vote in the next August election. The books are now open, and we call upon our friends to register right away. The following are the Registrars and the places of registration: M. B. Barber, 1st Ward—Upchurch's conch shop, Hargett street. D. A. Wickler, 2d Ward—Barnes of old Cape Fear Bank. J. J. Lewis, 3d Ward—Counthouse. J. P. Prairie, 4th Ward—N. Dunston's shoe shop. R. W. Best, 5th Ward—Best's Store, Hillsboro street.

Wake County Republican Executive Committee.

Chairman—W. W. White. Barton's Creek—R. A. Thompson. Buckhorn—David H. Gardner. Cary—J. P. H. Adams. Cedar Fork—J. L. Moring. House's Creek—D. R. Chavis. Little River—Henry Pulley. Mark's Creek—M. G. Todd. Middle Creek—Robt. Fuqua. New Light—Jno O Harrison. Oak Grove—Roland Goch. Panther Branch—T. L. Banks. Raleigh Township—A. Magnin. Raleigh—1st Ward, M. B. Barber. " 2d "—S. Ellison. " 3d "—A. W. Shaffer. " 4th "—Jas H Harris. " 5th "—M V B Gilbert. Saint Marys—J G Andrews. Saint Matthews—Geo A Keith. Swift Creek—Jno Massey. Wake Forest—Hamilton Jones. White Oak—F G Moring.

Republican Nominations.

The Republicans have nominated the following candidates for delegates in the counties designated: Bertie—F. W. Bell. Bladen—A. McDonald. Cherokee—A. A. Campbell. Craven—R. F. Lehman, J. S. Manix. Cumberland—R. P. Buxton, J. C. Blocker. Edgecombe—W. P. Mabson, A. McCabe. Forsythe—W. H. Wheeler. Franklin—J. F. Bullock, Jr. Halifax—J. E. O'Hara, J. J. Goodwyn. Johnston—Bryant R. Hinant, P. T. Massey. Lenoir—B. W. King. Martin—J. J. Martin. Nash—J. J. Sharp. New Hanover—D. L. Russell, J. H. Smyth, S. H. Manning. Perquimans—J. W. Albertson. Randolph—J. W. Bean, A. M. Lowe. Richmond—O. H. Dockery. Wake—Richard C. Badger, M. C. Hodge, A. L. Davis, J. J. Nowell. Warren—J. W. Thorne. Wilkes—T. J. Dula, J. Q. A. Bryan.

DAILY CONSTITUTION.

NO.] RALEIGH, N. C., THURSDAY AFTERNOON, JULY 8, 1875. [4

Attention, Republicans.

Organize in your townships. See that all Republicans are REGISTERED long before the day of election.

Immediately after your nominations are made, have your tickets printed and placed in safe and reliable hands.

When you get through with documents and newspapers, pass them around to your neighbors—particularly your Democratic friends.

Tickets! Tickets!!

We are prepared to print and furnish TICKETS, at the following prices: Township Tickets \$2 00 per thousand; for less than a thousand \$1.50. Convention Tickets \$1.00 per thousand.

No tickets will be sent from this office unless the CASII accompanies the order.

State Republican Executive Committee.

All communications for the State Republican Executive Committee should be addressed to Thomas B. Keogh, Chairman, care of F. M. Sorrell, Secretary, Raleigh, N. C.

Wake County Canvass.

The canvass in this county will begin at Utley's, in Middle Creek Township, on Thursday next, 15th inst. The list of appointments will appear in to-morrow's paper.

LOCAL DEPARTMENT.

The State Educational Association convenes in this city on the 14th inst.

"Biled shirts" melt rapidly this warm weather.

The annual meeting of the stockholders of the R. & G. R. R. took place in his city to-day.

Gov. Broglen has appointed John Nutt, Jr., a Notary Public for Bladen county.

If "there is a time for everything," now is the time to subscribe to the Constitution.

A regular meeting of the M. B. & L. Association will be held at the Court House to-morrow evening at 8 o'clock.

It is rumored that the headquarters of the officers of the R. & D. R. R. will be removed to Richmond some time this week.

The city is unusually quiet. Not a single case before the Mayor this morning. The policemen surely are having a glorious time.

The News is sorrowful because of the decision of the Supreme Court in regard to the new charter of Wilmington. And well it should be.

There is an old lady living on the eastern end of Hargett street who has a silk dress 120 years old. It is in a good state of preservation yet.

Our readers will pardon scarcity of matter in our local columns to-day. We were compelled to surrender the greater part of our space to the opinion of Judge Rodman on the Wilmington gerrymandering case. Read it; it is well worthy of perusal.

The horse and phaeton belonging to Colonel I. J. Young, while standing in front of the Yarrowhouse this afternoon, was arrested by a policeman and his horsheship marched off in the direction of the guard-house. We suppose the seizure was for violation of a city ordinance. At last accounts we had not heard whether they were placed in the calaboose or not.

SUPERIOR COURT.—His Honor Judge Watts presiding. State vs. Wm. Bell and Catherine Hill. Indictment, fornication and adultery. Defendants submit. Judgment not prayed. State vs. Henry Hughes. Indictment, assault and battery. Verdict—guilty. Fined \$5 and costs. State vs. Harrison & Bashford. Indictment, selling liquor to minors. Verdict—not guilty. State vs. Harrison & Bashford. Indictment, selling liquor to minors. At time of going to press the jury had not been able to agree. An important case came up before the Court this afternoon at 4 o'clock, that of State vs. A. S. Buford, President, and W. H. Green, Master Transportation, R. & D. R. R. Company. Will give result to-morrow.

OPINION OF RODMAN, J.

State ex rel., Van Bokelen, et al., vs. Canady, et al.

I concur in the judgment of the Court. But as I cannot concur in some of the reasons of the majority, as expressed by Justice Reade, it is proper to state wherein I differ from my Associates, and my reasons for the difference:

1. I concur in thinking that the Legislature has no right to require a residence of ninety days in the city of Wilmington, as a qualification of voters in a city election. Much less has it a right to require such a length of residence on the same lot. The Constitution requires as a qualification of voters, a residence of twelve months in the State, and of thirty days within the county, where they offer to vote. It says nothing about residence in a city, as a necessary qualification to vote in a city election. It must be conceded, however, that no person can vote at a city election unless he resides in the city at the time he offers to vote.

It is also, that it is within the power of the Legislature to require as a qualification that the voter shall have resided for a reasonable time within the city. There can be no reason why every person (otherwise qualified) who actually and bona fide resides in a municipality, be it a State, county, township or city, at the time he offers to vote therein, should not be allowed to vote. But it is also reasonable to require that the bona fides and intended permanency of the residence shall be clearly proved, and this can be best done by showing that it has existed for a time long enough reasonably to create the presumption of good faith and permanency.

This time, the Constitution has fixed as to counties, at thirty days. And the rule is equally applicable to cities if the Legislature think proper to apply it. The Legislature may shorten the time which will create the presumption of good faith and permanency, but they cannot extend it beyond what the Constitution says shall be sufficient for that purpose. If they can extend the time beyond thirty days, there is no limit.

As a ward of a city has no separate government or interest distinct from that of the city, there would seem to be no reason in requiring any time of residence in a certain ward, as a qualification for voting for city officers, as distinct from ward officers, if there be any such.

But to require that the voter shall have resided for any definite time on the same lot, evidently makes a disqualification which can find no sanction in the Constitution, or in justice or reason. In large cities most of the inhabitants are boarders or tenants. Under the Act we are considering, if a voter should leave a hotel for another, or if his lease should expire and he should remove to another residence in the same city, within ninety days before an election, he would be disqualified. It cannot be necessary to say more on this part of the case, except to observe that the act was enacted only about forty days before the election.

2. I also agree with the majority of the Court in its view of that part of the act which requires voters, before being registered, and also if challenged, before voting, to prove their qualifications by witnesses personally known to the registrars and poll-holders.

These officers are in a certain sense judges. The registrar (to confine myself to him) must be satisfied of the qualifications of a voter before registering him, by the same rules of evidence which apply to other judges of facts, and an action would be against him if after reasonable proof of qualification he should maliciously refuse to register a person entitled to registration. No doubt the Legislature may enact general laws admitting or disqualifying certain classes of witnesses, but its power cannot be unlimited in this respect. I conceive it has no right to enact a rule of evidence for a particular case; or to impose such qualifications on witnesses as practically leave the admission of the evidence to the arbitrary opinion of the Judge, without liability to review; or to make the competency of witnesses in a particular class of cases dependent on a mere accident, and independent of any rule professing even to be founded in reason. What could be said for a law which made the competency of a witness in all cases, or in any particular class of cases, for example, on trials for murder, to depend upon the irrelevant accident, that the witness was, or was not, personally known to the Judge, or jury; and which left it in the discretion of the Judge to admit or deny his personal acquaintance, according to his caprice.

The injustice and folly of such a law would be so gross, that its validity would not find an advocate. Yet that is a part of the act we are considering. The right to vote is property, and no man can be deprived of it "but by the law of the land," (Bill of Rights, s. 17,) and the arbitrary will of a registrar or a judge is not "the law of the land," in the well settled meaning of the Bill of Rights. The requirement that the witnesses to the qualification of a voter shall be personally known to the registrar, is a new and most unreasonable addition to

the qualifications for voters which the Constitution prescribes, and in my opinion is clearly beyond the power of the Legislature.

3. In the third proposition of the majority, I do not concur. The Constitution gives to the Legislature the general power of legislation subject only to certain specified restrictions. The legislative power includes as part of itself the power to create and regulate municipal corporations, to prescribe what officers there shall be, the manner of electing them, (subject, of course, to any constitutional provisions which may be applicable,) their powers, &c. The Legislature may do this by a special Act for any particular municipality, for this power is clearly given by Art. VII, Sec. 1, of the Constitution. In the power to create and provide for the organization of a city, whether this power be derived from any special provisions of the Constitution, or general grant of legislative power, it seems to me, must be included the power to divide it into wards. (See 1 Dillon Mun. Corp., sec. 19.) This being conceded, I find nothing in the Constitution which restrains the legislative power in its action on this subject, or requires that the several wards shall be equal in area, population, or taxable property; or forbids that each ward, however unequal in all of those respects, shall send the same number of representatives to the city council. It must be admitted that there is no express restraint on the legislative power in these respects. But it is argued that there is a general spirit or intent to be gathered from the Constitution, to the effect that every voter shall have an equal weight in electing public officers, and in the government of the State, or of the subordinate municipality to which he belongs. It has been said by some one before, that it is dangerous to undertake to construe a constitution upon what may be supposed to be its general spirit, for one may be easily misled by a prepossession as to what that spirit ought to be, and the results, even of the most impartial inquiry into so uncertain a subject, can never be certain. For my part, I find no indication of any such general intent, and certainly of none which can be applied to cities and towns, by any admitted rules of reasoning.

Art. II, sec 6, says that the House of Representatives shall be composed of one hundred and twenty representatives, to be elected by the counties respectively, according to their population, and each county shall have at least one representative, although it may not contain the requisite ratio of representation. Section 7 provides how the ratio of representation shall be ascertained, and how fractions shall be carried over, with the view of producing something like an approximation of representation to population.

These provisions are merely directory. They look only to the existing, or some similar division of the State into counties. It is left open to the Legislature to create new counties, as it has repeatedly done, without any objection to its constitutional power to do so. For aught that I see in the Constitution, it might divide the State into one hundred and twenty counties of unequal area, population and taxable property, when each would be entitled to one representative in the House. I think this instance, without going farther, is sufficient to show that there is no general controlling intent in the Constitution restraining the Legislature from an unequal distribution of political power.

That this power may be abused for partisan ends, there can be no doubt. It is indifferent to me whether in this case it has been abused, or not. This Court has authority to repress an usurpation of legislative power, but not to correct a mere abuse of it. For that, the Legislature is responsible to the people alone.

It is proper here to notice a position taken in argument by the learned counsel for the plaintiff, which might seem to find some countenance in the generality of my expressions, as to the legislative power to create, organize, and regulate, municipal corporations. The contention of the learned counsel was, that the Legislature might itself appoint the municipal officers, and consequently, if it allowed them to be elected, had an unlimited power to prescribe the qualifications of the electors. I do not think that this conclusion fairly follows, from the concession to the Legislature of general legislative power over such corporations. The appointment of officers, except merely temporarily, and for the purpose of organization, is not properly a part of the legislative power. It is not included under the general grant, and clearly, it is not elsewhere specifically granted. Therefore, under sec. 37, of the Bill of Rights, it remains with the people, that is to say, with the people of the locality in which the office is to be exercised.

From this reasoning my conclusions are: 1. That the Legislature may constitutionally divide a city into wards unequal in population, &c., and give to each ward an equal representation in the city council. 2. That it cannot require any qualification for voters in city elections addi-

tional to those required by the Constitution for voters in general.

3. It may require a residence of thirty days within the city before voting, as an assurance of bona fide residence within the city at the time of voting.

4. That the proof of the qualification of a voter cannot be materially other than is competent under the general rules of evidence.

NEW ADVERTISEMENTS.

NOTICE OF ELECTION.

By virtue of an ordinance of the Board of Aldermen passed June 14th, there will be an election held on

JULY 15th, 1875.

to determine whether the Board of Aldermen shall have authority to issue

One Hundred Thousand Dollars

of the city bonds. Those approving the issue of bonds, shall vote "Approved"; and those opposing, "Not Approved." These bonds will not be sold in any manner used to increase the city debt, but shall be used to fund the present indebtedness of the city. The polls will be opened at the polling places used in the late election.

The books of registration for all the wards will be found at the Mayor's office, and those not already registered can have an opportunity of registering. By order of THE BOARD OF ALDERMEN. 1-td

ORDINANCE.

Be it ordained, That the question of issuing \$100,000 in bonds of the city of Raleigh, payable, one-half in twenty years and one-half in thirty years, bearing interest at the rate of six per cent per annum, payable semi-annually, be submitted to a vote of the qualified electors of the city on the 15th of July next. Those approving the said issue of bonds shall deposit a ballot with the word "approved," and those opposing, a ballot with the words "not approved."

Be it further ordained, That the said bonds shall be of the denominations of one hundred, five hundred and one thousand dollars, with coupons which shall be receivable in payment of taxes and debts due to the city, they shall be signed by the Mayor and Clerk, and countersigned by the Treasurer and Auditor, and when perfected shall be deposited with the Treasurer. They shall not be sold or in any manner used to increase the debt of the city, but shall be issued to the holders of such of the past due bonds, coupons and city orders or scrip, as shall be approved by the Board of Aldermen and the Auditor, in lieu of the same; and the said bonds, coupons and scrip shall be delivered to the Treasurer for cancellation.

Be it further ordained, That to carry into effect the provisions of this ordinance the polls be opened at the polling places used in the late municipal election, on the said 15th day of July, 1875, under the same restrictions as were applicable to the late election for Aldermen; provided, that all returns of the result to the said electors, shall be made to the Mayor and Board of Aldermen, and that the Chief of Police shall preserve order at the polls.

Be it further ordained, That George H. Williams, Clerk, be instructed to procure the Books of Registration used in the late election, and that he act as Registrar to revised voters; and that the Board of Aldermen publish an address to the electors of the city giving their reasons for asking an approval of the issue of bonds.

Be it further ordained, That notice of the election be published in one or more of the city papers, and that notice be given by posters; and that the Board of Aldermen publish an address to the electors of the city giving their reasons for asking an approval of the issue of bonds.

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THE TIMES.—A FIRST-CLASS

newspaper. Daily and weekly. Independent in everything! Neutral in nothing! Opposed to all corrupting Municipal, State and National affairs. The Daily Times will be issued on Saturday, the 13th of March next, and every morning thereafter, Sundays excepted, under the editorial direction of A. K. McClure, printed compactly from clear, new type, on a large folio sheet, containing all the news of the day, including the Associated Press Telegrams, Special Telegrams and Correspondence from all points of interest, and fearless editorial discussions of all current topics. Price, two cents.

Mail subscriptions, postage free, six dollars per annum, or fifty cents per month, in advance. Advertisements, fifteen, twenty and thirty cents per line, according to position. The Weekly Times Will be issued on Saturday, March 20th, and weekly thereafter, containing all important news of the week, and complete market and financial reports. Sent, for one year, postage free, at the following rates: One copy, \$1.00. Ten copies, 9.00. Twenty copies, 16.00. Advertisements twenty-five cents per line. Remittances should be made by drafts or post office orders. Address: THE TIMES, No. 14 South Seventh Street, Philadelphia, 40-4f. March 24th, 1875.

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MISCELLANEOUS.

A FORTUNE TO BE HAD.—Every family buys it. Sold by Agents, Address, G. S. WALKER, Erie, Pa.

\$20 DAILY TO AGENTS.—\$5 new article and the best Family Paper in America, with two \$5.00 Chromos, from the AM. M'FG CO., 300 Broadway, N. Y.

BOOK AGENTS wanted to sell "The People's Common Sense Medical Adviser," by R. V. Pierce, M. D. The most ready selling book out. Exclusive territory and liberal terms. Address the author at Buffalo, N. Y.

ALBEMARLE FEMALE INSTITUTE,

Charlottesville, Va. 19th annual session opens 1st of September, with full Faculty and elegant equipments, Health, accessibility, good fare and thorough instruction at this college. For details, address R. H. HAWKINS, N. A., Principal.

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and all Throat Diseases, USE WELLS' CARBOLIC TABLETS Put up only in BLUE boxes. A TRIED & SURE REMEDY. For sale by Druggists generally, and JOHNSTON, HOLLOWAY & CO., Philadelphia, Pa.

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Croquet Sets, Batts, Balls, Fancy Goods, Toys, Perfumeries, Soaps, Crack Pipes, Battle Doors and Shuttle Coaks, Hoops, Cigars and Tobacco, and many things too tedious to mention. Call and examine my stock and prices before purchasing elsewhere. I sell strictly for CASH at bottom prices. If you want a bargain don't fail to call at NAT. L. BROWN'S, No. 10 Fayetteville Street, RALEIGH, N. C. ap 20-3m

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