

# THE DAILY CONSTITUTION.

NO.

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12.

## The Daily Constitution.

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## STATE CONSTITUTIONAL CONVENTION.

ELEVENTH DAY.

FRIDAY, Sept. 17, 1875.

Met at 10 A. M., Mr. President Ransom in the Chair.

Prayer by Rev. Mr. Jurney, of the city.

The Journal of yesterday was read and approved.

Leaves of absence were granted to Messrs. Holton, Bullock, Taylor, Dockery, Shepherd, Lehman, Roberts, of Gates, Cunningham, Page, Stallings, Black, Marshall, and others—many if not all, pairing with one of opposite party.

Mr. Munden, Rep., rose to a question of personal privilege. On yesterday, he rose to say something respecting the irrelevant language in debate. He did so with all respect for the gentleman [Mr. Turner] then entitled to the floor and for the Convention. He was ordered down by the delegate from Alamance. Until he acted indecorously he was entitled to respect, and this he should demand for himself individually and as a member of this body, and he should in future look for a just decision from the presiding officer.

Mr. Boyd, Rep., regretted that the gentleman was offended at his remark. It was made for the reason that he desired no interruption of the gentleman from Orange. He disclaimed abrupt conduct.

Mr. Albertson, Rep., (who was in the chair at the time of the occurrence) was sorry that it should be intimated that he failed to properly treat any member of the Convention. He did recognize the delegate from Pasquotank, and there was a pause. The gentleman smilingly took his seat, and the Chair construed this as assenting to the interruption of the gentleman from Alamance.

### REPORTS FROM COMMITTEES.

Mr. Bennett, from the Committee on the Judicial Department, reported unfavorably on the ordinance to relieve the political disabilities of W. W. Holden.

Mr. Roberts, of Gates, from the Committee on Enrolled Bills, reported several ordinances and they were ratified. Mr. Wilcox, from the Special Committee on per diem, &c., reported an ordinance on this subject.

### INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

All appropriately disposed of.

By Mr. Henderson, Dem., ordinance to submit to the people the amendments adopted by this Convention. To vote at general election in November, 1876.

By Mr. Wheeler, Rep., ordinance to prohibit the payment of the public debt until a bill authorizing the same shall have been sanctioned by the voters of the State.

By same, ordinance to provide for working the public roads by taxation.

By same, ordinance to amend sec. 6, art. 7; prohibiting township boards of trustees from assessing their own property.

By same, ordinance to amend art. 7 of Constitution so as to abolish the registration of voters.

By Mr. Barringer, Rep., ordinance to amend sec. 24, art. 1; relating to militia and bearing arms.

By Mr. Turner, Dem., resolution relating to the exchange of bonds of Chatham Railroad. Mr. T. having taken occasion to denounce this company as "a thieving corporation."

Mr. Barringer, Rep., asked whether the bill authorizing the exchange of bonds was not introduced by a political friend of the delegate from Orange.

By Mr. Jarvis, Dem., Ordinance to amend sec. 6, art. 1 of Constitution; relating to the State's assuming debts contracted in building any railroad.

On motion of Mr. Badger, Rep., the rules were suspended and the ordinance relieving W. W. Holden of his disabilities, adversely reported upon this morning, was made special order for Wednesday next, at 12 o'clock.

Mr. French, by request of Mr. Wilcox, the chairman, asked a suspension of the rules to take up the resolution relating to per diem of members of the Convention. The vote stood, ayes 49, noes 50.

On motion of Mr. Badger, the

### SPECIAL ORDER.

was anticipated, being the recommendation of the Committee on the Judicial Department to reduce the number of Supreme Court Judges to three—a Chief Justice and two Associate Justices.

Mr. Albertson, Rep., took the floor and made an able speech in favor of holding to the present number. There is more in the word *economy* than the mere saving of money. This Court was dear to the people; from it had sprung a sentiment, and we should not ruthlessly tear down this sentiment, upon the question of saving money. Regarding the matter of confidence in and respect for Judges, he was not satisfied that the judiciary in the future would command more of this, (as we use it in common parlance) than they now do; and he attributed this to the fact that times have changed; new ideas have come to the front; we have been absolved from that reverence for things of the past. There was abroad a spirit of investigation and independence; this spirit brought about many appeals; for if a lawyer believed that the law had not been properly expounded in the case of his client, it was the duty of that attorney to appeal. He opposed lessening the Court, on the ground that it was easier for the Legislature to intimidate a smaller number. The tendency was towards placing more power in the legislative department. Strike at the organization of the Court, and you strike the sentiment to which he had alluded—one involving the dearest hopes in the hearts of the people. The power of the Convention was crippled regarding the making of the homestead fee simple, and this led the people to believe that there was a covert design somewhere. There was nothing like making a man independent in his external circumstances; he could then brave intimidation; but, withdraw from him all protection, put him at the mercy of creditors, with an aristocratic element as the governing class, and man's lot would be deplorable indeed.

Mr. Buxton, Rep., followed Mr. A., speaking of the increase of population, the addition of 80,000 litigants; of the increase in number of counties, from which appeals come, all showing the necessity for retaining the present number of Judges.

Mr. Manning, of Chatham, Dem., for the Chairman of the Committee, was about to close the debate, but gave way to

Mr. Badger, Rep., who ably advocated the present judicial system and spoke against any diminution in number of Justices. Alluding to failures of French and Spanish Republics, he attributed this to the fact that they had no power independent of the public will. The great bulwark of the Supreme Court, both of the United States and of North Carolina, had not pandered to popular prejudice, but had maintained its integrity and shown its independence, even when majorities were against it.

The previous question was demanded by Mr. Manning, of Chatham, Dem., ayes 52, noes 49. Passed second reading—ayes 65, noes 35.

Mr. Smythe, Rep., in voting, made an excellent explanation of his vote.

Mr. Scott, of Jones, Rep., moved to reconsider the vote just taken, and ably defended the Supreme Court as now constituted.

On motion of Mr. Morehead, Dem., the motion to reconsider was tabled.

Mr. Young, Rep., introduced a resolution to adjourn sine die, Calendar.

Leaves of absence were granted to Messrs. Kirby, Wheeler, Massey and another.

Report of Committee on Judicial Department, amending article 4, striking out section 9, affecting terms of Supreme Court. Tabled.

Proposing to strike out sec. 9, art. 4, relating to times of holding Supreme Court. Tabled.

Ordinance to amend art. 4, by strik-

ing out sec. 9. Made special order for Monday next at 12 o'clock.

Leave of absence granted Mr. McCabe.

Ordinance to abolish Senate. Tabled. Resolution amending sec. 15, art. 2; filling vacancies. Tabled.

Substitute from Committee on Education, to amend sec. 3, art. 9; relating to public schools.

Mr. Badger moved to postpone and make special order for Monday next 12 o'clock.

Mr. Morehead opposed making special order before passage on second reading.

Mr. Badger took the floor and proceeded to make one of his best efforts in behalf of popular education and the elevation of man, but gave way to

Mr. Young, upon whose motion the matter was postponed till Thursday next, 12 o'clock, and made special order for that hour.

On motion of Mr. Boyd, at 2 o'clock, the Convention adjourned till tomorrow morning 10 o'clock.

## DAILY CONSTITUTION.

Governor Brogden has returned to the city from Chapel Hill, where he has been to attend the college exercises.

His Excellency, Gov. Brogden, has appointed Messrs. Rollins and Pearson, of Asheville, as Commissioners on the Western N. C. Railroad. Another is to be appointed.

Mr. Price, of Davie, has become more quiet of late. Since Mr. Turner rebuked him so severely for playing the part of common informer and afterwards for being so ready to call the previous question, he has behaved better and we have some hopes of him.

If he should live to be an old man and continue to act as for the last day or two, and constantly improve, he will get to be a well-behaved, parliamentary and less intolerant and egotistical in his opinions of other delegates.

### Able Speeches.

The ablest speech of the session was made to-day by Judge Albertson against the reduction of the number of Supreme Court Judges from five to three. He was logical and eloquent, and commanded the undivided attention of the Democratic side of the House.

He was followed by Judge Buxton in an able argument, also against the change. Judge Buxton showed great power of intellect and tact as a debater. This question has brought out our talent. Thus far, Young, Tourgee, Barringer and Buxton have made able and telling speeches against this change, not in a partisan spirit, but because there is no good reason for the change, and our friends feel apprehensive that any change will destroy the homestead. Democrats in this Convention with their fraudulent majority may pass it, but the People will vote against its ratification if they are permitted so to do.

### They Develop their True Sentiment.

The Democratic officers of the Convention refuse to admit to the floor of the Convention all persons who do not have on coats.

Hence a laboring man who goes without a coat for the sake of convenience, or a man who is so unfortunate as to be unable to buy a coat, is deprived of the right to step into the hall and even look upon the Convention.

The doorkeepers say that they have an order to exclude such persons from the lobbies. Then there must be a reason for such an order. We feel sure that there is a reason. Yea, two strong reasons. One is, that the Democrats not only despise the rights of poor men, but they

despise the sight of them, and their presence, clad in common clothes, annoys the sense of dignity which the would-be aristocrats in the Democratic party betake to themselves. Another reason is this: the Democrats feel that they have but one paramount object in view—the degradation and destruction of the poorer classes; then how can they bear the form of a common laborer continually rising up before them like the ghost of Banquo before the murderer, Macbeth?

### Col. Young's Speech on the Proposition to Reduce the Number of Supreme Court Judges from Five to Three.

MR. PRESIDENT:—I had intended, sir, to permit the discussion of this question to be carried on entirely by the learned delegates of the legal fraternity on this floor, and to say nothing myself. It is a question entirely non-partisan in its character, and should be so regarded by every delegate. It is indeed above party, and so far as I am concerned, I stand ready to vote for the reduction in the number of Judges recommended, if any delegate will give me one good reason for the change.

But, sir, I have listened in vain to the delegate from Chatham and to the delegate from Anson, for one single good reason why this change should be made. It is not sufficient, Mr. President, to say that our forefathers had but three Judges on the Supreme Bench, when we remember that our population is largely increased and several hundred thousand people are now litigants that were not under the old system. Nor will the fact as cited with much emphasis by the learned delegate from Chatham, that Georgia and Iowa and other States had but three, convincing any mind of the necessity of change here in North Carolina.

As to the reasons given for the reduction by the delegate from Orange (Mr. Turner) they abound mostly in a comparison of the irrelevant matter of the war record of himself and the delegate from Mecklenburg (Mr. Barringer.) Without desiring to give my opinion as to the merits of this irrelevant discussion, I would say that the testimony adduced by both the gentleman proves two facts, and two facts only:—1st. That the delegate from Mecklenburg beat the delegate from Orange getting into the war. 2nd. That the delegate from Orange displaced the delegate from Mecklenburg in the race to get out of the war. (Laughter.) Seriously, Mr. President, I stand ready to support this reduction of the Judges of the Supreme Court if I thought it a measure of economy or public policy. If there is no better reason than those given by the learned delegates who have favored this proposition, then I must be pardoned for failing to see the good to follow from this ordinance.

I know personally sir, that the labor of the present Court, while in session, is perhaps greater than any five men in North Carolina. My personal observation teaches this. They meet at 9 a. m., hear arguments until 1 o'clock, p. m.; they meet for consultation at 3 p. m., and frequently are detained till 7 p. m., and almost all of their opinions are written at night, and sir, after all this daily labor their sessions are from six to eight weeks. Would any gentleman have them longer? I hope, unless better reasons can be given, that the ordinance will not pass.

The following is a letter from the Attorney General of the United States to Gov. Ames, of Mississippi, in relation to affairs in that State:

WASHINGTON, Sept. 16.

To Governor Ames, Jackson, Miss.:  
At this hour I have had dispatches from the President. I can best convey to you his ideas by extracts from his dispatches. "The whole public are tired out with these annual autumnal outbreaks in the South, and the great majority are ready now to condemn any interference on the part of the government. I heartily wish that peace and good order may be restored without issuing the proclamation, but if it is not, the proclamation must be issued, and if it is, I shall instruct the commander of the forces to have no child's play. If there is a necessity for military interference it should be such as to deter

evil doers. I would suggest the sending of a dispatch or letter by private messenger to Gov. Ames, urging him to strengthen his own position by exhausting his own resources in restoring order before he receives government aid. He might accept the assistance offered by the citizens of Jackson and elsewhere. Governor Ames and his advisers can be made perfectly secure, as many of the troops now in Mississippi as he deems necessary may be sent to Jackson. If he is betrayed by those who offer assistance, he will be in a position to defeat their ends and punish them." You see by this the mind of the President, with which I and every member of the Cabinet who have been consulted are in full accord. You see the difficulties, you see the responsibilities which you assume. We cannot understand why you do not strengthen yourself in the way the President suggests; nor do we see why you do not call the Legislature together and obtain from them whatever powers and money and arms you need. The Constitution is explicit that the executive of the State can call upon the President for aid in suppressing domestic violence, only when the Legislature can not be convened, and the law expressly says, "in case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call it together." It is the plain meaning of the Constitution and the laws, when taken together, that the executive of the State may call upon the President for military aid to quell domestic violence, only in case of an insurrection in any State against the government thereof, when the Legislature cannot be called together. You make no suggestion even that there is any insurrection against the government of the State, or that the Legislature would not support you in any measure you might propose to preserve the public order. I suggest that you take all lawful means and all needed measures to preserve the peace by the forces in your own State, and let the country see that the citizens of Mississippi, who are largely favorable to good order, and who are largely Republican have the courage and the manhood to fight for their rights and to destroy the bloody ruffians who murder the innocent and unoffending freedmen. Everything is in readiness. Be careful to bring yourself strictly within the Constitution and the laws, and if there is such resistance to your State authorities as you cannot by all the means at your command suppress, the President will swiftly aid you to protect human rights. Telegraph me on receipt of this, and state explicitly what you need.

Very respectfully yours,  
EDWARD PIERREPOINT,  
Attorney General.

A Republican Congress imposed the "iron-clad" oath as a test upon the members of the Constitutional Conventions of the Southern States at the close of the war. A Republican Congress passed upon the Constitutions as reconstructed by those Conventions before those States were readmitted to the Union. They all provided for equal suffrage, and a Republican administration stands pledged to support the humblest as well as the highest citizen of the South in the exercise of that right. It was not intended originally that any except loyal men who could take the test oath referred to, should participate in the reorganization of the Southern State governments. After they were organized, however, a Republican Congress removed the disabilities of the masses of the Southern people with the understanding that they would one and all sustain and submit to the imposition of equal suffrage. The Southern Democracy has violated this understanding, and is now seeking by the most criminal methods to effectually destroy equal suffrage. Evidently this is exactly the time when the pledges of a Republican administration should be kept in violation as the only method by which the designs of the Southern Democracy can be circumvented.—Wash. Republican.

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