The Daily Constitution.

OUR CONSTITUTION,

AND THE

Proposed Amendments.

It is proposed in this, and the subsequent articles on this subject, to lay before the readers of the Constitution, a plan, practical, yet unshrinking analysis of the amendments proposed to the Constitution of North Carolina, by the Convention of 1875, and a full exposition of their possible and probable results. Correspondence upon this subject and suggestions are earnestly requested from all persons, who by examination of the Amendments have been led to consider their effects. Speakers and candidates are invited to correspond freely upon this subject.

THE CONSTITUTION OF 1776.

This constitution was framed and adopted by a body of delegates, whose right to act in behalf of the inhabitants of the late colony, or infant Republic, seems to have been of about the same character as that of other legislative bodies of that day,—good enough because approved by the result of revolution. In these days, when an hundred years of careful and intelligent scrutiny, has defined so closely the limits and essential pre-requisites of delegated authority, their authorization would be regarded as utterly insufficient. The constitution which they framed was regarded as a model of those times when written constitutions were a new thing upon the face of the earth. Chief Justice Marshall, in the early years of the present century, pronounced it a marvel of simplicity and completeness. By an examination of this instrument it will appear, that it was as remarkable for what it did not contain, as for what it enacted. Those who ordained its provisions, were noble, wise and valiant men. They were in solemn earnest in their intention to build a *new* Government, in the limits of the Colony, and they were equally sincere in their determination to have the new Government freed from certain of the evils, which they believed existed under the rule of his Majesty, the King of England. Upon these points their minds were clear, and the provisions of the Constitution they ordained are explicit and unmistakable. It fact, its negative provisions could not be excelled for brevity, clearness and sufficiency to accomplish the purposes of their enactors. It is true that the merit of those provisions is not exclusively due to the men who framed them. They had the benefit of every bill of right, which had ever been mooted in the British Parliament, and of every discontented address to the throne, which had ever emanated from a restive House of Commons. The immortal sentences of *Magna Charta*, as well as the impassioned rhetoric of the Declaration which Jefferson had lately penned, were in their ears. They knew well what they did *not* want, or at least, that they did not want certain things.

As a result, we find their utterances in regard to the rights of the people to some form of free Government; the independence of different branches of the Government; the right of petition; of trial by jury; against exclusive privileges; against the suspension of laws; against general warrants; against excessive bail; in favor of the writ of *habeas corpus;* in favor of the right to bear arms; in favor of open and untrammelled courts, and against hereditery emoluments and privileges, simply perfect, in their brevity, force and comprehensiveness. All these referred to wrongs, were those which they had known and felt, which they could measure and appreciate. In these they were specific because they were treading upon well known ground. These were evils they could destroy—the negative elements of the Government they sought to establish.

When they came to the positive elements of the structure, their hands at once began to falter. They had no model, which had been approved by experience, on which to build. They could not foresee the necessities of the future. Whether the new *imperium* would remain forever absolutely independent and autocratic within its own borders, or to an extent be limited and modified by an union with others, for the purpose of defence and the demands of commercial prosperity—they could not tell.

They were in the main wise men. They had provided, beyond question, against the subversion of those rights, which they knew, from experience, that monarchical governments were most likely to infringe. They had a vague idea as to what a Republican government should or might be. They were too wise to try to evolve from their own inner consciousness all the details of this glorious dream. They therefore provided only the skeleton of the castle *en Esopagn*, which filled their teeming fancies, and wisely—under the circumstances, most wisely—left the details of its fleshing and coloring to the legislature. They established a partial framework, and gave to the legislative branch of the new government the power to complete the structure.

There were some things, however, upon which these wise men had very positive convictions, in relation to the synthesis of the new government, and, as is usually the case, upon those points in which they were the most positive, they were most in error.

(1.) They were, first of all, bigots. Religion, that most dangerous of all ideas in the foundation of fundamental law, because a most important element of their work—the Christian Religion—nay, that phase of the christian religion, known as Protestantism—became, under their hands the crucial test of civis right and official eligibility. These men probably prized this provision more highly than any other affirmative enactment of the Constitution they ordained. The distinct declarations of some of them, show this to have been the case. Yet strangely enough, it was the first one upon which the experience, of men of justice and the development of republican ideas among their descendants, set the seal of condemnation.

(2.) They had a profound conviction that the rich must be *protected* against the encroachments and oppressions of the *poor*. Thus boldly stated, the proposition seems so apparently absurd, that one can hardly forgive any body of men for failing to recoguize its fallacy, injustice and anti-republican tendency and character. But these men, though wise and strong and bold, were men of those times, and like all their contemporaries, were but infants in the theory and practice of self-government. They knew as little almost about a *free*, self-governing state, as the sailors of that day knew about navigating a steamship. They were men of substance, sub-proprietors, most of them, of large estates. They were surrounded, annoyed and harrassed by landless neighbors, who had been brought from England to constitute a peasantry, but who stubbornly persisted in obtaining subsistence by the less menial pursuits of the chase, or by practical application to the domains of their wealthy neighbors, of the principle which in later times became known as "squatter sovereignty." Against these troubles of the peace of their respective seizerainties, the provisions of the constitution they enacted were directed with an intensity of purpose which is characteristic of strong men when they feel deeply. Both the citizen and the officer were required to possess a certain amount of real property before the one could exercise any electoral power in the State, or the other could assume the functions of office. But these fathers of the republic were not the only ones who have been frightened by the fear of the oppression and exactions of "the poor!" No doubt those wise men, of almost princely domain, would have been astonished beyond utterance, could they have foreseen that in less than a century the American Republic would have developed its highest prosperity, wealth and intelligence, in a State in which the plantation had shrunk to a farm, and the average holding to a less than a score of acres!

This unjust principle was the next provision of the constitution to yield to the irrepressible growth of republican thought among the people.

(3.) Another phantom of grisly import in the minds of these men, was the fear of executive aggressions. They, therefore, made the Chief Executive a man of straw,—a mere figure-head, without authority or duties—a harmonious, but useless appendage of the State organism. At no time in the history of the State has the Governor been able to do any good or any harm by reason of his official position except when, in 1861, he usurped a dictatorship, and during the war, when he became a military satrap of the Confederacy, and by reason of his *ex officio* power as chief of the militia, became more a Department Commander than a civil Governor.

(4.) Like all strong men, they had a good opinion of themselves and their work. They had no idea that the cradle they were making, might become too cramped for the limbs of the young giant who was to occupy it. They had no idea of having the future—the unborn generations of whom they knew nothing—meddle with their work. What they did was to stand through the ages unaltered and unalterable. They, therefore, provided no method for its amendmendment.

From this analysis, it will be seen that while the fathers were great men, and good men, yet they were only men, and their acts did not partake of the Divine attribute—perfection. Hence

THE CONVENTION OF 1835.

This convention was a natural and inevitable revolt against the inflexible nature of the old constitution. It shows conclusively that change is as necessary and unavoidable in a constitution, as in a garment, as a result of growth. It was called for and accomplished, for two widely different purposes, the *en*franchisement of Catholics and the *dis*franchisement of the free negroes! Such is the partiality and contrariety of human action, that in the same body justice and oppression, liberality and bigotry, freedom and tyranny, stand side by side, and are advocated with equal zeal by the same men.

LEGISLATIVE AMENDMENTS, 1854.

After a fierce struggle, running through many years, the property qualification, required of electors of the Senatorial branch of the Legislature, was abolished. "Manhood suffrage" was recognized to an extent which must have alarmed the fathers who framed the first constitution, if they had cognizance of the fact, unless they had learned something of the nature of free government, since they founded the State.

THE CONVENTION OF 1861

was called, both in defiance of law and for an unlawful purpose. Its grant of an authority was the will of a traitorous Executive, and its purpose was to afford him, in conjunction with the so-called Confederate authorities, an excuse to override and coerce the Union element of the State. It was remarkable for the arrogance, dash and unscrupulous recklessness of its majority and the strange, hesitating, doubting weakness of its minority. It will be noted in history chiefly as the grave of its promoter's hopes and the mausoleum of the fame of its members. Of the majority, in the short period of fifteen years, every one has passed into the fossil state. Of the minority few retain political vitality. In the matter of constitutional amendments, it did very little—in the matter of organizing rebellion very much. Their action in the former *role* may be summarized in two sentences:—

(1.) The change of "United States" to "Confederate States," wherever it occurred.

(2.) The removal of the disabilities of Jewish religionists.

THE CONVENTION OF 1865,

while interesting as a study of the political thought of the period immediately succeeding the rebellion, it was abortive of results, and it is not necessary to consider it in this connection, further than to say it was a vain effort to perpetuate in a now free community, the inequalities of power embraced in the old constitution and which only the stupefying effects of slavery upon the body politic, had kept in force and existence, up to the beginning of rebellion.

THE CONVENTION OF 1868.

This body marks an era in the history of self government, in the State, only second to that of 1776. Any prolonged consideration of the circumstances attending its call and session is unecessary since every voter, who will peruse these articles, has but to refer to his own memory to recall them. A few considerations may be briefly noted:—

(1.) It was the first time since 1835 that any person of the African race had voted in this State; the first time in its history that *all* of that race had been permitted to exercise electoral power, and the first time that *any* of them had enjoyed official elegibility or exercised legislative functions.

(2.) It was the first time that manhood was made the test of political right in the State.

(3.) It has been claimed to have been very largely composed of persons not born within the limits of the State. *As a fact*, there was a far greater preponderance, both in number and proportion, of foreign born citizens of the State in the Convention of 1776 than in this.

(4.) As the Convention of 1776 was careful and anxious in prohibiting and suppressing the wrongs from which its members and their contemporaries had suffered, so this in 1868 was equally careful, in guarding against the evils of which its members had experimental knowledge. We therefore find the instrument, which they ordained, to be as explicit upon the idea of personal liberty, as was that of the former upon personal security; instead of guarding the rich against the poor, it seems anxious to protect the poor from the power and avarice of the rich. Political right is as jealously guarded as the rights of property. Therefore, the provisions for a homestead; for the care of the Deaf Mute, Blind and Insane, and for the reformation of criminals, mark it as the product of a new era of political thought, which seeks for governmental perfection, in the cultivation of individuality and personal independence in the citizen; to promote general prosperity by preventing individual panperization; general security by the elimination or isolation of individual criminals; general intelligence by universal education, and general harmony; by a purity of political power, thus compelling the strong to respect the weak.

(5.) This constitution is much fuller in synthetic details than that of 1776. Its framers knew what they wanted to destroy, and also what they wished to build up. The experience of almost a century, in sister States of the Union, had disclosed very clearly what were the most effective means of securing the results aimed at—constitutional law,—the law of written and explicit constitutions had developed from a mere matter of a priori inference, into a science whose formulæ had been tested and approved. From this experience it appeared, that the structural form of the government ought to be more sharply defined than had been done by the old constitution, in order to guard the rights of the citizen from encroachment on the part of the different branches of the government. It was especially apparent that the legislative branch was quite as apt to usurp authority, or exercise that conferred, to the prejudice of the common weal, as any other. It was evident, that this needed restriction as well as the other. It was apparent from the same experience, that fixity of constitution, and uniformity of jurisdiction, was desirable in the courts. We find, therefore, that they expressly limited the legislative power and specifically prescribed the organization and jurisdiction of the courts.

THE AMENDMENTS.

ARTICLE IV OF THE CONSTITUTION.

Among the proposed Constitual Amendments is the following:

That sections fifteen, sixteen and seventeen of article four of the Constitution be abrogated and annulled.

The following are the three sections in the present Constitution to be struck out by this amendment:

Sec. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts; and of all criminal actions in which the punishment may exceed a fine of fifty dollars on imprisonment for one month.

Sec. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

Sec. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of administration, the appointment of guardians, the apprenticing of orphans, to audit the accounts of executors, administrators and guardians, and of such others as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgments in all matters of law.

The above three sections are of the greatest utility and importance, and they ought not to be abrogated and annulled. They provide for the convenience and assistance of the people, and they need no amendment. Section seventeen provides that a man can go to the Superior Court Clerk's office any day and prove a deed; that he can go any day and prove a will; that he can go any day and take out letters of administration on an estate; that he can go any day and get a guardian appointed for minors; that he can go any day and get orphans apprenticed; that he can go any day and make his returns to the Clerk's office of his accounts as executor, administrator or guardian, without the aid of a lawyer, unless he chooses to employ one.

If the amendments are adopted, the people will be deprived of all these great conveniences, and they will be compelled to wait till Court and employ a lawyer to assume to do such business as they can now do themselves with the Clerk any time or any day of the week. And yet the people are called upon to abolish this convenient and economical arrangement, and to impose upon themselves greater inconveniences, costs and expenses. Let the people remember they can gain nothing by the adoption of these amendments. Let us vote against the amendments and against the candidates who favor them, and we will save our Constitution as it is.

CONSTITUTIONAL AMENDMENTS.

No. 1.

I have for some time been looking to your paper for some explanation of the proposed constitutional amendments, the manner in which they were adopted, &c., &c. I had hoped that some abler pen than mine had assumed the work, but time has worn on, the people are anxious and waiting to hear these things, and here is no time to be lost.

I propose, therefore, in this and other communications to follow, to point out as succinctly as I am able, some of the leading objections to the proposed amendments.

I object to them: First, because the Convention which passed them was called without the consent of the people of North Carolina, and on the contrary, against their will.

Is this so? Let us see. The constitution in 1868, was ratified by an overwhelming majority. In 1872 the Democratic party succeeded in electing a majority of the General Assembly, and they submitted to the voters of the State a proposition to call a Convention. That proposition was voted down. Subsequently, by common consent, the constitution was amended—not through a convention, but by act of the General Assembly—submitted to the people for their ratification the amendments to be voted upon, each separately. In 1874-75 the Democratic party was again in the ascendency. In that campaign the people were called upon to decide no issue concerning the calling of a convention, and the propriety of so doing was not discussed. The matter was debated early in the session of 1874-75. The bill calling the convention was introduced and postponed from time in order to ascertain the public will (I suppose.) Fowle and Davis, and other leading men, in the Democratic party, published their letters—and able letters they were—protesting against the calling of a convention. The entire Republican press, and a large portion of the Democratic press, inveighed against it. Public meetings were held to ascertain the sentiment of the people, and they protested against it, and yet with all these lights before them, the bill was passed. Nor was this all. If the Democratic party had not sufficient evidence to satisfy them that a majority of the people of this State were opposed to the call of a convention, there was certainly enough to raise in their minds a serious doubt upon that point. And yet they passed the bill calling the convention, and left the people no choice in the matter. Not only is this so, but members of the General Assembly, representing constituents who were opposed to the call of a convention, voted for the bill, and when called upon to vote, declared that they believed a majority of their constituents are opposed thereto. Such was the case with members from Nash and *Wake* counties.

I am, therefore, opposed to the proposed constitutional amendments, because the convention that passed them was called without the consent, and against the known will of the people of this State, and because I think the people ought not to ratify the acts of those men who, having been elected as servants of the people, violated their allegiance to the people and seek to act as their masters.

I am opposed to them because I think the liberties of the people are well nigh gone, when their servants can spurn and despise their known will, with impunity, and because I think it is a duty of the people of North Carolina to rebuke these men who have assumed to dictate what they shall do and what they shall leave undone.

Second. I am opposed to the proposed amendments, because they were passed by a majority of a convention, which majority was obtained only by the perpetuation of an outrage and a fraud upon the people of North Carolina.

It cannot be denied that a majority of the people of North Carolina were opposed to amending the Constitution. The popular vote of the State shows that. It cannot be denied *that a majority of the votes legally cast in the county of Robeson* were for the Republican nominee for seats in the Convention. And yet, the Democratic Commissioners of Robeson county threw out and refused to count, enough of these votes to elect Sinclair and McEachin, the Democratic nominees. It cannot be denied that General Cox telegraphed to Robeson county, "*If you love North Carolina save Robeson,*" or words to that effect. It cannot be denied that without the votes of Sinclair and McEachin, the Democratic party would have been in a minority in the Convention. It cannot be denied that resolutions were introduced in the Convention declaring the seats of Sinclair and McEachin vacant; that these resolutions were referred to the Committee on Privileges and Elections *by the votes of Sinclair and McEachin*, who were allowed to vote *upon their own case*, against the protest of Republican members of the Convention. It cannot be denied that to this day the Committee on Privileges and Elections have not made a report upon the Robeson county contested case. It cannot be denied that day after day the Republican members of that Convention moved and voted to adjourn *sine die*, and that the votes of Sinclair and McEachin alone, prevented the adjournment.

I am opposed, therefore, to the proposed amendments, because I think the people of North Carolina should set the seal of their lasting condemnation upon any measure proposed by any assembly controlled by the votes of two men, who are not elected and cannot show a shadow of claim to their seats, other than the vilest fraud and most glaring outrage ever perpetrated upon the people of this State.

I shall hereafter consider separately some of the proposed amendments to which I object, provided you have space in your valuable paper. More anon.

"E."

No. 2.

In my first communication, I assumed the position that the people ought not to ratify the proposed amendments to the Constitution, because:

1. The Convention had been called contrary to the will of the people.

2. Because they had been passed only by the votes of Sinclair and McEachin, the representatives of Robeson county fraud.

I promised you also that I would consider some of the amendments separately. Before doing so, however, I will briefly advert to them in general.

When the bill calling the Convention was under consideration, one would have thought that the proper time had arrived to inform the people of this State, what great defects and grave errors, in the Constitution, the Democratic party proposed to cure. One would have thought, that so grave a crisis, as one demanding a resort to the extraordinary remedy by Convention, would have well warranted the Democratic party in telling the people of North Carolina what changes they deemed necessary to be made in the fundamental law of the land. But strange to say, the Legislature adjourned, and *our masters* did not inform us of these things. The Democratic press did not, *would not*, inform us. The canvass came on, and Democratic candidates did not, *would not*, inform; and many of us, slaves as they would have us, willingly obeyed their commands, to vote for men who had disregarded our will, and gave them power to do what we then knew not. We have learned something since then. We have learned how a party who violated our will in calling a Convention, were none too pure to violate the honor of our proud old State, and to stain her fair fame with the scum and filth of a Robeson county fraud and outrage. We have learned from others what this (once great) party, should have told us themselves. We have learned that their designs were so at variance with the accepted principles of free government, that they dare not openly avow their intentions, but must needs cloak them under the strange phrases and labyrinthine technicalities of the law, in the hope and belief that the great masses of the people might be misled thereby. We have learned that *our masters* believe that we are so ignorant, or so degraded, or both, that we will ratify their actions, however much they may be at variance with common decency.

I do not pretend to say, Mr. Editor, that all of the proposed amendments are objectionable. There may be some that would really prove beneficial to the people. But these men, who arrogate to themselves the right to dictate to the people of this State, what shall be their fundamental law, (poor, deluded mortals,) have relieved us of the necessity of inquiring what features of the amendments are worthy of our commendation. They have said you shall take the whole dose. Like wise physicians they have said, you are sick; here is the medicine, you must either take it or die. If you take any, you must take all. A part might cure you; the whole may kill; you must take it all. So we have no choice, except that between all or none. The only inquiry for us then is, what is there objectionable in these amendments, passed by a convention called against our will, by a majority existing only by the perpetration of the vilest fraud and most glaring outrage known in the political history of this State. I say, the vilest fraud and most glaring outrage known in the political history of this State, because a convention purporting to represent the people of North Carolina, assembled in obedience to the law of the land with sworn evidence before them, disclosing the minute details of this outrage, ratified, adopted, and used it effectually, for the purpose of stifling the voice of the freemen of North Carolina, lawfully expressed, and did this under the seeming guise of regular proceedings.

Of course the convention had a right to refer the Robeson county case to the committee; of course the committee had a right to fail to report upon that case before the convention adjourned. Of course it did not affect the regularity of the action of the committee, although there was full and sufficient evidence of the fraud before them from the first day of their organization.

What is there in the work of this convention that is liable to objection? Section 2, of the Bill of Rights, declares: "That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

I propose to test certain of these amendments by this fundamental principle. And the Democratic party has no right to complain of the test, because it is the foundation and essence of pure democracy.

The proposed amendment to section 25, of the Bill of Rights, declares: "But secret political societies are dangerous to the liberties of a free people, and should not be tolerated." Now, I have no objection to this amendment, as it will appear in the constitution, should it ever be adopted. Indeed I should rather rejoice that the Democratic party, with its sad and disgraceful record concerning secret political societies, had repented for the many murders and scourgings with which they have stained the past history of the State, but I confess that I have some misgivings as to their sincerity, when I remember that all of these amendments were really passed in the most secret class of political societies, to-wit, a caucus. They were, of course, read and voted upon in open convention, but they were canvassed and voted upon in caucus before, and it was known before hand how many Democrats would vote for them.

But the leading features of the amendments, and those which are most objectionable, are those to Article IV, the Judicial Department, and Article VII, Municipal Corporations. The amendment to these two articles comprise really the important changes sought to be made by the Democratic party. If these were ratified, the Democrats would willingly surrender the others. The most of the other amendments make but very little change in the organic law. But it was necessary to have others of minor importance, in order to draw away the attention of the people from the great change they proposed to make, in these respects. Consequently they adopted many others in order to confuse and mislead those who are not well informed.

The first amendment proposed to Art. IV is so to amend section 2 as to make it read as follows: "The judicial power of the State shall be vested in a Court for the trial of impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, *and such other courts inferior to the Supreme Court as may be established by law.*"

That article of the constitution, as it now is, reads as follows: "The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and Special Courts."

The constitution of 1868, for the first time in the history of North Carolina, guaranteed unto the people the right to elect all of their judicial officers from the highest to the lowest. The great principle of Democracy "man is capable of self government," was then expanded into practical results, and the idea of an elective judiciary, so long and so fondly cherished by the Democratic party, was at last secured.

I shall attempt to show, that this amendment is an indirect attack upon our elective judiciary.

The important words of the amendment, are as follows; "*And such others courts, inferior to the Supreme Court, as may be established by law.*" Here are words clearly and unmistakably conferring upon the law-making power, which is the Legislature, the full authority to create as many courts as they deem proper. No man can or will deny this. If this amendment is ratified, the constitution will have unbridled the Legislature, and it will *have the power* to make as many courts as they choose. What kind of courts can the Legislature create? Courts inferior to the Supreme Court. They may make courts inferior to the Supreme Court, but superior to the Superior Court, inferior to the Superior Court, but superior to a Magistrate's Court. They can create the courts, but how many officers of these courts shall there be, and by whom shall they be elected? Let us see. Section 24, article IV, of the constitution, as amended, reads as follows: "In case the General Assembly shall establish other courts, inferior to the Supreme Court, the presiding officers and clerks thereof *shall be elected in such manner as the General Assembly may from time to time prescribe*, and they shall hold their offices for a term not exceeding eight years."

Section 2, has given the Legislature the right to create as many courts as it deems fit, and to have as many officers for each court as it sees proper.

Now comes section 23, and confers upon the Legislature the power to elect all of the officers of these courts. So it will be seen that we are no longer to have a judiciary independent of the Legislature, and selected by the people.

But I have drawn out this communication longer than I intended, and will close. More anon.

"E."

No. 3.

In my last communication, I endeavored to point out how the late constitutional convention, called by a Democratic Legislature, against the known wish of the people of this State, and in which the Democratic party had a majority, by virtue of their ratification of the infamous Robeson county fraud and outrage, had so amended the constitution, that if the proposed amendments were adopted, the Legislature would have the power to create as many courts as they saw fit, and to elect the officers of these courts by their own vote.

I now propose to show that if these amendments are adopted, not only can the Legislature create these courts and elect their officers, but they may give to them, when created, whatever jurisdiction they see proper. That is, that when they have created the courts and elected the officers, *they have the power to say* that a great part of the business now transacted by the Superior Courts, Probate Courts and the Courts of Justices of the Peace, the officers of all which courts *are now elected by a direct vote of the of the people, shall be transferred to these new courts, to be created by the Legislature, and whose officers are to be elected by the Legislature.* Let us see if this is so:

Among the proposed amendments to the constitution, is one to the following effect:

"*The people of North Carolina in Convention assembled do ordain*, That sections fifteen, sixteen and seventeen, of article four, of the constitution, be abrogated and annulled, and the following substituted therefor:

"Sec. —. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this constitution, or which may be established by law, in such manner as it may deem best; provide also proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this constitution."

Another of your correspondents has shown that these three sections which they propose to strike out, fix the jurisdiction of the several courts, beyond the control of the Legislature. He has shown that under the 17th section, it is an easy matter to prove a will, to probate a deed, to appoint a guardian, &c., &c. I shall refer to the section which it is proposed to substitute in the place of these three sections, and consider it in connection with those which I have already mentioned.

It declares in so many words that the General Assembly "*shall allot and distribute* that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this constitution, or which may be established by law, in such manner as it may deem best."

Now, see the connection. They may create as many courts as they see fit. They may elect the officers of these courts themselves; and finally, they may give to these courts charge of whatever matters they see fit. They cannot deprive the Supreme Court its present jurisdiction.

What is the effect of this law, do you say? Why, simply this: Our judiciary is now elected by a direct vote of the people. The Democrats are opposed to electing the judges by the people. They dare not openly assail our elective judiciary, but as I have before said, these men who called a Convention, contrary to the will of the people of the State, and this party which had a majority in that Convention, only by ratifying and adopting the Robeson county fraud and outrage, seek to cripple and destroy our judicial system, under the cover of legal technicalities and legal phrases, of which a great mass of the people know nothing.

The effect is this, Mr. Editor: The Legislature may re-establish the old county court system. May deprive the Probate Court of the judicial business which is now so easily and cheaply transacted in that court, and transfer it either to the County Court, or to some

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