FRIENDS AND READERS OF THE TIMES DISCUSS CONSTITUTIONAL CONVENTION AND OTHER MATTERS

A Virginian Writes About Who Is Elgible to Sit in the Body---Ex-Governor O'Ferrall's Views—A Candidate Tells What He Thinks—Why Disfranchise the Negro?—Other Topics.

The Times takes pleasure in opening its columns to the discussion of subjects of interest to the public, and while the editor of The Times neither undertakes to endorse nor to refute the correctness of the views expressed, the paper cheerfully publishes communications from its friends and readers, especially when these communications are submitted over the signatures of the writers.

Owing to the facts that the space of the paper is limited, the news is steadily increasing in volume, and the number of communications is sometimes quite large, The Times will be obliged hereafter to limit the length of communications addressed to the editor and intended for publication to

800 Words

Communications longer than that will stand much less chance of being published, and will not be accepted unless under peculiar circumstances. If written in

500 Words

so much the better.

Who is Eligible?

Editor of The Times:

Sir,—The election of members to the coming State Constitutional Convention easily overshadows every other matter of State concern at this time. The Legislature in calling the Constitutional Convention by the act approved February 16, 1901, made all persons eligible to membership therein who are entitled to vote for members of the General Assembly under the Constitution and laws of the Commonwealth. This is a very broad authorization. Let us see how far it ought to hold good constitutionally and otherwise. Standing alone, this section would seem to permit judges of the Supreme Court and judges of the Circuit Court to become members of the convention, but section 24 of Article 6 of the present Constitution clearly forbids this because it provides that judges of the Supreme Court of Appeals and judges of the Circuit Courts shall not hold any other office or public trust during their continuance in office. Now let us see as to County and Corporation Court judges, clerks and commonwealth's attorneys. Concede for the moment that the call of the convention would permit the election of such officers as these, it will have to be at the expense of the repeal for the time being of section 818 of the Code of Virginia, which provides—

"That no person while holding office of attorney for the Commonwealth, clerk of a County, Corporation or Hustings or Circuit Court, sheriff, county or city treasurer or superintendent of public schools in any county or corporation shall hold any other office elected by the people."

Now, as to corporation judges it would seem to follow that they are likewise ineligible, because they are judges of courts with similar jurisdiction as are given by law to the Circuit Courts of the State, and for additional reason applicable as well to the county judges, that Article 7 of the Bill of Rights in the Constitution provides "that the legislative executive and judicial powers shall be separate and distinct." Besides the Code of Virginia, 1887, section 3120 provides that—

"No person while holding the office of a County, Corporation or Hustings Court shall hold any other office elective by the people."

Why should these provisions be ignored in favor of any man or any class of men holding one office to enable any man or set of men to hold another office?

Surely it would be an anomaly to have judges who would have to pass upon existing laws while making a new Constitution which is legislation of the very highest character. Is it wise for the people of Virginia to select as members of the convention their judicial officers, Commonwealth's attorneys, clerks of court, and others whose occupations would require of them the discharge of duties of absolutely different kinds and character at different times and different places? Ought members of Congress to be members of the Constitutional Convention? It is true that members of Congress can vote for members of the General Assembly, but there is a very persuasive statute in force in Virginia and which has been in force for more than three-quarters of a century, which provides—section 163, Code of 1887—

"That no person shall be capable of holding any office or post under the Constitution of Virginia who holds any office or post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the Government of the United States or who is in the employment of such Government or who receives from it in any way any emolument whatever and the acceptance of any such offer, post, trust or emolument, or the acceptance of any emolument whatever, shall ipso facto vacate any office or post of profit, trust or emolument under the government of this Commonwealth or under any county, city or town thereof."

That a member of Congress is an officer is abundantly established in the 77th New York, p. 503, which declares—

"That the House of Representatives stands in place of the whole body of the American people, the scheme being a substitute for the meeting of the citizens in person."

And applying these words to Mr. O'Reilly, who was a member of Congress and the court says when he accepted his place as a member of the House of Representatives, Mr. O'Reilly "took office." The Constitutional Convention applying the words of the Court of Appeals of New York and in the case cited "stands in place of the whole body of the Virginia people," being a scheme for the meeting of the citizens in person."

Now, admitting that the act calling the Constitutional Convention repeals the statute law of Virginia for the time being, why should any member of Congress from Virginia desire to consent to set the precedent that persons in the employ of the United States Government in any capacity may during the period of their Federal service hold a State office, and surely membership in a State convention is not only a State office of the highest dignity, since it represents the sovereignty of the whole people of the State, but is the highest ordr of a public trust. And if any congressman is inclined to accept such a public trust or office as membership in the Constitutional Convention, why should the people of any locality either consent or contribute to their choosing? It can only be on the ground that citizens fit and capable other than themselves cannot be selected for the great work, and yet the selection of such men as Charles V. Meredith, Virginius Newton, Wood Bouldin, Jr., Hill Carter, R. Walton Moore, Eppa Hunton, Jr., and others would negative this suggestion. If the door is open to members of Congress elected by the people to serve in the convention, why may it not be permissible to open the door to those Federal officials who hold their places at the hands of the President? And yet if any Federal official except those specially excluded in the following executive orders should consent to hold a place as a member of the Constitutional Convention of Virginia, their acceptance of such an office might be treated as a resignation, because the executive orders which follow are believed to be still in force and never revoked.

EXECUTIVE ORDER IN REGARD TO UNITED STATES OFFICERS HOLDING STATE AND MUNICIPAL OFFICES.

By the President of the United States.

Whereas, it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him or otherwise, under the Constitution and laws of the U. S., while holding such Federal positions accept offices under the authority of the States and Territories in which they reside or of municipal corporations under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority; and

Whereas, it is believed that with few exceptions the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and moreover is not in harmony with the genius of the Government.

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that, from and after the fourth day of March, A. D., 1873, except as herein specified, persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal, corporation; and, further, that the acceptance or continued holding of any such State, Territorial or municipal office, whether elective or by appointment, by any person holding civil office, as afore said, under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be, and will be, treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public and of commissioners to take the acknowledgment of deeds, or bail, or to administer oaths, shall not be deemed within the purview of this order, and are excepted from its operation, and may be held by Federal officers. The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs or deputy postmasters, the emoluments of whose office do not exceed $600 per annum, are also excepted from the operations of this order and may accept and hold appointments under State, Territorial or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster. Heads of departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order and to see to the enforcement of its provisions and terms within the sphere of their respective departments or offices, and as related to the several persons holding appointments under them respectively.

By order of the President.

HAMILTON FISH,
Secretary of State.

Washington, January 17, 1873.

Note.—The President has modified the above order so as not to apply to post-offices, the salary of which is less than $1,000.

II.

WHO ARE ENTITLED TO HOLD STATE AND MUNICIPAL OFFICES UNDER THE ORDER OF THE PRESIDENT.

Department of State,
Washington, D. C., Jan. 28, 1873.

Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th of January, relating to the holding of State and municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman, or of a common councilman in a city, or of a town councilman of a town or village, or of appointment under city, town or village governments. By some it has been suggested that there may be distinction made in case the office be held with or without salary or compensation.

The city or town officers of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority.

Positions and service on such boards or committees and professorships in colleges are not regarded as "offices" within the contemplation of the Executive order, but as employments or service in which all good citizens may engage without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may, therefore, engage in such service, provided the attention required by such employment does not interfere with the regular and official discharge of the duties of their office under the Federal Government. The head of the department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to the officers of the State militia.

Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus in some sense under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of January 17th is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also, whether it applies to mechanics employed by the day in the armories, arsenals and navy-yards, &c., of the United States.

Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the department under which the office is held will in each case be the judge.

Employment by the day as mechanics or laborers in the armories, arsenals, navy yards, &c., does not constitute an office of any kind, and those thus employed are not within the contemplation of the Executive order. Master workmen and others who hold appointments from the Government or from any department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order.

By order of the President.

HAMILTON FISH,
Secretary of State.

OFFICERS FORBIDDEN TO PARTICIPATE IN POLITICAL CAMPAIGNS, ETC.

Executive Mansion,
Washington, June 22, 1877.

Sir: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press is not denied provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

To the Postmaster-General:

Those who are old enough will readily remember that these executive orders of Grant and Hayes were brought about in a large measure by the insistence from the South that the machinery of the State and General Governments should be kept separate and distinct. Virginia, on the one hand, had a rigid statute on this subject, section 163 just quoted. General Grant, on the other hand, issued his executive orders on the same line. If the members of Congress can become members of the Constitutional Convention and so hold two offices and draw pay both from the State and nation, why may not President McKinley revoke these executive orders and let in any Republican office-holder who may wish to run as a candidate for the convention and may be lucky enough to be elected? The very statement of these propositions would seem to be sufficient to show that the selection of members of the coming convention should be absolutely free from these objections. And for other reasons, whatever may be done in this Constitutional Convention touching suffrage and education, is likely to challenge the consideration of Congress and the nation, and Virginia's representatives should be free to stand in either House of Congress to uphold whatever is done by the convention with the approval of the people, without being required to stand there as on trial for what they did or did not do personally in these matters. The two great questions overshadowing all others that this coming convention will have to deal with are suffrage and education. And in this connection it may be well to recall that the Act readmitting Virginia to representation in the Congress of the United States, approved January 26th, 1870, provided, among other things, as follows:

"That the State of Virginia is admitted to representation in Congress as one of the States of the Union, upon the following fundamental conditions: First, that the Constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: provided that any alteration of said Constitution, prospective in its effects, may be made in regard to the time and place of residence of voters. Second, that it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color or previous condition of servitude, of the right to hold office under the Constitution and laws of said State, or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens. Third, that the Constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the Constitution of said State."

These provisions are great danger signals, both as to personnel and make-up of the convention and what the convention shall do or shall not do after its membership has been chosen and the body has been organized. It is easy to see that if suffrage is abridged and educational facilities curtailed that a case will probably be made up that will go to the Supreme Court of the United States as well as pass in review before Congress and the nation. The writer is disposed to believe that each of the provisions recited in the Act of January 26th, 1870, providing for the readmission of the State into the Union would be held valid and binding, rather than a mere waste of so many words in print. And the Enabling Act of Utah, approved July 16th, 1894, by Grover Cleveland, a Democratic President, is very persuasive to him on this point. The first provision of section three of that Enabling Act is in these words:

"That perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: provided, that polygamous or plural marriages are forever prohibited."

Can it be doubted that if the State of Utah should undertake to negative and annul that provision by legalizing plural marriages that a case would be made up and that upon appeal to the Supreme Court of the United States that that great tribunal would maintain this provision, which guards and protects the security of the home and the foundation of society; and can it be possible that the Supreme Court of the United States will not thoroughly inspect, with a view to the protection of the rights of citizens as voters and of the rights of the rising generation, to the privileges of education, when the rights and privileges of each are guaranteed by a congressional enactment passed to rehabilitate the State after the great throes of the Civil War?

I take no stock in the "higher law doctrine" for the election of members of the Constitutional Convention—viz., that the convention, when it assembles, can seat any person who may be chosen, even if ineligible under the present Constitution and the laws of the Commonwealth.

A VIRGINIAN.

Convention and Constitution.

(By Ex-Gov. Chas. T. O'Ferrall:)

Editor of The Times:

Sir,—After occupying so much space in your valuable columns with my letters on "The Convention and Constitution" I am indeed loath to ask any further indulgence at your hands, and I would not do so but for an extract from The Vicksburg (Mississippi) Herald, which appeared in The Times on Friday last. In view of this extract, I desire to discuss briefly the fourteenth and fifteenth amendments and refer to some extent to the position taken in the Herald's courteous editorial.

THE FOURTEENTH AMENDMENT.

"1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

"2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding the Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State or the members of a Legislature thereof, is denied to the male inhabitants of such State being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age."

Sections 3 and 4 I will quote, as they do not bear upon the question of suffrage or representation.

"5. The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Now I draw this conclusion:

That a State can disfranchise any of its citizens at its pleasure, but if it disfranchises any of its male citizens twenty-one years of age, except for crime, Congress can reduce its representation. In a word, a State can exclude from the ballot-box whom she pleases, but if she excludes any male citizen twenty-one years of age, except for crime, she is liable to have the penalty of a reduced representation enforced against her.

If the negroes of Virginia should be disfranchised her representation in Congress could be cut down at least one-third and if they and the illiterate and non-property-holding male citizens twenty-one years of age not guilty of crime should be disfranchised, her representation could be reduced at least one-half.

It may be said that Congress will never enforce the penalty prescribed, as the States of the Union generally do not confine their disfranchising clauses to citizens who have been convicted of crime, and that a reduction in one State could not be made without a reduction in all the States. This is perfectly logical reasoning. But suppose Congress should, at any time, determine to enact "appropriate legislation" to enforce the fourteenth amendment, what States will suffer most? The Southern States undoubtedly, if they disfranchise the negroes, and still more if they disfranchise also the illiterate and non-property-holding white men.

As improbable as congressional action may be, it is certainly the part of wisdom for a State to stear clear of any infraction of this constitutional amendment in her organic law.

THE FIFTEENTH AMENDMENT.

"1 The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

"2. The Congress shall have power to enforce this article by appropriate legislation."

After the fourteenth amendment had been ratified, it was urged that it tacitly at least recognized the right of the States to disfranchise the negroes, should they so elect. That if they were willing to risk the loss in representation, there was nothing in the amendment to prevent such discrimination. To remedy what was termed "that defect," it was resolved to incorporate in the Constitution a new provision for the protection of the negroes. The fifteenth amendment was submitted to the States and ratified by twenty-nine of them, constituting the requisite three-fourths, and thus became a part of the organic law of the Union.

This provision can admit of no two constructions; it is so plain that "wayfaring men, though fools, cannot err therein."

And now, in connection with this provision, I come to notice the new Mississippi Constitution referred to by The Vicksburg Herald, as having stood the test of the Supreme Court of the United States. I read the decision in the case of Williams vs. State of Mississippi, 170, U. S. Reports 213, very soon after it was rendered.

The suffrage clause of the Mississippi Constitution requires a citizen, in order to be a voter, to be able to read any section of it or be able to understand the same or reasonably interpret it when read to him; to register and to answer all questions propounded to him concerning his antecedents, so far as they relate to his right to vote, and to pay all taxes which may be legally assessed against him on or before the first day of February of the year in which he may offer to vote for the two preceding years.

It will be observed that there is no discrimination between men, classes or races. The colored man is put on the same footing with the white man. Under this clause, the white man who cannot read or understand or interpret any section of the Constitution is disfranchised as well as the colored man who is similarly situated; so the Supreme Court in the case mentioned (Williams vs. State of Mississippi) says:

"The equal protection of the law is not denied to colored persons by a State Constitution and laws which make no discrimination against the colored race in terms, but which grant a discretion to certain officers, which can be used to the abridgment of the right of colored persons to vote or serve on juries, when it is not shown that their actual administration is evil, but only that evil is possible under them."

As I said in one of the series of letters I have published, Virginia can disfranchise every illiterate or non-property-holding colored male citizen, if she will at the same time disfranchise every illiterate or non-property-holding white male citizen. This is what Mississippi has done and this is the effect of the decision quoted. But Virginia might as well incorporate in her Constitution a clause impairing the obligation of a contract and expect it to be maintained as to insert a clause taking from the negro his right to vote under certain conditions and giving the right to a white man under the same conditions.

But it is not enough to make no discrimination in the Constitution; there must be no discrimination in the administration of the suffrage provision. The court in rendering the decision cited, indicated very clearly that if it had appeared that there was actual evil in the administration of the Mississippi law, it would have held that the negroes were denied "the equal protection of the laws." Judge McKenna, in delivering the opinion, quotes the language of Justice Matthews in another case as follows:

"Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

Suppose the negroes are disfranchised, directly or indirectly, by the Virginia Constitution, or suppose the law is so administered by Virginia officials as to discriminate between the negroes and white men under similar circumstances, can it be doubted that complaint will be made and the Supreme Court called upon to pass judgment? Suppose the court should hold, as it certainly would, that the fifteenth amendment had been violated. Suppose an election for Governor and a Legislature had been held, in which a vast number of citizens had been unconstitutionally denied the right to vote. Suppose the legislature had in the meantime elected judges and other State officials. Would not all of these elections be declared void? If so, what then would be our condition? The acts of the Executive and the decisions of the courts previous would likely be sustained as the acts of a de-facto Governor and the decisions of de-facto judges; but would we have a Governor, a judiciary, or even ministerial officers? I submit these thoughts for serious consideration and with the suggestion that a State which undertakes to nullify a plain provision of the Constitution of the United States is pursuing dangerous ways and may find that she has "sown the wind" and "shall reap the whirlwind."

But "the Congress shall have power to enforce this article by appropriate legislation"; so says the fifteenth amendment.

In addition to the jurisdiction which the United States courts have to pass upon the constitutionality of any suffrage clause, Congress is expressly empowered to enforce obedience to the provision of the fifteenth amendment. The mode or manner of the exercise of this power is not prescribed. It must be by "appropriate legislation"—that is, fit, suitable, proper legislation. To enforce a law does not mean moral suasion or argument, gentleness or tenderness—it means force, penalties and punishments.

So Virginia is confronted with a power that can make her recognize and protect the right of all her citizens to vote without discrimination on account of race, color or previous condition of servitude.

I shall not discuss now what might be considered "appropriate legislation." I have a very vivid recollection of scenes and occurrences of less than ten years ago upon the floor of Congress, when "force bills" were pending. I have every reason to remember them, not only as a Virginian, but as a participant. Those were stirring times and Southern hearts beat fast. I trust the day will never come when the interests and welfare of the Southern States will be menaced as they were then. We are doing well, and our people are happy; we are enjoying the blessings which the tide of prosperity is bringing us. The croakers and pessimists of a few years ago have hied themselves away, and the cry of the demagogue, of hard times and no money, is no longer heard. Peace and tranquility reign; sectional strife is hushed. Partisan rancor has subsided and intolerance has run its course. Virginia has an organic law under which she has grown in strength and advanced in material wealth, and a State government which has been the boast of her sons upon every hustings. Then does it not behoove us to be cautious and careful in the framing of a new Constitution, lest we may pass from pleasant ways into the ways of turmoil and trouble?

Recurring to the editorial of The Vicksburg Herald, which I read with much interest, let me say that while the committee of the Mississippi Convention "declared that Congress had no lawful jurisdiction over any particular State" when it prescribed the terms and conditions upon which the Southern States, especially Virginia, Mississippi and Texas, were readmitted and given representation, yet I must still adhere to my position, that each is morally bound to live up to these terms and conditions. We denied the right of the North to wage war against the South, yet when we were compelled to yield to superior force and accepted the terms of surrender and gave our paroles, we were morally bound to live up to them, and we have done so faithfully. We denied the legality of all the reconstruction acts, yet we accepted them and took the oath of allegiance "without mental reservation or secret evasion of mind." So I insist that when Virginia accepted the conditions of her readmission into the Union and sent her representatives to Congress and received benefits from which she would have been otherwise debarred, she pledged herself to live up to these conditions and never to so amend her Constitution as to deprive any class of citizens of the right to vote on account of race, color or previous condition of servitude, nor to deprive any of school rights and privileges for such reason. I insist that she cannot now plead, if the plea is really a good one in law, that Congress had no authority to impose such conditions.

A moral obligation of a State should be stronger than a legal obligation. With a State, as well as with an individual, where she feels her "honor grip," that should be her "border."

I cannot agree with The Herald in another respect. I do not think the franchise clause of the Mississippi Constitution presents a good model for a Virginia franchise clause. I have previously stated that I was opposed to an educational qualification; but I have other objections to the Mississippi provision. The Constitution leaves the question of a citizen's educational qualifications to the decision of the registrar. He is to decide whether the citizen reads, understands or interprets the Constitution correctly. There has never been a Constitution framed so plain that men did not differ as to the proper construction or interpretation of some parts of it; and here an illiterate man is required to construe or interpret a Constitution about which learned judges would probably differ, and the men selected as registrars and who are to examine the illiterate citizens may differ themselves; so that at one precinct one construction may prevail and at another precinct a contrary interpretation may govern.

The Herald says that it has been loudly proclaimed that the "indirect" effects of the suffrage restriction has transgressed the provision of the United States Constitution, but "it ought to be enough to say" that the case of Williams vs. State of Mississippi has settled that question. I have given the decision in this case.

I do not wonder that it has been charge that the "indirect" effect of the suffrage clause has been to discriminate against the negroes, and I venture the assertion that if a case is ever presented in which it appears that "the actual administration of the law is with an evil eye and an unequal hand," the Supreme Court will hold the clause unconstitutional, because it transgresses the fifteenth amendment.

But there is still another objection to the Mississippi clause. Admitting that every registrar is competent to construe the Constitution, he is clothed with too much power. I believe most men are honest, but dishonest men in all ages have frequently filled positions of trust, and dishonest election officials are not uncommon; and to invest one election official with absolute authority to determine a citizen's educational qualifications by applying the Mississippi test is investing him with not only more power than any one man should possess, but a power most dangerous. He can with impunity discriminate, and can make or unmake voters at his pleasure.

Mr. Editor, I want to see in Virginia fair and honest election laws. Upon the laws of such character depend the safety of the people and the perpetuity of our institutions. The purity of elections is the "keystone of the arch;" it is the thing altogether essential to preserve the heritage of the fathers.

Virginia in her coming convention will have an opportunity by a constitutional provision to set an example worthy of all emulation. It has even been characteristic of her to lead, not to follow. Let her incorporate in her organic law an election system which will guarantee to every voter that his ballot shall

"Execute a freeman's will,
As lightning does the will of God."

Let her plant herself upon the eternal principle that "nothing is politically right which is morally wrong."

Why Disfranchise the Negro?

Editor of The Times:

Sir,—As you seem to encourage private citizens, even when they differ from you, to express through your columns their opinions of public affairs, I beg a small space now for a word on the forthcoming Constitution.

I am at a loss to see what we can now gain by depriving the negroes of their votes. What have we, the white people of Virginia, to fear from their votes? What better condition, politically, could we hope to have than now exists in Virginia? I realize fully that it was heaping insult upon injury, that it was humiliating and shameful indeed that the negro should have been given the ballot to oppress the white people, who owned them lawfully and rightfully under the Constitution, further to force the white people who had lost all by the war to educate at their own expense the negro, who was then so tenderly called "the ward of the nation." But the unjust act was not ours; and, like all unjust and mean acts will eventually do, it rebounded like a thunderbolt upon the perpetrators. Like the Eastern boomerang, it came back to the hand of the sender; and it killed the Republican party in the South.

When the war was over we had to get back into the Union on terms outlined by the victors, and everybody knew and fully understood that one of the terms was the universal suffrage of the negro. It was dark then. I grant you, during those reconstruction days, darker than the days of '61-'65, but Virginians never fought a battle more to their honor and credit than the political battle of reconstruction. We gained a complete victory over our enemies upon a line of battle of their own selection. We have, as a result of that glorious victory, all we want politically. Old Virginia is thoroughly white and Democratic. Then what, pray, have we to gain by depriving the negro, directly or indirectly, of his vote? It is unconstitutional to deprive him directly; it is worse to do it indirectly, and beneath the dignity of Virginia. Can we afford, as a State, to do it? We did not give them the ballot, nor had we best take it away. The negroes are paying less and less attention to politics, especially in the country. Considering all circumstances, could he have anticipated that the negro would behave any better than he has, generally speaking, here in Virginia? Then, why should we, at this late day,

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The modern advertisement differs from its fifty year ago ancestor as much as the trolley car does from the early stage coach. The dry sphinx-like card of ye olden times merchant, giving name, location and occupation and which remained unchanged year in and year out for often a lifetime, has evolved into a business story which is one of the attractive features of the twentieth century newspaper and magazine.

In daily news publications the brighest and most ingenious intellects are employed to tell the public in the most attractive manner the dress goods, shoes, millinery, grocery or what not news of the day.

Some men, because the advertising of a special article a few times has not been productive of direct financial benefit, are led to believe that advertising does not pay. They cease. In a few months they can generally be heard to complain of the dullness of business. They miss old customers and wonder why they have been forsaken. They recall past bargains given and favors shown, and are inclined to mutter bitterly: "Lest we forget." The fault is their own. In the business procession, where others daily tell of new things and offer extra inducements to examine stocks, they are really overlooked and forgotten.

Apropos of the importance of constantly remaining in the public eye, even where profit from specials advertised is not expected, comes the statement of Messrs. Fourqurean, Temple & Co., published in adjoining column.

Mr. Robert Gray, who has charge of the advertising of this well known and popular firm, is a convert to conservative advertising methods. He expends thousands of dollars annually in newspaper advertising, but candidly asserts that he expects to receive and does receive profit from constantly keeping his firm name as a dealer in high class dry goods before the public, more than from the offering of special bargains.

Mr. Gray is assisted in the work of "Ad." writing by Mr. William Ahern, who has shown great skill, both in describing goods offered and in designing advertisements so as to be most pleasing and attractive to the eye.

What Fourqurean, Temple & Co. Say.

"The value of advertising cannot be estimated by the immediate returns upon the goods advertised by a firm doing business upon the lines adopted by us.

"Conservatism is the keynote of our advertising scheme.

"We prefer underestimating the values we offer the public and causing agreeable surprise upon examination of quality with price, rather than attracting customers by extravagant statements and producing consequent disappointment.

"We do not believe Barnum's remark, 'The public likes to be humbugged,' applies to advertising dry goods. The primary object of our advertisements is to keep before the public the fact that we handle the finest goods in our line and sell them on small margins of profit.

"All advertising has its value, but our experience has demonstrated to our satisfaction that newspaper advertising is not only the cheapest, but pre-eminently the most effective.

"FOURQUREAN, TEMPLE & CO."

April 27, 1901.