SOUTHERN ELECTIONS.

A Plan to Make Them Fairer, So-Called, and to Prevent Alleged Bulldozing.

A Bill Drafted by Hon. James R. Chalmers of Mississippi for Presentation in the Next Congress.

To the Editor of the Globe Democrat.

SARDIS, MISS., Nov. 5, 1888.—Article 15 of the Consitution of the United States provides:

Section 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.

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

Secession and nullification have been revered by Democrats as rightful remedies for the preservation of the rights of states.

On the other hand, Republicans abhor secession and nullification as the political dynamite of anarchists who would assassinate the nation.

To preserve slavery, secession was attempted after the election of the first president of the Republican party.

After a bloody war secession was defeated, slavery was abolished and the emancipated slave enfranchised by the fifteenth amendment to the Constitution of the United States, which for a few years was enforced.

But nullification of this amendment was accomplished, and the Democratic party made triumphant in 1876 in the states which had attempted secession, and in 1884 was made triumphant in the United States by the counting in of Cleveland as president through electoral votes obtained by the nullification of the fifteenth amendment, and there was danger of it being accomplished again. Men in the South, who are ever ready to fight over what they believe to be their rights, were astonished when the government was so quietly turned over to Cleveland on such a title, and there were men in the North who this time began to think about resistance if such another usurpation of power was attempted. A nation which has had one civil war is liable to have another, and all good men were relieved when Harrison was elected and this danger averted. With a full knowledge that they had no chance for a fair election in the South, the Republicans made their fight in the North alone. After a fearful struggle they were successful, but the country should never again be subjected to such a terrible ordeal. Before the election of Cleveland the suppression of negro suffrage had been advocated by Democratic leaders in the South, who were careful that their utterances should not be published to the world; but the successful seating of him as president by fraudulent electoral votes inspired them with boldness, and many Democratic leaders openly avowed it, with a dare devil inquiry: "What are you going to do about it?" Some leaders in the North were beginning to talk about another war if this was repeated, and good men were growing uneasy least the issue should be again presented whether it was best to submit again to the inauguration of a president elected by fraud or have another war.

If Cleveland had carried New York, New Jersey and Connecticut, and been counted in by electoral votes of states where the colored vote was in a majority and confessedly suppressed, it would have been a severe strain upon the conservatism of the Republican people to submit to it, and there would have been imminent danger of another civil war. The election of Harrison averted this, and it should now be the aim, as it is the duty, of every true patriot to provide against its possible recurrence? That the local affairs of a state are beyond the control of the general goverment all parties admit, and no Republican desires to interfere with local affairs of the South. The junior senator for Mississippi made an able argument to show that where the effects of race prejudice were confined to local affairs the general government had no right to interfere. If we should grant this to be true, although doubtful under a strict construction of the fifteenth amendment, it would seem certainly clear that where the exhibition of race prejudice does affect the welfare of the nation, then the general government not only has power, but is duty bound to interfere. The suppression of the negro vote in congressional and presidential elections directly affects the welfare of the nation. And if counting the negro vote legally to elect a white Republican to Congress excites the race prejudice of a Southern Democrat, certainly counting the negro vote illegally by a Southern Democrat to elect a president is well calculated to excite the sectional prejudice of a Northern Republican. That Congress has power to make rules and regulations for the election of its representatives is distinctly stated in the fourth section of the first article of the constitution of the United States, as follows: "The times, places and manner of holding congressional elections for senators and representatives shall be prescribed in each state by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators." Congress has so far permitted the election of its members to be held by the state officers under state laws, and it is best as a general rule that this should be continued; but whenever there is reasonable ground to believe that frauds will be perpetrated special rules and regulations should be made to guard against it, and this becomes more essential when wholesale frauds are to be expected from from what Democrats call uncontrollable race prejudices. The fifteenth amendment gave the negro the right of suffrage and gave to Congress the power to enforce this right by appropriate legislation. The Republican party went before the country and were successful upon a platform pledged to enforce fair elections by appropriate legislation. What, then, is appropriate legislation in the premises? Under this provision of the constitution supervisors of election were provided to watch and report on its fairness; but in the South this has proved a failure and become a farce. It becomes necessary therefore, now that in districts where a reasonable showing is made that there will be a violation of the fifteenth amendment, Congress should have its members elected under its own laws and by its own officers. Each candidate should have fair and equal representation in the officers of election. Each voter should announce openly who he votes for, and his name should be written on a list under the name of the candidate for whom he votes. Secrecy of the ballot should, as a general rule, be preserved, but where it is charged on affidavit that there is danger that fraud will be perpetrated, the surest mode to ascertain the truth is by a "viva voce" vote. And while Congress has no power to provide for the election of presendential electors and United States senators, it has unquestioned power to make all necessary laws to ascertain whether their election has been fraudulent or not, and to refuse to recognize any election procured by fraud. In accordance with these views I have prepared the following bill to be introduced into the next Congress, and I hereby submit it through your columns for the mature consideration and deliberate judgment of all peace loving citizens who desire to avert all possibility of another civil war.

JOHN R. CHALMERS.

An act to enforce the fifteenth amendment to the constitution of the United States:

Be it enacted, that whenever 100 voters in any congressional district where an election is to be held will make and file with the clerk of the House of Representatives of the United States an affidavit stating that they believe that on account of race prejudice the election will not be fairly held by the state officers, it shall be held by United States officers, as heretofore provided. The clerk of the House of Representatives shall appoint as many commissioners of election for each county in the district as there are candidates for Congress, as follows: One supporter of each candidate, to be nominated by himself or by the executive committee of his party, and appointed by the clerk. But if any candidate or party fails or refuses to ask for a commissioner the clerk shall appoint some suitable person to represent such candidate, and if he refuses to act the commissioner or commission who accept shall go forward and perform all the duties hereinafter prescribed.

The commissioners shall establish their headquarters at the county seat, or if there be two, then at the county seat of the first court district of the county, and shall make publication of the time and places of holding such election, conforming as near as possible to the state laws, and shall provide suitable stationery and houses and everything necessary for holding an election, and shall furnish each inspector with a printed copy of this act. And at least ten days before holding an election the commissioners shall meet and each one shall appoint an inspector, and each inspector shall appoint one clerk and one peace officer for each voting precinct in the county; and, in case of the death or removal of any commissioner, inspector, clerk or peace officer, others may be appointed in the same manner as the originals, except that in case any inspector appointed refuses to serve, the inspector who accepts may appoint another to represent the other party or parties, and if no one will accept, may proceed to appoint all the necessary clerks, and with them hold the election. When the polls are opened, proclamation thereof shall be made by one of the peace officers. The clerks shall be provided with paper sufficient to contain the names of all the voters, and shall write the names of each candidate at the head of each voting list. As each voter comes up he shall be asked and answer distinctly for whom he votes, and the clerks shall write his name on the list under the name of the candidate for whom he votes, and each clerk shall number and call out distinctly how many votes the last vote makes for his candidate. If any voter is challenged, the clerks shall write "challenged" after his name, but he shall be permitted to vote without delay, and Congress must decide in case of a contest whether the vote was legal or not; and the polls must be kept open without adjournment until all have voted who are present and desiring to vote. When the polls are closed the inspectors and clerks shall in writing sum up the number of votes for each candidate and at once publicly proclaim the same. The clerks and inspectors shall sign and certify each voting list kept by the clerks and the summing up of the result made by themselves, and shall put the same into a box prepared for that purpose and securely lock and seal it up, and two of the inspectors or clerks of opposite parties shall take and deliver the box to the commissioners of election as soon as practicable. As soon as the boxes are received the commissioners of election shall canvass the returns and make a statement in writing of the number of votes for each candidate in that county and publicly proclaim the same and shall then transmit by mail to the clerk of the House of Representatives one copy of the list of voters and the returns from each voting place in the county, securely wrapped and sealed and the indorsement of one of the commissioners that they are election returns shall be sufficient to transmit the same by mail free of postage. The other lists of voters and all other papers received from each precinct shall be kept by the commissioners for two years, securely locked in the box, unless they are ordered to produce the same as evidence in case of a contest over the election. As soon as all returns from such congressional district are received by the clerk of the House of Representatives he shall make a tabulated statement of the total votes cast for each candidate for Congress, and shall issue a certificate of election to the one having the highest number of votes and place his name on the roll of the House, and shall preserve all papers and returns concerning the election in his office. But the name of no man shall be placed on the roll of the House if affidavits are made that his election was procured by any intimidation of voters until Congress shall decide that question.

Sec. 2. Be it further enacted, that whenever presidential electors are to be voted for in any Congressional district where the election is to be held as herein provided for, there shall be one additional clerk appointed by each inspector to keep the list of voters for presidential electors. The ticket of each party shall be pasted at the head of each list, and the voters shall be asked for whom they vote for president, and the name of the voter shall be written under the name representing such a candidate. The list shall be signed, certified and returned to the commissioners of election, and by them summed up, signed and certified and returned to the clerk of the House of Representatives, as herein provided for congressional elections to be preserved as a record in his office, and if from a comparison of the returns so made with the election returns made by the state officers it shall appear that the electors chosen under the state election did not in truth receive the majority of the votes in said states at such election, then the electoral vote of said state for president and vice-president shall not be counted.

Sec. 3. Be it further enacted, that whenever a legislature is to be elected which is to choose an United States senator or presidential electors, if 100 voters of said state will make and file an affidavit with the secretary of the United States Senate stating that they believe that on account of race prejudice the state senators and members of the Legislature will not be fairly elected at the election to be held by the state officers, then the secretary of the United States Senate shall appoint one commissioner of election for each party having candidates or expecting to have candidates at such election on the written nomination of the executive committee of such parties, and in case any party should fail or refuse to nominate a commissioner, then the secretary shall select a suitable commissioner to represent such party. That said commissioners shall make their headquarters at the capital of the state, and whenever petitioned so to do by ten voters of any county and senatorial district, they shall each appoint one commissioner of election for such county or district, who shall each appoint one inspector for each voting precinct in such county or district, who shall each appoint one clerk and one peace officer to hold a special election for members of the Legislature and senators at the same time and places that such election is to be held by the state authorities, but the polls of the one to be so distant from the other as not to interfere in any way with the state election. Each voter shall state publicly for what ticket, or, if he wishes to vote a mixed ticket, for what persons he votes, and his name shall be written by the clerks under the ticket or person for whom he votes. The list of votes shall be signed and certified to by the inspectors and clerks and returned to the county commissioners, and by them summed up, signed, certified and returned to the commissioners for the state, who shall sign, certify and return them to the secretary of the United States Senate, to be preserved as a record in his office, and if it shall appear from a comparison of the returns so made with the election returns made by the state officers that a majority of the members of the Legislature and state Senate were not honestly and fairly elected, no person chosen as United States senator by such Legislature shall be admitted to a seat in the United States Senate, and no vote cast by presidential electors appointed by such Legislature shall be counted.

Sec. 4. Be it further enacted that the elections provided for in this act shall not fail by reason of the failure or refusal of any candidate or party to nominate commissioners and inspectors of election, and that the election shall be valid if held by one commissioner for a state or county and one inspector, with the clerks appointed by him at any precinct, if those appointed for the other parties fail or refuse to serve.

Sec. 5 Be it further enacted, that any officer of said election who shall make any false or fraudulent return thereof, any person who shall be guilty of fraudulent voting, and any person who shall by threats, violence or intimidation obstruct or attempt to obstruct any officer of said election from a discharge of his duty, or obstruct or attempt to obstruct or prevent any voter from voting at said election, shall be guilty of a felony, and on conviction in the United States District court, shall be fined not less than $500 and be imprisoned not less than one year.

Sec. 6 Be it further enacted, that the commissioners of election shall receive $5 per day, and the inspectors, clerks and peace officers $2 50 per day while in discharge of their duty. That all accounts for expenses of holding such election shall be certified to by the commissioners to election and paid out of any money in the treasury not otherwise appropriated.

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WREAKED VENGEANCE.

The Witnesses Instrumental in Bringing the Bald Knobber Leader to the Gallows Lynched.

ST. LOUIS, MO., Nov. 15.—A special from Springfield, Mo., says a rumor reached that city this morning from Christian county, the home of the famous Bald Knobber king, Dave Walker, to the effect that five of the witnesses who testified against him on his trial for murder have been lynched by Bald Knobbers. It is said that the friends of Walker waited until the Supreme court had passed upon the case of Walker, and when it was announced that the ex-chief of the Bald Knobber regulators must hang, they wreaked vengeance on the five leading witnesses who brought him within the shadow of the gallows.

Court of Appeals.

Special to the Gazette.

TYLER, TEX., Nov. 15.—The Court of Appeals made the first call of the fourth assignment to-day. The court has transacted the following business:

Affirmed—Johnson vs. the State, from Houston; Crump vs. the State, from Rains; Powell vs. the State, from Palo Pinto; Hedgecothe vs. the State, from Rains; Montgomery vs. the State, from Rains.

Certificate to Affirm Dismissed—Perry vs. Parker, from Hunt.

Motion for Rehearing Overruled—Testard vs. the State, from Gonzales; Robinson vs. the State, from Colorado; Stone vs. the State, from Hunt; Blankenship vs. the State, from Navarro.

Appeal Dismissed—Bailey vs. the State, from Hopkins.

The Supreme court also made the first call of the fourth assignment to-day.

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Hillsboro Court Notes.

Special to the Gazette.

HILLSBORO, TEX., Nov. 15.—The following murder cases, which end the criminal docket have been disposed of: State vs. John D Pitts, continued by the state and case set for Thursday of the sixth week of the next term of court; State vs. J. M. Drake, on a change of venue from McLennan county, continued by the defendant; State vs. L. P. Garrison, continued by the state and case set for Tuesday of the seventh week of the next term of court; State vs. Henry Penrod, murder, not guilty.

The following cases have also been disposed of: Henry Herring, theft, guilty and two years in the penitentiary; Tom English, robbery, continued; Dan Dyer, swindling, guilty and given two years; Alex Ragland, guilty and given six years; Wiley Black, robbery, guilty and given six years.

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