

## Convention of 1875 <sup>[1]</sup>

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## Convention of 1875

by Ronnie W. Faulkner, 2006

See also: [State Constitution](#) <sup>[2]</sup>; [Black and Tan Constitution](#) <sup>[3]</sup>; [Convention of 1835](#) <sup>[4]</sup> (from *Encyclopedia of North Carolina*); [1835 Constitutional Convention](#) <sup>[5]</sup> (from *Tar Heel Junior Historian*); [Convention of 1868](#) <sup>[6]</sup>; [Governor](#) <sup>[7]</sup>.

The Convention of 1875 resulted from legislation passed on 19 Mar. 1875 providing for the election of convention delegates in August. Since the adoption of the [Constitution of 1868](#) <sup>[2]</sup>, the [North Carolina Democratic Party](#) <sup>[8]</sup> had wanted to eliminate, or at least modify, the "radical" Reconstruction constitution, which they viewed as the product of blacks, northern carpetbaggers, and Unionist scalawags. Early returns from the August ballot did not favor the Democrats, and a [Republican](#) <sup>[9]</sup> victory seemed likely. As election results in [Robeson County](#) <sup>[10]</sup> appeared to be decisive, [William R. Cox](#) <sup>[11]</sup>, chairman of the Democratic Conservative Executive Committee, telegraphed the county's returning board with the message: "As you love the state, hold Robeson." The Democrat-dominated returning board certified the Conservative delegates as elected without waiting for returns from four Republican precincts, and the Democrats won a majority of delegates by a razor-thin margin.

Soon after the election, Democratic delegate William A. Graham of [Orange County](#) <sup>[12]</sup> died. When the convention met on 6 September, the delegation stood at 58 Democrats, 58 Republicans, and 3 independents, one of whom favored the Democrats and one of whom supported the Republicans. Control of the convention rested with Edward D. Ransom of [Tyrrell County](#) <sup>[13]</sup>, who, according to Republican leader Albion W. Tourg e, was "a fool, who in my opinion wants to be bought up." Nominated by the Democrats, Ransom was elected convention president after numerous ballots when he cast a vote for himself.

An attempt by Robeson's Republican delegates to be seated ended in failure. A loud uproar erupted from the Republicans on 30 September, when the Conservative delegates from Robeson, Duncan Sinclair and C. A. McEachin, were permitted to vote for themselves. But for this move by the Democratic Conservatives, the convention would have been under Republican control. The narrow Democratic majority meant that all of the party's delegates had to be present for every vote to prevent the Republicans from adjourning the gathering.

Because of the questionable nature of their mandate, the Democrats were restrained from completely revising the constitution. All measures were agreed upon in party caucus before presentation to the full convention. When the convention adjourned on 11 October, it had adopted 30 amendments, which were presented to the people on a single ballot on 7 Nov. 1876 and passed by a vote of 120,159 to 106,554.

The amendments accomplished a variety of objectives, including prohibiting secret political societies, creating a Department of Agriculture, reducing the [state supreme court](#) <sup>[14]</sup> from five to three members, abandoning the uniform court system in favor of legislative control over a system of inferior courts, denying the vote to those convicted of certain crimes, implementing a one-year residency requirement for voting, requiring "non-discriminatory" segregated public schools, prohibiting interracial marriages, giving the legislature control over county and township government, and simplifying the method of amending the state constitution. The amendment giving the General Assembly the power to modify or abolish county and township government had the most far-reaching effects, as it led to the County Government Act of 1877. This essentially undemocratic law—although it allowed the popular election of county treasurers, registers of deeds, and surveyors—provided that the legislature would appoint [justices of the peace](#) <sup>[15]</sup> and these justices would in turn select county commissioners. The statute was heralded as a bulwark of Anglo-Saxon civilization, for it kept both blacks and white Republicans from holding office.

The convention of 1875 gave the Democrats majority control of political offices across the state that was not justified by their actual electoral numbers. For decades they were able to effectively squelch opposition. The County Government Act was not overturned until the advent of the Populist-Republican Fusion legislature of 1895. Even that reform was short-lived, for when the Democrats returned to power in 1898 they crushed the Republican Party by amending the constitution to disfranchise African Americans.

### References:

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