The Wilmington Post

VOLUME XVI. WILMINGTON, NORTH CAROLINA, FRIDAY, SEPTEMBER 14, 1883. Single Copies 5 Cents NUMBER 40.

WILMINGTON POST
Entered at the Postoffice at Wilmington, N. C., as Second Class Matter.

BOURBON ROBBERY.

Sweet Specimen of the Chicanery of the "Bosses"--The Rape of the First District --Trickery Rampant.

INTERVIEW WITH THE HON. D. L. RUSSELL BY OUR REPORTER AND THE EXPRESSION OF HIS VIEWS ON THE LAW IN REFERENCE TO THE LATEST BOURBON KINK.

We take it that fair-minded men, without reference to party, were somewhat astonished at the action of the acting Governor of this state in calling an election to fill the vacancy created by the death of Hon. Walter F. Pool, representative-elect of the first congressional district, in the district not as constituted when Mr. Pool was elected, but in the district as fixed by law since the election. The fact that the district that elected Mr. Pool was a Republican district, and the district in which it is intended to elect his successor is Democratic, may account for, but cannot excuse, this larceny of the people's rights.

Being desirous of obtaining for the public, a few observations from Hon. D. L. Russell, our reporter yesterday obtained a few words conversation with him. We give below the result:

Reporter—Judge Russell, what do you think of the recent proclamation of the acting executive in calling the election to fill the vacancy caused by the death of Mr. Pool, not in the district that elected Pool, but in the new district?

Answer—I regard it as a clear violation of the written law, state and national, and the worst sort of a rape of the constitution as well as of the rights of the people.

Q. Please give me in a brief way the reasons for this conclusion?

A. Do you mean legal or popular reasons?

Q. Well, both—but let us have the legal reasons first?

A. Well, it seems they are plain and conclusive. The case involves two questions—one of statutory construction, the other of legislative power. Let us consider the last first. The acting Governor who issued this proclamation (who, as I suppose, his excuse for this conduct in the act of March, 1883, which simply divides the state into the designated districts "for the purpose of selecting men to represent the Congress of the United States," and *declares the act to be in force from and after its ratification.* This is all of the act. It has *no* repealing clause. It does not profess to repeal the laws fixing the old districts, and it would make no difference if it did. But the executive wants to treat this as a repeal of all former laws fixing districts and then to contend that when the first district is to be ascertained he must look to the existing law and take it as there defined. Now the state has no power under the federal constitution to fix its districts as to destroy the suffrage of any portion of the electors entitled under the constitution of the United States to vote for members of the house, nor has the state any power to destroy the representation of any part of the people who are guaranteed that representation by that constitution. Now here they are doing both. They can no more do it in filling a vacancy than they can in an original election.

Q. How are they doing that?

A. Why the county of Bertie belongs to the district which elected Pool—that is, the present first district. The district which, for all purposes of representation in the present, the 48th Congress, is the first district. There is no old first district—only a present first district and a future first district, as I will presently show you. This county of Bertie is to be deprived of the right to vote in this election. What's the consequences? Why it had no vote in any of the other district representatives, and therefore it is to have no member. All the other people of the state have their representatives. Bertie has none. The rights of her whole population, men, women and children, (as persons "except Indians not taxed," as it was before the 14th amendment,) and the right of her qualified voters to have voice in this representation—all are stricken down by this lawless attempt to give one party an advantage over the other. Now this sort of confiscation of the rights of the people is unconstitutional. The federal constitution fixes the basis of representation and guarantees the right to vote for members of the house. When it says, "Representatives shall be chosen by the people of the several states," and then defines what it means by saying that the "people" thus referred to are citizens possessing certain qualifications, it does not mean a *part* of such citizens. It means the whole "people." No state can subtract the people of Bertie from the whole people of the state, then it can take out just as many more as it chooses. It might thus subtract all the people except the executive committees and returning boards of the Democratic party. Suppose the state should ordain that the whole of its nine members at a regular election should be elected by the counties west of the Blue Ridge? Would any body say that it could be done? Yet this is just what it comes to. If you may disfranchise one county you may disfranchise all but one. And if you can do it in filling a vacancy, you can do it at the original election. But is even worse than this. They not only disfranchise Bertie out and out, but they partially confiscate the votes of all the other people of the district?

Q. What do you mean by that?

A. Why they put in Carteret county, which belongs to the present Third District. The effect of this is to give Carterett two members while Bertie has none and the rest of the people only one. Every man in Carterett has two votes while the rest of us, except unfortunate Bertie, have one. Now the effect of this is to dillute the votes of all the other people of the district by this watering process. If you are one of an electoral body which consists of five thousand members and five thousand other members are introduced into it, does not this reduce your vote to just one half of what it ought to be? If this introduction of new material is unlawful then one half of your vote is confiscated. It is just as much an outrage upon equality and common right to unduly extend a right as it is to take it away. Therefore, I say that if the law of the state is susceptible of the construction which is thus attempted to be put on it, it is unconstitutional and void.

Q. But I understood you to say that such is not the proper construction of the law.

A. Why certainly there is no such statute as they contend for. It is a settled principle of construction that statutes must be read together and where they seem to be inconsistent they must be reconciled if it can be done without violating their express words or plain intent. Another rule is that they must be read in the light of cotemporaneous history and with reference to what was in the mind of the law giver at the time of their enactment. Now apply these principles to this case. The census was taken in 1880, upon its return to Congress it became the duty of that body to fix the number of representatives which being so fixed entitled under the constitution each state to a certain number of members to be arrived at by a simple arithmetical calculation. Under the constitution congress has a right to establish the districts—a right which it has exercised in a qualified way. Congress made this apportionment by the act of February, 1882, which after distributing the members to each state, according to the census on the federal basis, provided that in the 48th, and each succeeding congress, the members should be elected by districts composed of contiguous territory, and that, unless the state directed otherwise, they should be elected "to the 48th congress as now provided by law," and that in any state where there was an increase of members the districts should elect as fixed by existing law, and the additional member or members by the state at large. Our legislature did not "otherwise provide." So, in the election for the 48th congress, held last year, the districts were fixed by federal and not by state law. This act of congress provided for the election of members for that congress, and applies by its express words to the 48th congress.—This congress is a continuing body which, under the constitution, lasts until the 4th of March, 1885. The member now to be elected is for this 48th congress, just as much so as was the dead member, Mr. Pool. In the language of the act of congress he is to be "elected to the 48th congress." And the districts *for that Congress*—without reference to *when* the election may occur, whether this year or last year—are fixed by that act, and continue fixed, until that congress expires. Our state law of 1883, when read in compliance with the principles of construction which I have stated, has no application to the 48th, but only to subsequent congresses. When it was passed the regular election to the 48th congress was done and over; that congress was not in the mind of the legislature at all, they were only providing for subsequent congresses. Reading it in this way, there is no conflict between the legislation of the state and that of the nation. They stand together. But look at it the other way, see to what absurdities it leads. Suppose the legislature when they come to redistrict the state by this act of 1883, instead of beginning in the northeast, at Currituck, had begun in the southwest, at Cherokee, and had laid off say ten counties up there, and called them the first district! According to these profound politician there would be no election in Pool's district, but some counties up in the mountains, which have already their own living member in congress would elect Pool's successor. Yet this is not a bit more absurd than the attempt to give Carteret two members and Bertie none.

Again; suppose the present member, who is elected by and represents the state at large, should resign, or what is more nearly within the scope of reasonable hypothesis, should die, how would his successor be elected? Why, manifestly by the same constituency which elected him. But according to this new fangled interpretation the state at large could not elect him. He would have to be elected by what is called in this act of 1883 the 9th district. That is to say, by people who have already elected, and who have got their representative, and who would thus have two members, while the balance of the people of the other districts would have only one. You readily see that this necessarily follows if the executive is right. He says he looks to existing law—that is, he must be governed entirely by the act of 1883—which establishes nine districts, then why don't he call an election in the 9th district? According to him there is no member for that district at all. The existing law makes it a district, there is no member for it, then a vacancy exists. Why don't he have an election? If his view is right, then he is guilty of an impeachable offence, in not complying with the law, which requires him to issue proclamations for elections to fill vacancies.

There is no limit to the ridiculous absurdities into which these men have got themselves. according to them the present members of the 48th congress don't represent the people who elected them, but the people of such districts as are designated by the act of 1883. If a member of congress wants to know what district he represents he is not to look to the people who elected him, but as they do in the penitentiary, he is to fix it by his number. He is number 1, 2, 3, &c., as fixed by the legislature. Sometimes he will find that he does not live in his district at all, but resides in the same district with some other member. True it is there is nothing in the constution of the United States to prevent a district from electing a non-resident, but such has never been the practice of the people of this state, and to fix up a sharp trick, by which the people are to be represented by non-residents, whom they never elected, is a fraud on them. This is carpet-baggery with a vengeance.

EXPLANATION.

When we speak of Gov. Jarvis as cutting a poor figure abroad, we do not mean to disparage his capacity to the degree of representing him as a weak or ignorant man. As a quiet, private citizen, or even as the sober and sensible representative of some remote and unpretending district in Congress, he might acquit himself discreetly or even with some modest reputation. But it takes a big man for big things, and we are complacent enough to think that a state of the Old Thirteen, *the first* to declare its independence of the crown, and now counting its population by the hundred thousand, is great enough to have a really great man to preside over her affairs and direct her destiny. Few men are to blame that they have not the capacity for such high employment, but those who have not should have the grace to seek humbler stations. *Noblesseroblige*, and he who'd wed the widow of Ulysses must be able to bend the hero's bow. Who that prides himself on his native state does not regret that some gifted son of the proud old commonwealth, with "a soul of fantasy and flame," a Fowle or a McRae, was not present at Boston to stand in the place of Jarvis and speak "winged words" which would fly on the lightning's track through the expanse of our continent? As we have said, we cannot blame *Mr.* Jarvis for not being equal to such an occasion, but we do wish that *Gov.* Jarvis would curb this unfortunate propensity of his to be running all over the country exhibiting himself, and, thereby us. Such conduct in Grant or Arthur would be represented as "junketting," but somehow our people don't seem to care much if all the governor's being away, and sometimes we fancy from their indifference that they would not take it to heart very sorely if he should get in the notion to come back no more.

MR. SHERMAN ON THE STUMP.

We very much regret that the newspaper reports which we have seen of the speeches of this distinguished orator and patriot have been so meager. What we have been fortunate enough to obtain has been crystalized wisdom of the highest order. Mr. Sherman makes no efforts at what is popularly termed eloquence. He leaves that to such as are driven to an appeal to the passions in the vain hope of drowning the accents of reason. After the windy "oratory" of the Democratic demagogue has spent itself in sound and fury signifying nothing—then the still small voice of his reason is heard and heeded above the noisy echoes of the retiring storm. He makes the people of Ohio see that the tariff is *the great* question for them. That on that question the Democrats have held *every* view until at length they have come to *no* view, but express their whole creed and policy in the slogan, "The Republican party must go. Turn out the rascals." That on the other hand, the Republicans have held sound and consistent views on the matter, from first to last, and shown themselves the true and sagacious friends of American labor throughout the Union. There was much point and some quiet satire in his appeal to Hoadly to know why he should come over to *his* (present) party to advance such of its declared principles as were sound, when he found those principles imbedded for years in the constitution of his own party, whence the Democrats extracted them by their favorite process of ratification. We hope that Mr. Sherman will fulfil his promise to speak as many times as possible during the canvass, for not only will his words enlighten and guide the true men of Ohio, but they will serve for admonition and instruction throughout the United States and in the more important and extensive campaign of next year.

"PUCK" ON THE DEMOCRACY

What Hamlet said of the players, one may well say of the current newspapers of any period. They are the abstract and brief chronicles of the times, and one had better have a bad epitaph after his death than their ill report while he is living. This is true of the newspapers in general, but specially so of those illustrated papers which faithfully discharge the office they assume, of holding up a mirror to the times. The work of a successful carricaturist ever calls for talent of no inferior order. The cartoons of the reign of George the Fourth receive as much notice from historians of the period as do the draughts of the great architects or the designs of the great sculptors. The cunning of the hand and eye of the artist are not to be underrated, but the "divine idea which lies at the bottom of appearance," *that* it is which requires the God-given endowment of genius to originate and perfect any work that will live. But it is not our object at present to dissert on the conditions of art, nor can we on every occasion on which we introduce a thought from *Puck* give so elaborate a prelude. If we should, our readers might prefer to dispense with even these bright and *recherche* fancies. So now for the second of our scenes from that magic pencil.

An old man with locks of scattered grey, and wrinkles without number around his deep-set eyes, is seated upon the historical "bar'l" of 1876. But if the contents were not of a quality so well known to the world, we might suppose that they had displaced the sinews of war of former days. When, however, we see "Democratic Brains" we can no longer indulge in such a surmise, but must suspect a rather spiteful joke—all know the pranks and quips and cranks of that elfish *Puck*—intimating that dollars and cents constitute "the brains" of that party. A pilgrim is on his way to Greystone, the "seat" of our ancient friend above described. His eyes are blinded by a superfluous bandage, and the top of his cranium, falling back like a raised helmet, discloses a perfect vacuum where the brains are usually found. His foot, as he advances rashly and blindly, strikes against a rock, bearing the word "Tariff," and though he fancies himself treading safely and rapidly on the road of "No Policy," he suddenly finds himself about to grovel in the dust before the very eyes of his master and chief. It scarcely needs the slightly altered lines of Shakespeare to develop the full meaning of the picture:

"The times have been that when the brains
were out the man would die,
And there's an end, but now they rise again
And, brainless, bump along the path of fame."

He that would fail to discover the Democracy in the [illegible] Tilden in the aged custodian of the barrel, would be as destitute of brains as the stumbling patriot depicted. Another scene is about as good "Miss Columbia" is in her kitchen, and, cozily before the fire lies a sleek and well-fed cat, which is sleeping sweetly after a recent meal from a bowl of "plunder" near by. Through a partly open door, looks in a lank and hollow dog, gazing with furious eyes of hunger upon the tempting vessel, and demanding, "will the time never come when she will *turn out this rascal* and give me a chance?" In still another picture we see Miss Bennie Butler, with silks and seal-skins, and feathers and water curl, endeavoring to coquet with the solid south. Though "skilled in the ogle of a roguish eye," her arts seem lost upon the grim and surly object of her wiles, who is certainly in no imminent peril of falling a victim to her "bright perfidy." A savage Ku Klux Adonis, he prefers "the chaap" of the wild "buck negro," and averts his eyes from her wanton and languishing glances. A few slight changes might make the scene more life like and natural. For instance if we could have a bourbon pandar behind the solid south gently propelling him towards the unmaidenly suitor; or suppose our gubernatorial Barkis as as ubstitute repaying "with glance lascivious", each lecherous leer declaring to the happy recipient of his vows that he *loves her dearly* and swearing to be

Hor own true knight,
For her to fight,
With all his might,
By day or night,
Or in any sort of light. etc. etc.

Mr. Winston's letter, which we publish in full in the POST of to-day, is an able and exhaustive arraignment of the bourbon Democracy. It speaks for itself, and further comment would be superfluous. We douht not that the bourbon press will express itself as highly gratified at the withdrawal of Mr. Winston, as they do over every loss which they cannot prevent or remedy. When we recall the the facts that Mr. Winston himself has been the trusted clerk of a Democratic legislature; that his brother has been made a professor at Chapel Hill under Democratic auspices, and that his distinguished father received a flattering vote for Supreme Court Judge in the Democratic convention of 1878, it can hardly be charged that chagrine at non-recognition is at the bottom of the matter. However, these facts will not stay for a moment the profligate utterance and circulation of such charges.

City Items.

Oysters will soon be making their appearance in market.

Kicked by a Mule.

Elias Halsey, a well-known colored drayman, was nearly kicked to death by a mule on Saturday evening last. He had gone into the stable to feed the animal, when he turned upon him, kicking him on the side of the head and knocked him senseless, after which he kicked nearly all the clothing from his body, and was winding up the performance by stamping him to death, when Mr. Lewis Sallings, another drayman, rushed into the stall and rescued Halsey in a bleeding and senseless condition. He was taken home and a surgeon called in, who succeeded in restoring him to consciousness, and at last accounts he was improving as fast as could be expected.

The Late Storm.

A storm of wind and rain commenced here on Monday morning and continued with more or less severity until Tuesday afternoon. It came from the northeast and attained a maximum velocity of about 40 miles per hour, while the barometer was nearly as low as in the famous hurricane of 1881 The damage in Wilmington was comparatively slight, the most of that sustained being caused by the high tide consequent upon the long continued east wind, which flooded a number of the warehouses, damaging salt, etc. Numbers of fences were prostrated and shade trees battered or blown down. At the sounds the storm was more severe than here, the bath houses being washed away, while many fences and trees were laid low. The wind is said to have been simply awful, while the tide was remarkably high.

Sells' Great Exposition

Will exhibit at Wilmington Saturday, September 29th. As a general thing complimentary notices, many of an extravagant character, precedes the advent of a circus and menagerie, which after its departure is as often suffered to depart without word of commendation. In justice, however, to an exhibition, or rather a series of exhibitions comprised in the Sells Brothers' Exposition, an exception should be made, for positively it is the only show of the kind in our vicinity that did not truly and faithfully meet every promise set forth in the advertisement. We do not believe that one of the ten thousand spectators who witnessed the arenic performances on Monday night but will cheerfully admit that they were the best and most unique that they have ever seen, many being of a startling and decidedly original character, as for example, those of the Davene, Stirk and Caron families. The menagerie is vast in proportion and choice in character, containing, amongst other curious specimens, two large hippopotami, a monster rhinoceros, a herd of giraffes, and a school of sea lions and leopards, besides, as the bills announced, herds of elephants, giraffes, etc., and at least 100 cages of animals. The expense of running this organization must be immense, but the reputation of the Sells' Brothers will insure them crowds wherever they exhibit. Emphatically it is by far the best show extant.—*Chicago Times, May 30th.*

Great Revolution in Single Number Lotteries---New and Striking Features in Single Number Drawings.

On the last Thursday of every month the Henry College Lottery Co., of Kentucky, will have a public drawing in Masonic Hall, Masonic building, Louisville, Ky., to be under the sole charge of Judge W. B. Hoke, Judge of Jefferson county, Ky., Past Supreme Dictator Knights of Honor, and W. H. Meffert, Esq., Past Grand Master of Grand Lodge of Masons of Ky., who will allow every ticket holder the privilege of calling out the number on his ticket just before the drawing takes place, and see the tag with the number on it corresponding to the number on his ticket placed in the wheel in his presence, thus absolutely guaranteeing a fair drawing. This company has given a bond for $100,000 to the Henry county court for the payment of all prizes they may sell. The charter has twice been declared legal by the highest court in Kentucky. First Grand, Fair and Public Drawing takes place Thursday, Sept. 27th, 1883. 1 capital prize of $30,000; 1 of $10,000; 1 of $5,000; 2 of $2,500 each; 5 of $1,000 each; 20 of $500 each. 1,857 prizes, amounting to $110,400. Tickets only $2 each; halves $1; 27 tickets, $50; 55 tickets, $100. Address all orders for tickets or circulars to J. J. Douglas, Louisville, Ky.

PERSONAL.

Hon. Jas. E. O'Hara, M. C., is on a visit to Nashville, Tenn.

Maj. John F. Divine, Superintendent of Railroads, has been visiting the Baltimore Oriole.

Gen. S. H. Manning is still in Lewistown, Maine, and we are glad to learn improving very rapidly in health.

Prof. C. H. Moore has been appointed in the Revenue Service by Collector Wheeler. Splendid appointment.

Jos. C. Hill, Esq., the newly appointed magistrate, has been given the title of "the Duke of Hanover" by his friends.

Geo. A. Mebane, Esq., editor and proprietor of the *Banner Enterprise* of Raleigh, was in the city a few days the past week.

Prof. J. C. Dancey, editor *Sentinel*, has been appointed Deputy Collector by Col. I. J. Young. We congratulate Col. Young on this appointment.

Hon. Frank H. Darby and A. E. Ricaud, who have been north, have returned looking very much improved. We hope the boys had a good time.

Hon. Geo. W. Price willl lecture in Beaufort Monday night next, for the benefit of Elder Sorryer's church, and on Tuesday night in Newbern for the benefit of Rev. Mr. Thurber's church.

Mr. Daniel A. Smith, the furniture dealer, has just returned from Boston, where he has been on business connected with his furniture store. We hope he had a good time and will make money out of it.

the credit of sending the POST the first postal note for a year's subscription to the Wilmington Post, and Mr. William McCorkle of Salisbury, for the second. They will both accept our thanks.

Rev. W. H. Thereber of this city, is now in charge of the A. M. E. Zion Church at Newbern. He is very popular, and has done good work for the religious cause in that city. His many friends in this city will be delighted to hear of his great success.

Hon. W. S. O'B. Robinson, our U. S. District Attorney, was in the city on Saturday last, looking well, happy and as jolly as of old. Robinson is one of those good fellows that makes everybody happy with his pleasing manners and side splitting jokes.

Mr. John H. Allen, the noted jeweler of this city has accepted a situation at Greensboro, N. C. Mr. Allen is considered one of our very best and most skilfull artizans, he knows all that there is to be known about repairing watches and clocks. We wish him success in his new field.

Maj. Charles E. Taylor, Deputy Collector of this port, has gone with his family on a visit to Maine. The Major has been a long and faithful officer; he is exceedingly popular with the business men with whom he is brought contact in an official way, and they all join us in wishing him a pleasant and beneficial visit to his old home and friends.

Maj. John M. Foote, Special Agent of Pension Office, has been home on a brief visit, but has returned to Seneca Falls, N. Y. The Major is naturally very popular with Carolinians, on account of his sterling qualities. There is no better man in all of these states than John M. Foote. His friends delight to have him around, and by that, he will spend as much of his leisure in North Carolina as possible.

A specimen of the mechanical skill and ingenuity of Mr. E. W. Swenson, steward of the Revenue Cutter Colfax, in the shape of a miniature full rigged ship, has been on exhibition at Heinsberger's during the past week. The workmanship is perfect and the little craft is a credit to her builder. She has been presented to the Dorcas Society of St. Paul's Lutheran church, to be raffled for.