WILMINGTON, NORTH CAROLINA, FRIDAY, SEPTEMBER 21, 1883.

WILMINGTON POST

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TON POST, Wilmington, N. C.

JUDGE FOWLE'S OPINION. We present the opinion of Hon. D. 6. Fowle to our readers, by which it will be seen that this distinguished lawyer and statesman emphatically party in their attempt to steal the first district. Judge Fowle is a man to whose conservative and liberal and constitutional ideas of government the small tricks of petty politicians, whereby sound principles are violated and the people are robbed of their rights. are offensive and repugnant. For such men there is no room, in a party whose edifice is built of narrow prejudice and sectionalism, with its corner-stone resting on intolerance, proscription and the spolation of the ballot. The Liberal codition-a party broad enough to contain every element of opposition to

all such men into its ranks. With such men like Fowle, Pat Winston, C C. Clarke, D. K. McRae, W. H. Day, Cook, of Warren, and sores of others who might be named, on the stundy to rally the liberal and national sentiment of the state, the days of bourbonism are numbered.

the practices of bourbonism-invites

EALERGH, N. C., Sept. 19, 1883 My opinion is asked as to the legaliyal the writ of election, and proclamation, of the acting Governor of

By chapter 275, of the acts of the general assembly of North Carolina, for 876-77, in section 48, it is declared, "The first district shall be composed of the counties of Currituck. Camden, Pasquotank, Perquimans, Gates, Chowan Hertford, Hyde, Beaufort, Pitt, Pamlico, Bertie, Martin, Washington, Tyrell and Dare," and that "Casteret, county shall be in the third district.

By section 50 of the same act it is declared, "If at any time after the expiration of any congress and before another election; or if at any time after in election there shall be a vacancy the representation in congress, the inversor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townthis of their respective counties, at and at the place established by law, then and there to vote for a representalive in congress to fill the vacancy. and the election shall be conducted in

like manner in regular elections.' By chapter 20, of the acts of the 47 congress, passed Feb. 25th, 1882, the representation of North Carolina was ucreased from eight to nine members, set "that in each state entitled underthis apportionment, the number to lotty-eighth and each subsequent congress shall be elected by districts composed of contiguous territory, and containing, as nearly as practicable, an unless the legislature of such state shall otherwise provide before the elecand meh representative shall take place, provided by lase. When no change shall be hereby made in the represenmon of a state the representatives thereof to the 18th congress shall be eleced therein as now provided by law. If he number as hereby provided for shall be larger than it was before this change then the additional representafor representatives allowed to said sales under this apportionment may be elected by the state at large and the other representatives to which the state sentitled by the districts as now prescribed by law-in said states, and if the sumber hereby provided for shall in to such states hereby provided for shall sail otherwise provide before the time fired by law for the next election of representatives therein."

The election for representatives to he isth congress took place in Novem ber 1882, and the Hon. Walter Pool was elected from the first district, com-Posed of the counties above named, and the Hon. Tyler Bennett was electmire the election.

above named, except that Bertie have been excluded. county is taken from the first district and placed in the second,

Mr. Pool has recently died, and the acting Governor of North Carolina has issued his proclamation, directing the election to be held in the district as laid off in the act passed 6th March, 1883 That is, the citizens of Carteret county are to vote for a representative from the first district to a place in the 48th congress to fill the vacancy, and the citizens of Bertie are excluded from so voting.

My opinion is, that the citizens of the first district, as it was composed in November 1882, are the proper electors and that an election held under the proclamation of the Governor, excluding a portion of those citizens, and admitting the citizens of a county to vote, which county was not in the district at the time of the election in November 1882, would render the whole election nugatory and void.

National justice would indicate that it is wrong to allow the citizens of a county, who are already represented in the 48th congress, in the person of the representative from the third district to be further represented in the same congress by the representative from the condemns the conduct of the bourbon first district, particularly when the reprepresentation is exercised by depriving the citizens of another county of the right to be represented at all.

The act of Congress says, "No one district electing more than one repre-sentative." If it is illegal for a whole district to elect more than one representative, can fit be that a portion of the district may elect more than one representative, for it may happen that the election of the representative in each district may depend upon the vote of the citizens of the county transferred from one district to the other.

of the representatives elected to the well as at home, 48th Congress, except the representative at large, should by some accident become deceased, leaving the representative at large the sole living representative from North Carolina, and the Governor was called upon to issue his proclamation to fill the vacancies-how 1876-77, there would be no difficulty, for there would be eight vacancies and eight districts. But if under the act of

1883, there would be nine districts and but eight vacancies. By what rule would be select the district to be left without representation? The whole eight could not be elected by the state at large, for the provisions of the act of Congress only applies where the North Carolina, to fill the vacancy number of representatives of a state to shich has occurred by the death of the 18th Congress has been decreased. Hon. Walter Pool, representative elect | and no redistricting of the state, then in the 18th congress of the United there may be an election of all of them from the state at large

This illustration demonstrates that the election must be by the old dis-

Assuming that the proclamation of the Governor is irregular, and not in accordance with the law, would an election, held under that proclamation, be effective or would it, be inoperative? In answering this question, it must down on the Oriole, be assumed that the House of Representatives would judge of the matter, as a legal question only.

It is not every irregularity which will avoid an election. At page 216 of Judge Cooley's work on Const. Limita-

"The statutes of the different states point out specifically the mode in which elections should be conducted; but although there are great diversities of detail, the same general principles such time as may be appointed therein, govern them all. As the execution of these statutes must very often fall to the hands of men unacquainted with the law and unschooled in business, it is inevitable that mistakes should

sometimes occur, and that very often the law will fail of strict compliance. When an election is thus rendered irregular, whether the irregularity shall avoid it or not must depend generally and it was provided in section 3 of the upon the effect the irregularity may have in obstructing the complete expression of the popular will, or the which such state may be entitled in the production of satisfactory evidence

But says the same author, on page 616, the elector must not be deprived of his vote. To apply it to our case, equal number of inhabitants, and equal the people of Bertie must not be deto number to the representatives to prived of their right to vote for the which such state may be entitled in representative from the 1st district in congress no one district electing more the 48th congress. He says: It has han one representative. Provided, That been held, on constitutional grounds, that a law creating a new county, but so framedias to leave a portion of its territory unorganized so that the voters with in said portion could not participate in the election of county offi-

> So a law submitting to the voters of a county the question of removing the county seat is void, if there is no mode under the law by which a city within the county can participate in the election. In our case there is 'no mode provided by which the people of Bertie can participate in the election, Again he says: That although the

cers was in operative and void.

failure of one precinct to hold an election or to make a feturn of the votes cast, might not render the whole elecany state be less than it was before the tion a nullity, when the electors of that thange hereby made the whole number | precinct were at liberty to vote had they so chosen, or when having voted but elected at large unless the legisla- tailed to make returns, it is not made tures of said states have provided or to appear that the votes not returned would have changed the result, yet if any action was required of the public authorities pertaining to the election and that which was taken was not such as to give all the electors the opportunity to participate, and no mode was open to the electors by which the officers might be compelled to act, it would seem that such neglect, consti I from the state at large. This was tutes as it would the disfranchisement because the legislature of North of the excluded electors pro has vice wolina had not re-districted the state | must on general principles render the whole election nugatory -- for that can-Afterwards, on the 6th of March, not be called an election or the expresthe legislature of North Carolina sion of the popular sentiment where a raised an act dividing the state into part only of the electors have been alline districts, and declaring that the lowed to be heard and the others withand district shall consist of the coun- out being guilty of fraud or negligence

DANIEL G. FOWLE.

a laten from the third and placed in First-class theatricals are a thing of

the past in Wilmington

PERSONALS.

Col. Geo. L. Mabson has returned from a 15 days visit up country.

Mr. Nathan A. Stedman of Elizabeth

town, was in the city Tuesday last. Congressman W. J. Green was in this city on Saturday last, looking well 2 Col. W. H. Day, of Weldon, with his wife, was in the city on Tuesday

Ex-Senator Davis, of Illinois, has been in the state on a visit with his

Hon. John C. New, Assistant Secre tary of the Treasury, is in Indiana, attending to private business.

Mr. E. Martin returned to the

city on Sunday last, from a canvassing tour for the Wilmington, Wrightsville Railroad.

city a few days the past week, looking after customs matters. He is looking well we are glad to see, Gen. Manning, our wandering but

worthy Sheriff, is now up among the Mr. Arthur Barnes, Assistant Ser-

geaut-at-Arms of the U. S. Senate, come home to Wilson on a short visit on Friday last. Mr. Barnes is very Suppose, which Heaven forbid, all popular as an officer of the senate as

Col. Canaday's family have returned from the seashore, where they have been enjoying the breakers-trom all accounts they did not enjoy the great storm. The wind blew, where they should be do it? If under the act of were, at times about 75 miles per hour and averaged 81 miles per hour for six

Col. F. W. Foster and family, have returned from a visit to the .Col.'s old home and friends in Pennsylvania We are glad to learn that he had splendid time, but his many friends were glad to welcome him back again and we hope he may continue prosper. ous and happy.

The editor of the Post visited, the Oriole at Baltimore on Thursday last, and thanks to friends in that city he had an excellent location to see the walk two miles to get to the depot.from the fact that a conveyance could not be procured for love or money. He is

Senator Matthew W. Ransom, went to Washington on Friday last. The senator is chairman of the Potomac improvements that is now going on and he keeps a watchfull eye over that matter. It was through his efforts was very great extent, that the appropriation was made, and he takes a just pride in the success of the works.

The Press.

The North Carolina Educational Jour ad has been removed from Chapel Hil to Trinity College, N. C.

The State Chronicle the new independent Democratic paper started at Raleigh, by Mr. Walter H. Page, has been received by us, and we take very great pleasure in saying that it is the handsomest paper in the state. Its pages show great enterprise and ability. If the editor continues as he has commenced the undertaking will be a perfect success. We wish the editor and tion price, \$2 per annum.

The New Berne Nut Shell is a newsy little paper, and may it continue to We are glad to see our contemporary

ooking so prosperous.

city Items. The river is falling again.

Health officer James 1s sick.

Congressman Green was in the city

Mr. Pridgen, of Pender, has a goose

Messrs, Brown A Roddick's new store is nearly finished. It will be handsome.

Major J. M. Cronly, of this city, is menfoned as one of the marshals of the State

Rev. Mr. Gregory, of Charlotte, is to occupy the pulpit of the First Baptist church Capt, J. C. McMillan has been appointed

postmaster at Kenansville, N. C., and W. B. Baker postmaster at Dudley, N. C. Gen. Manning is to be at home about the

ist of October, and in the meantime is to attend a fair at Lewiston, Maine. The "Farmer's Daughter" was a grand

fallure, but then Wilmington doesn't deserve anything better than a second-class

Miss Lone McQuigg, daughter of E. H. McQuigg. Esq. who has been on an extended trip north, returned with Mr. and Mrs. F. A. Foster on Monday last.

Mr. W. N. Jacobs, of this city, was on the committee of reception at the celebration

dergoing such extensive improvements during the past summer, reference to which has already been made in this paper, is now ready for use, and services will be held in it to-merrow, the Rev. Dr. Mendelsohn of-

There are three children living on Queen between Tenth and Eleventh streets, who are perfect Albinos. Their parents are s dark ginger-cake color, while they are perfectly white, with white hair, eye-brown etc., and have bright blue eyes.

The Temple of Israel, which has been nn-

Winner, the jeweler, has moved up over the Market, and now runs the photograph ing business also, and we hear that his photographs are giving great satisfaction There is one thing we do know, and that is that whatever he undertakes to do he does

The Sunday Morning Mail.

A new weekly paper by the above name will be started here about the first of November, by Messrs. E. S. Warrock and Geo. R. Drer. Mr. Warreck is an old newspaper man of ability, a practical printer, and will Special Agent E. Hubbs, was in the make a good paper of it. We wish the paper

Cabarrus Court.

Our readers will recollect that Mr. Henry F. Walker, of Brunswick county, a deputy under Col. Young, was murdered by one David Fraley Mr. Walker was on duty in lakes of Maine, at his old sport hauling | Stanly county and was ambushed and shot in those that will bite, specially et the by Fraley. The trial was moved from Stanly to Cabarrus county, and the case was called up for trial on yesterday. From all we can hear, Fraley should swing.

New Paper. Mr. Josiah Evans will commence in Fay etteville, N. C., the publication of a paper independent in politics, called "The Sun," about the 26th inst. We hope Mr. Evans success. A man who has the energy to commence the publication of a paper at this time in North Carolina deserves a better fate, but we shall welcome him to the editorial brotherhood and his paper to our

Meeting of Wilmington Boards of Trade.

A joint meeting of the Chamber of Commerce and the Produce Exchange was held on Wednesday last, to meet Hon. Ethelbert Hubbs, of the United States Treasury De partment, with reference to a petition of certain citizens of Wilmington asking that the limits of the port of Wilmington be extended from the wharves of the city to the bar of the Cape Fear river. After an explanation of the nature and latent of the pctition by E. Peschau, first vice-president of the Chamber of Commerce, Col, Roger Moore, president of the Produce Exchange. moved that it was the sense of the tw bodies that the Treasury Department of the United States be requested to take no action in the matter, which motion prevailed. Thanks were returned for the action taken procession, but afterwards he had to in sending Hon. Ethelbert Hubbs to this city for the purpose named, and the meet-

Messrs, Munds Bros, & DeRosset are fitting up the store at the corner of Second and Market streets very handsomely for their new drug depot. These gentlemen are determined to give Wilmington a first-class drug store in every particular. The Munds Bros. have been in New York [quite awhile ing themselves theroughly in the knowlmen of the very highest standing as business men, Dr. A. J. DeRosset, the other member of the firm, everybody knows to respect, and we all know that he would not attempt to run the business except to make it first-class, ;Dr. Love will occupy an office just in the rear of the drug store, which will also be very handsomely fitted up. We congratulate the citizens of Wilmington on the benefit of having such reliable druggists and we wish the firm great

Arrest of a Noted Thief. Jim Green, a cow and hog thief of rested in the Town Cseek section on Sunday last, and on Monday he was brought to this city by sheriff Taylor and lodged in jail, preparatory to being taken to Smithville, He is said to proprietor financial success. Subscrip- have belonged to a regular band of thieves who have been operating in that county for some time pust.

Assaulting a Woman. John Williams, colored, had a hear-

ing before 'Squire Hill on Monday last on the charge of assaulting Eliza Byrd, while on the way from a candy pulling in Brooklyn. The case was tried and Williams was adjudged guilty and sentenced to pay a fine of five dollars and the costs. When the judgment of the court was pronounced, the injured damsel began to feel sorry for Williams, of the magistrate to remit the fine, which he finally consented to do, when the two departed, more than ever convinced that "the course of true love never did the steamship Benefactor had passed

Col. George L. Mabson was in Tarboro this week, and presided at the Eastern Star Chapter in the absence of Bishop Hood, who is in Kentucky. Co., Mabson is a splendid executive officer and is honored and respected by his subordinates. He was the guest of his brother, Hon. W. P. Mabson .- N. C.

Col. Mabson was unanimously reelected as M. E. G. A. Patron, but declined to accept for another term in consequence of his connection as an official with too many orders and societies. His declination was much regretted, as we learn, by members of the

LOCAL SHORTS.

City Hall cats catch white mice. Dwelling houses are in demand.

The cotton crop in Robeson was badly injured by the late storm.

right again.

being a nuisance.

There were 14 interments in Pine 3 and in Bellevue none.

who was kicked so badly by a mule last week, is up and out again.

The Grand Commandery of Knights Templar will meet in third annual conclave at Charlotte, on the 9th of Oc-

Rev. O. Miller, of the Colored Baptist church, baptised several converts at the foot of Princess street Sunday

Rev. Dr. Wilson, of the First Presbyterian church, will fill his pulpit next Sunday for the first time in several weeks.

The steamer Passport left for Philadelphia on Friday last, where she goes overhauling.

an increase of 876 bales of cotton in the receipts of the present crop year, commencing the 1st of September. A sewer caved in near the foot of

promptly repaired, however. Mr. F. W. Foster and family have returned from the north, where they have been on quite a long visit. Fiavial

dangerous hole. The damage was

They are brought direct from Holland,

The Sovereign Grand Lodge of Odd Fellows of the United States met in Providence, R. I., Monday. Mr. R. F. Jones is one of the representatives from

the past week in deepening the water On the west sine or Service of the docks have been cleared out in The pulpits of the First and Second

Sunday last by Rev. Alex. Sprunt, at the latter in the morning and at the former in the evening. The wrecking steamer Resolute, of the Norfelk Baker Wrecking Company,

put in here a few days ago. She had been searching for wrecks, but had long standing in Brudswick, was ar- found none, and stopped here for or-

nected with the Signal office in this city, was of the Greely Arctic exploring party, whose vessel, the Protects, was crushed by the ice on the 23rd of

A severe rain storm passed over this city on Friday last, flooding the streets. causing terrible wash-outs, and doing no little damage to stocks in stores. The total rainfall was 4.88 inches, and the total for the week ending on Friday was 13 inches.

The Wilmington Library Association is having quite a number of accessions to its membership, and we are glad to hear that the new directors are determined to "turn over a new leaf" and whom she had been jealous, and begged | make it more deserving of success than ever before.

There was much rejoicing in the community when the news came that Sandy Hook on her way to New York Much apprehension had been felt in regard to her safety and to the fate of her passengers, of whom two were ladies

pose admirably.

the death, at the residence of her father. Mr. Geo. W. Hardwick, of the W. E. Dayle & Son caught 214 large | Stor., on Monday night last of Mrs: | Indeed, there are many features in this drum at one haul at their fishery on | Mary W. Rhodes, wife of Lieut J. U. des, of the U.S. Revenue Steamer Colfax. She was only 25 years of age. | quirer; June 11-

The summer absentees are returning

The telephone wires, which got dam aged during the late storm, are all

The Presbyterian Synod of the state meets in this city on the 14th of No-

Run all the gutters under the side-

Forest Cemetery last week, in Oakdale Elias Halsey, the colored drayman,

Ben Drye, colored, cut his hand serieusly with an ice chisel at the Front Street Market on Saturday last.

to get a new boiler and have a general during the late storm, was picked up

Up to Saturday last there had been

Dock street a few days ago and made a arrived safely in port on Friday last.

looks to be in robustious health.

The importation of bulbs for the purpose of raising choice plants and flowers, is getting to be a business here.

A dredge has been engaged during

Presbyterian churches were filled on

Mr. W. H. Lamar, formerly con-

The Mayor has at his Toffice some samples (of paving stones, from quar ries in Warren county and Drury's Bluff, Va. The city is preparing to pave North Water street, and Market street to Third, and the blocks in question look like they will answer the pur-

Our citigens were pained to hear of

NEW ADVERTISEMENTS. NEW ADVERTISEMENTS. ABOUT SEPTEMBER 15TH & 20TH

A large and attractive Stock of

Dry Goods, Oil Cloths and Carpets,

walks and thus prevent them from Will be ready for the inspection of the public-

In the meantime we will close out ODDS and ENDS at such bargains as will

A few Piece 50 cent Carpets will closed out at 37 I-2 cents per yard.

september 7-tf

R. M. McINTIRE.

Special Dispatch.

SMITHVILLE, N. C., Sep., 20th, 1883. Lykus, another large ocean steamhip just come over the bar, bound for Wilmington about 1.500 tons pilott.

Capt. R. S. Radcliffe has returned

from the mountains greatly improved The opinion; is ventured that there are more cows, hogs, goats and dogs on

the streets of Wilmington than in any other place of the same size and population in the United States. The Frying Pan Shoals Lightship, which got a drift from her moorings

off Myrtle Grove sound by the Revemue Cutter Colfax. The steamship Raleigh, the first ar rival of the new line between this city and Baltimore, and for the safety of which considerable anxiety was felt

Savannah has recently been putting in her claims to be the first naval stores port in the world, when in fact she is considerably behind Wilmington in THE DISMAL SWAMP LOTTERY this respect, as the fact and figures given by a city cotemporary have

Nearly this entire section of the state has been flooded by the recent heavy rains. Many bridges have been carried away and the crops have been badly damaged. The rice crop has suffered ment and extension" of that most improvement and extension" of that most important connecting link of the inland waters of Virginia and North Carolina.

The legality of the Lottery has been fairly tested and established before the court. It

Rev, E. S. Alderman, a student of

Wake Forest College, but who will finish his education at the Louisville The-Front Street M. E. Church on Sunday night last and made an excellent im-Salt spray was blown from the ocean in among the trees and fields a mile

ing the late storm, and the trees and vegetation look as if a heavy frost had fallen upon them. The attention of our readers is called to the postponement of the drawing of the Dismal Swamp Lottery. See letter of the secretary. We believe the com-

a half inland, Masonboro sound, dur-

an honest, open and frank manner. The British steamship Woodsides, Capt. Jenkins, arrived here yesterday, consigned to C. P. Mebane. Her gross tonnage is 1,770; net, 1,140. This is the largest steamship ever at this ports but there are others expected still 356 Prizes.

Sells Beothers' Show Will Exhibit at Wilmington, Saturday September 29th.

We have no hesitation in pronouncng this is the best, as well as the greatest traveling show that has ever visited us, and this, too, was the verdict of the multitude in attendance yesterday afternoon and night. The student of natural history will find ample scope in investigating the rare specimens of zoology, and the curious collection of birds, reptiles, and rarities of the aquarium, including a couple of the largest hippopotami ever brought to this country, and an immense tank of sea lions and leopards. There is the largest herd of elephants ever attached to a show, most of them educated to perform in the ring, and a rhinoceror weighing five tons.

The performances of the areas are first-class, the equestrians, male and female are certainly unexcelled, and the gymnasts and acrobats are certainly superior to anything we have ever seen in that line, producing many acts of a noves and hitherto unseen character. The exhibition of a party of genuine Australian Maoris is something new.

MARRIAGE.

ADKINS, PATTERSON—In Quewhiftle Township, Cumberland county on the 16th inst., at the residence of the bride's mother, by Alexander Leslie, Esq., Casie Adkins to Sallie Patterson, all of Cumber-

NEW ADVERTISEMENTS.

STATE OF NORTH CAROLINA, BEFORE CLERK OF THE SUPERIOR COURT. Brook G. Emple, Plaintiff,

Mary Holmes, Edward B. Dudley, S. B. Colson and wife Sallie B. Colson, and others, Defendants.

It being made to appear to my satisfaction that Edward B. Dudley and S. B. Colson and wife Sallie B. Colson are non-residents of this State, and cannot, after due-diligence, be found in this State, and that they are non-residents to this sellen. that they are proper parties to this action, and have an interest in property in this State: Now these are to command the said Edward B. Dudley and S. B. Colson and wife Sallie B. Colson to appear at my office, in the city of Wilmington, on the 6th day of November, A. D. 1883, at 10 o'clock in the November, A. D. 1883, at 10 o'clock in the morning, and answer or demur to the complaint, or judgment will be rendered against them according to the relief demanded in said complaint.

Given under my hand and seal of office this the 13th day of September, A. D. 1883.

S. VANAMRINGE.

S, VANAMRINGE, Clerk Superior Court New Hanover Co. sept 14-6w A Brilliant Scheme.

Norfolk, Virginla,

25,000 TICKETS--356; PRIZES pon the charter of the Dismai Swamp. Canal Company. The purpose in view is the "improve-

MOST ATTRACTIVE SCHEME

ever yet placed before the public, and an examination of the detailed plan will show hat it is far more favorable to the ticket

Gapital Prize \$5.000. CLASS A, TO BE DRAWN AT NORFOLK

Thursday, Nov. 22nd. 1883.

B. HORBACH, Manager. SCHEME 1.000 pany intend to deal with the public in APPROXIMATION PRIZES.

> Tickets only \$1,00. PLAN OF THE LUTTERY Pian of Lottery similar to that of Louis-

> The First Grand Drawing will be made at Norfolk, Virginia, on THURSDAY, THE 2ND OF NOV. 1881 before the public, and in like manner on the Third Thursday of each succeeding Application for club rates, or for information upon any other business, should be plainly written, giving State, county and town of writer. Remittances should be sent by Express Express charges upon \$5 and larger sums will be paid by the company. Address plainly,

GET YOUR MONEY'S WORTH! DON'T TAKE ANY ONE'S WORD

COME AND ENQUIRE

MY PRICES. Job Printer

Sugar, Coffee, Flour, FULL STOCK ON HAND

For sain by

ADSIAN, A VOLLEGE,

Distributing \$11,050