

THE DAILY ERA.

WM. M. BROWN, Manager: Fayetteville St., old Standard Building.

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THE DAILY ERA.

TUESDAY, NOV. 26th, 1872.

GOVERNOR CALDWELL ON THE "CONSERVATIVE" GERRYMANDER.

In his admirable and able message to this General Assembly, Governor Caldwell submitted these incontrovertible facts and figures on the infamous gerrymandering of the last Legislature:—

LEGISLATIVE APPOINTMENT. The last General Assembly proceeded to apportion Senators and Representatives. It is exceedingly doubtful whether they had any right to do so, at that time, and whether the present Legislature has not been chosen in violation of the Constitution of the State. I do not now propose to raise so grave a question, but simply to call your attention to some of the details of the act.

The Constitution provides that "each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory."

In the present apportionment this unmistakable provision of the Constitution is palpably disregarded. Two distinct elements are required to enter into the formation of "Senate Districts." First, they "shall contain as near as may be, an equal number of inhabitants." Secondly, they "shall at all times consist of contiguous territory."

The first requirement is disregarded in the present apportionment to an extent that could not possibly have been inadvertently done. By thousands of the people are without due and lawful representation in the Senate, and are virtually disfranchised. It is difficult to express, in becoming language, what every honest man in the State must feel, when he considers the facts and circumstances attending so plain a disregard, not only of the Constitution itself, but of the right of the people to fair and impartial representation. I deem it my imperative duty, without reserve, to lay the matter before you in detail, that the reproach may rest where it properly belongs, and in the confidence, hope, and belief, that this General Assembly will, by prompt action, show to the country its appreciation of what is just and proper, and give full and rightful weight to the manifest voice and will of the people.

The entire population of the State, by the Census of 1870, is one million, seventy-one thousand, four hundred and fifty—making twenty-one thousand, four hundred and twenty-nine inhabitants the exact number each Senate District should contain, if perfect exactness could be obtained. But the Constitution does not require perfect exactness. It requires an approximation "as nearly as may be." This approximation can in all cases be very nearly attained by grouping counties together, and when some of the more populous counties must be embraced in a District, by making it large enough to take more than one Senator, thus equalizing and giving weight to every large excess in a county.—Eight of the Districts in the present apportionment have allotted to them two Senators each, instead of one. But this appears not to have been done in scarcely a single locality, where it was necessary to secure an approximation to equality in the number of inhabitants. The Convention, which ordained the former apportionment, had only the Census of 1860 for a guide. The changes wrought by the war, in the relative population of the counties and sections of the State, rendered the data of the Census of 1860 unreliable. In consequence of this, some inequality occurred which was disclosed by the Census of 1870. To correct this inequality was the only plausible reason alleged for hastening, under doubtful authority, a new apportionment. It is remarkable that the new apportionment, undertaken for such reason, should be made more unequal and unfair than the one it was intended to correct. Having the Census of 1870 before them, it is difficult to conceive how it was possible for the last Legislature to mistake so grossly and to fail so entirely in respecting the constitutional provision, designed to protect the most essential and fundamental of all popular rights—that of equal representation.

I will, for preciseness of demonstration, call attention to a few of the very many glaring instances that may be found throughout the new apportionment. I select for this purpose, ten of the forty-two Districts. In this ten, are included three of the eight double Districts, in order to show that they were not made double for the purpose of approximating equality in population. Bearing in mind that 21,429 is the ratio of population, required by the Constitution to be approximated "as nearly as may be," the startling violation of this requirement may be seen at a glance.

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Raleigh, Tuesday Afternoon, Nov. 26, 1872.

No. 89.

There is allotted to the

District	Population	Senators
1st District,	50,015	2
10th "	33,686	2
24th "	33,610	2
18th "	35,617	1
23d "	15,708	1
12th "	27,978	1
14th "	16,436	1
3d "	27,699	1
17th "	16,897	1
31st "	17,414	1

By grouping these Districts in various ways, the total disregard of the ratio of population, viz: 21,429, which the Constitution requires to be approximated "as nearly as may be," becomes still more glaring.—There is allotted to the

District	Population	Senators
1st District,	50,015	2
3d "	27,699	1
12th "	27,978	1
18th "	35,617	1
Total pop'l'n,	141,309	5

District	Population	Senators
10th District,	33,686	2
14th "	16,436	1
17th "	16,897	1
23d "	15,708	1
24th "	33,610	2
31st "	17,414	1
Total pop'l'n,	133,751	8

Thus it appears that a population of 141,309 is allotted but five Senators—while another population of only 133,751 is allotted eight Senators. The ratio for the five is 28,261, while the ratio for the eight is only 16,719. According to the ratio required by the Constitution to be approximated, the five Senators would be increased to six, with an excess of 12,735 population, while the eight would be reduced to six with an excess of only 5,177.

There is allotted to the

District	Population	Senators
3d District,	27,699	1
12th "	27,978	1
18th "	35,617	1
Total pop'l'n,	91,294	3

District	Population	Senators
14th District,	16,436	1
17th "	16,897	1
23d "	15,708	1
Total pop'l'n,	49,041	3

Thus it appears that a population of 91,294 is allotted but three Senators, while another population of only 49,041 is also allotted three.—The ratio for the first three is 30,431, while the ratio for the other three is only 16,337. According to the ratio, required by the Constitution to be approximated, the first three would be increased to four with an excess of 6,572 population—while the other three would be reduced to two with an excess of 6,183. The ratio applied to the three representing the 49,041 population would, if applied to the other three, increase them to five with an excess of 9,609. There is allotted to the

District	Population	Senators
10th District,	33,686	2
24th "	33,610	2
Total pop'l'n,	67,296	4

Thus it appears that a population of 67,296 is allotted but four Senators, while another population of only 49,041 is allotted four.—The ratio for the two is 31,797, while the ratio for the two is only 16,824. According to the ratio required by the Constitution to be approximated, the two would be increased to three with a deficiency of only 692 population, while the four would be reduced to three with an excess of 3,009.

There is allotted to the 18th District, population 35,617, 1 Senator. There is allotted to the 23rd District, population 15,708, 1 Senator. According to the ratio applied to the 23rd District, the 18th would be entitled to two Senators and have an excess of 4,199 population.

In the history of the government, it has sometimes occurred, in more than one of the States, that, in the midst of high party excitement, the laying off of Districts for representatives has been more or less unfairly done. But such unfairness consisted in grouping together territory, and forming Districts in grotesque shapes, for the purpose of securing the vote of party majorities, supposed to exist in certain localities. The palpable disregard of the amount of population, in violation of express law and the consequent disfranchisement of thousands of the people, has seldom, if ever, before been ventured upon anywhere. Heretofore, this unfairness has been confined to Congressional Districts, laid off under the requirements of acts of Congress. While all laws, both State and national, should be strictly observed, the requirements of the Constitution, which Legislators take a solemn oath, in no respect to violate, might be supposed to be too sacred to be wilfully disregarded, however high and bitter party excitement might run. The requirement, that each Senate District shall "consist of contiguous territory" has been technically complied with in the new apportionment. But it can hardly be said that the spirit of the law has been observed. In several instances some of the counties, composing the Districts, only touch at their corners, such an evasion of the evident intent and policy of the Constitution, ought to be avoided in all cases. The new apportionment for the House of Representatives is, in many respects, though in less degree, subject to the same animadversion as that for Senators. But I refrain from details, because the facts are within your reach, and attention having been called to the one inquiry will necessarily be aroused as to the other.

Viewed in a party aspect, the result of the unlawful and unfair apportionment has been to give one party a large majority in the Legislature, at an election in which the other party, in the popular vote of the State, had a majority of thousands—not only in the vote for State officers, but greater still in the aggregate for Senators and Representatives in our Legislature and for members of Congress. This circumstance has given prominence, not only in the State, but in the whole nation, to that which we must all regret, and which will blur the history of the State with reproach.

I recommend that the Legislature take such action on this subject as shall remove this scandal from our statutes, and make the apportionment conform to the requirements of the Constitution.

CONGRESSIONAL APPOINTMENT.

The disregard of equality and fairness in the new apportionment for members of Congress, under the census of 1870, is little less striking than that for members of the Legislature. With a population of 1,071,450, North Carolina is allowed eight members of Congress. The ratio which should be approximated as nearly as possible for each Congressional District is 133,931 inhabitants.

In the present apportionment the 1st District has 122,311 inhabitants.

2d "	150,936
3rd "	143,564
4th "	139,786
5th "	122,831
6th "	139,003
7th "	119,318
8th "	133,201

It will be observed that the Second District has 31,618 more inhabitants than the Seventh, and has an excess of 17,005 over the regular ratio. The extraordinary, inconvenient and most grotesque shape of this Second District precludes all pretense that convenience of territory entered, in the slightest degree, into the motive for disfranchising 17,000 of its people. The same may be said of nearly all the other Districts. Their shape cannot be characterized, otherwise than as absurd and ridiculous.

The Second District has an excess of 17,005; the Third District an excess of 9,633; the Fourth, an excess of 5,855; and the Sixth an excess of 5,072. The First District has a deficiency of 11,120; the Fifth a deficiency of 11,100; the Seventh a deficiency of 14,613. A mere glance at the map of the State is sufficient to convince any one that no consideration of contiguity or compactness of form could possibly have entered into the motive for creating instances of such unprecedented excess and deficiency in the population of the Districts.

Under this apportionment, one party has elected five members out of eight, when the other party, in the aggregate vote for members, had a popular majority of over three thousand. This flagrant result shows how little the will of the people has been respected and how much their rights have been denied. Taken in connection with the disparity in population, and the ridiculous forms in which the Districts had to be laid off to produce it, the result is doubtless sufficient to challenge the prompt and correct attention of this General Assembly. But it has attracted the attention of the whole country by the grossness of the outrage upon popular rights, and has given weight to the impression that demoralization, lawlessness and dishonesty, pervades the government of some of the Southern States, no matter what party may chance to have the ascendancy for the time being. It is hoped, for the character of North Carolina, that the present Legislature will be able and willing to remove such impression, so far as regards this State, by fairness, moderation, and a strict observance of whatever is just and right and becoming the representatives of a free and virtuous people.

The Voting Population

Of the Southern States by the Census Report of 1872:

STATES.	White.	Col'd.	Total.
Alabama,	105,474	97,823	203,297
Florida,	21,064	18,842	39,906
Georgia,	129,665	107,962	237,627
Arkansas,	77,196	26,789	103,985
South Carolina,	245,133	44,321	289,454
Kentucky,	62,547	85,475	148,022
North Carolina,	139,553	78,019	217,572
Tennessee,	199,056	64,131	263,187
Louisiana,	87,066	86,913	173,979
Mississippi,	84,784	80,926	165,710
Texas,	132,390	51,575	183,965
Virginia,	161,500	107,691	269,191
Missouri,	384,314	23,882	408,196
	1,829,723	883,349	2,713,072

So, according to the voice of the people, as last ascertained, we have a Republican majority in the Senate of 26 and in the House a Republican majority of 36. Making a Republican majority on joint ballot of the General Assembly of North Carolina of 62 Senators and Representatives together. Is this General Assembly prepared to heed and respond to the voice of the people of North Carolina?

THE GERRYMANDER.

Senatorial Districts in North Carolina.

No. of Dist.	Counties.	Senators	1870 Pop. lation.
1st.	Currifuck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans,	2	50,015
2nd.	Tyrrell, Washington, Martin, Dare, Beaufort, Hyde,	2	42,670
3rd.	Northampton, Bertie,	1	27,699
4th.	Halifax,	1	20,408
5th.	Edgecombe,	1	22,970
6th.	Pitt,	1	17,276
7th.	Wilson, Nash, Franklin,	2	37,469
8th.	Craven,	1	20,516
9th.	Jones, Onslow, Carteret,	1	21,581
10th.	Wayne, Duplin,	2	33,686
11th.	Lenoir, Greene,	1	19,121
12th.	New Hanover,	1	27,978
13th.	Brunswick, Bladen,	1	20,585
14th.	Sampson,	1	16,436
15th.	Columbus, Robeson,	1	24,736
16th.	Cumberland, Harnett,	1	25,930
17th.	Johnston,	1	16,897
18th.	Wake,	1	35,617
19th.	Warren,	1	17,768
20th.	Person, Caswell, Orange,	2	44,758
21st.	Granville,	1	24,831
22nd.	Chatham,	1	19,723
23rd.	Rockingham,	1	15,708
24th.	Alamance, Guilford,	2	33,610
25th.	Randolph, Moore,	1	23,591
26th.	Richmond, Montgomery,	1	20,369
27th.	Anson, Union,	1	24,645
28th.	Cabarrus, Stanly,	1	20,269
29th.	Mecklenburg,	1	24,299
30th.	Rowan, Davie,	1	26,430
31st.	Davidson,	1	17,414
32nd.	Stokes, Forsythe,	1	23,581
33rd.	Surry, Yadkin,	1	21,949
34th.	Iredell, Wilkes, Alexander,	2	39,338
35th.	Alleghany, Ashe, Watauga,	1	18,551
36th.	Caldwell, Burke, McDowell, Mitchell, Yancey,	2	36,459
37th.	Catawba, Lincoln,	1	20,557
38th.	Gaston, Cleveland,	1	25,298
39th.	Rutherford, Polk,	1	17,440
40th.	Buncombe, Madison,	1	23,604
41st.	Haywood, Henderson, Transylvania,	1	19,163
42nd.	Jackson, Swain, Macon, Cherokee, Clay, Graham,	1	23,839

THE BEST PHASE OF THE GERRYMANDER.

Taking the arrangement of Senatorial Districts by the last Legislature, altogether, by our standing table, we put it in the very best light for the "Democrats," it is susceptible of being made.

The population of the State by the Census reports under which the Senatorial Districts were arranged, is 1,071,450 souls. The population divided among fifty Senators would give an average population to each Senator of 21,429.

But to the thirty-two Conservative Senatorial Districts the Legislature allotted an average of 20,899.

Short to each Democratic Senator Now to each Republican Senatorial District this same Legislature allotted a population of 22,371 Proper average, 21,429

An excess over proper average, a population to each Republican Senator of 942 Taking the average population allotted to Republican Senatorial Districts 22,371 and abstracting therefrom the average population in the Conservative Districts, 20,899

We have each Republican Senator representing a population of 1,472 more than the Legislature has permitted its Conservative Senators to represent. This we say is the very best light the matter can be placed in. It is the best phase of the gerrymander. We ask the public to examine into it closely and prepare their minds for the exhibition of infamous gerrymandering we shall proceed to give them from time to time, reference being always had to the facts and figures contained in and suggested by the table standing above.

How the Legislature Stands Politically.

Senators from Districts which now return Republican majorities,	38
Senators from Districts which now return "conservative" majorities,	12
Republican majority,	26
TABLE THE HOUSE THUS:	
Representatives from counties which now return Republican majorities,	78
Representatives from counties which now return "conservative" majorities,	42
Republican majority,	36

SUMMARY OF BOTH HOUSES: Senators and Representatives from Districts and Counties which now return Republican majorities, 116 Senators and Representatives from Districts and Counties which now return "conservative" majorities, 54 Republican majority on joint ballot, according to the voice of the people, 62 So, according to the voice of the people, as last ascertained, we have a Republican majority in the Senate of 26 and in the House a Republican majority of 36. Making a Republican majority on joint ballot of the General Assembly of North Carolina of 62 Senators and Representatives together. Is this General Assembly prepared to heed and respond to the voice of the people of North Carolina?

Vox Populi, Vox Dei.

The following is a partial list of "conservative" Senators and Representatives, now sitting in the Capitol of North Carolina, with Republican majorities against them in their counties:—

SENATE DISTRICTS.

7th. Wilson, Nash and Franklin; Jno. W. Dunham, Wm. K. Davis, cons.

9th. Jones, Onslow and Carteret; J. G. Scott, con.

10th. Wayne and Duplin; Wm. A. Allen, Lott W. Humphrey, cons.

14th. Sampson; Dr. C. Tate Murphy, con.

15th. Columbus and Robeson; Jno. W. Ellis, con.

16th. Cumberland and Harnett; Wm. C. Troy, con.

17th. Johnston; William H. Avera, con.

22nd. Chatham; R. J. Powell, con.

24th. Alamance and Guilford; Jas. T. Morehead, Jr., W. J. Murray, cons.

25th. Randolph and Moore; Dr. J. M. Worth, con.

30th. Rowan and Davie; Charles Price, con.

32nd. Stokes and Forsythe; Jno. M. Stafford, con.

33rd. Surry and Yadkin; A. C. Cowles, con.

34th. Iredell, Wilkes and Alexander; Thos. A. Nicholson, Phineas Horton, cons.

36th. Caldwell, Burke, McDowell, Mitchell and Yancey; W. W. Flemming, J. M. Gudger, cons.

Total—20 "conservative" Senators.

HOUSE OF REPRESENTATIVES.

Alamance, Jesse Gant, con.

Burke, P. A. Warlick, con.

Chatham, Jno. M. Moring, O. A. Hanna, cons.

Cleveland, John W. Gidney, con.

Columbus, V. V. Richardson, con.

Cumberland, G. W. Bullard, con.

Davie, Charles Anderson, con.

Guilford, Joseph Gilmer, Wm. Wiley, con.

Johnston, W. H. Joyner, Jesse Hinnant, cons.

Martin, J. Edwin Moore, con.

Moore, Dr. Shaw, con.

Nash, John E. Lindsey, con.

Robeson, W. S. Normant, Thomas A. McNeill, cons.

Rown, Dr. F. N. Luckey, Kerr Craige, cons.

Sampson, J. R. Maxwell, W. H. Bryan, cons.

Surry, H. M. Waugh, con.

Tyrrell, B. Jones, con.

Total—23 "conservative" Representatives.

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