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INTERESTING CORRESPONDENCE SOLICITED. THE SUN, ADDRESS. WILMINGTON, N. C.



CICERO W. HARRIS, - - - - Editor,

THURSDAY MORNING, APRIL 17, 1879.

Largest City Circulation.

on in the world, culminating as some of

them have in Nihilism or the denial of

every thing, in communism or the doctrine

Crude Ideas and Social Dangers. The various socialistic movements going

tion and assassination which would upheave all social order and abolish government itself with the red secret hand, may not be so wide-spread as commonly imagined or so potential as has often been feared. but they are occasion for serious study of the social and political phenomena of the time. We cannot dismiss these burning questions with a sigh of resignation, a pish" of contempt or an appeal to milieither course. The danger, while real and in one sense imminent, need not paralyze any one with fear. It does not come to us in the shape of assassinations but of determined movements to exercise political control in cities and States. Still its head is hideous if the red cap be veiled. The marshalling of eight thousand votes in Chicago in support of a squareout socialistic ticket is significant in connection with the successful Kearney movement in California. This last deserves more consideration than has been given to it in the East. It is the most dangerous of the socialistic movements in the country, and it is so because it has had a reason for its being which all fair minded men recognize as sufficient justification for its existence in some modified form. California has suffered from stock gambling, delays of justice, land monopolics, the rapacity of great corporations, crude and ill-digested laws, the invasion of the Mongofian horde and a variety of other causes for dissatisfaction and popular uprising. It is indeed wonderful that the people of that State have borne these evils as long as they have. But while the raison d'etre of the Kearney movement can be thus read of all men the excesses of the peculiar party which the wrongs deserve nothing but condemnation. Demagogy of the lowest kind has done service for statesmanship. The new Constitution which is to be voted upon on the first Wednesday in May, is described as a farrage of political principles, sound and unsound, and of special legislation, well enough the one for a party platform and the other for a statute book, but some idea of what the Kearneyites know of Constitution-making. It gives the Legislature power to prohibit buying and selling stocks, and to regulate and limit charges made by gas companies and telecharges, whether by companies or individuals. To prevent legislative corruption, "lobbying" is made felony. To prevent delay ordenial of justice, it provides that no judge of either Supreme or Superior Court shall draw his monthly salary unless he makes oath that no cause remains in his court undecided which has been submitted for decision for the period of ninety days. Eight hours a day is made the limit of a legal days' work, which might do for a statute, but in a constitution is absurd. Corporations other than municipal are "regulated" very strictly. "Watered" stocks are declared to be void, though the term "watered" is certainly very indefinite. Railroads are to be put in the custody of a board of commissioners with power "to establish freight and passenger rates," and to charge more than the established rate makes a person liable to a fine of \$5,000 or imprisonment for a year. The Chinese are de nied citizenship, and corporations forbidden from employing them. The "equal

make the "money kings" "divide" with the Kearneyites. Some of these provisions are wise if incorporated into statutes and well guarded. They sound queerly enough in the Constitution of a State. Other provisions are tyrannical and irrational, and will have to be repealed if the State shall not be wholly given over in future to the play of the worst passions and become the arena of violence and bloodshed. The predecessors of the Kearneyites erred most grievously, but these latter-day reformers are making things far worse for society by tinkering with things that would better be let alone.

permit a scaled income tax, and the way is

paved for such a system of taxation as will

It has generally been the custom when an answer to Blaine was required, to turn back a few weeks to some other speech by Blaine and let him answer for himself.

The South Carolina Election Cases.

The candid, uppartisan observer is shocked by the travesty of justice as administered by Judge Bond's Court in Charleston in the matter of the election cases now undergoing judicial investigation. Men are convicted of crime who have no fair means of proving themselves innocent, for constituted as the juries are the accused are bound to be sent on for punishment unless upon appeal to the Supreme Court of the United States the present proceedings shall be reversed. Happily, Judge Bryan, the District Judge dissenting from the rulings of the presiding Judge the several questions at issue are to be taken up to the Supreme Court

In stating the points in the cases, we avail ourself of the columns of our esteemed contemporary the News and Courier. A motion was made to set aside the array of jurors. Judge Bonds overruled this motion, Judge Bryan dissenting. Both opinions are confined to the legal points at issue. Judge Bond claimed that the motion was not founded. "upon any allegation of fraud or bad faith "on the part of the officers who executed "the fifty-first rule of Court. No impro-"priety of conduct is charged against them, but it is simply urged that these officers "have mistaken their powers under the "rule and have not followed it strictly." He said: "There has been nothing pre-"sented to the Court on this occasion that "even hints at or looks to any injustice "done to the parties here on trial. The "juries from their appearance certainly 'look as if they were made up of citizens 'of South Carolina in every way qualified "to discharge the duties of jurors." We

that there is no right of property, in sediomit citations of authorities. In his dissenting opinion Judge Bryan was constrained to differ from his associate. "I am compelled to conclude," he said, "that all three of the commissioners are necessary for the lawful selection of the "juries; that the absence of one of them "involves a fatal defect in the administra-"tion of the rule, and hence the part as-"signed Commissioner Blythe, of a precise "locality and for a special object, could tary force. The Sun sees no ground for | "not be performed by any other person. "The rule makes no provision for any dep-"uty, and he himself made no attempt to "appoint such deputy or assign his position 'to any other person. The rule clearly, "by inevitable implication, negatives the "idea that any other person, unless pro-'vided for by the rule and with like "qualification, could perform his function "He is distinguished from the other com-"missioners by his locality, and cannot be "confounded with him. His participation in "the initial action of the three commission-"ers in the selection of the five hundred "citizens of good intelligence and charac-"ter, and also as an adviser in their final "action when it is to be determined what 'names are to be placed on the list "with 'the approval of a majority of the commissioner," is equally necessary.

> "I cannot, therefore, accept the jury so drawn as one selected according to the requirement and sound theory of the rule or which satisfies the order of the court.' He proceeded then to say that "it is not permissible for the court now to modify for set a side the rule of the court, and "adopt a jury not selected according to the "rule of court. That rule has the force, "dignity and obligation of a statute."

The motion to set aside the array havundertook in a blindfold way to remedy | ing been overruled, and the District Attorney having announced his intention to examine the persons drawn as jurors as to their participation in the "rebellion," un- Savannah Weekly News der section 820 of the Revised Statutes, the counsel for the defence moved that the Government be required to prove the facts of disqualification, and be not allowed to ascertain them by interrogating the juror. The Court ruled, Judge Bryan diswholly out of place in the organic law of a senting, that the examination should go Commonwealth. A few of the provisions on in the manuer proposed by the Disof this Constitution will give the reader | trict Attorney, and the jury was empanelled. Nine white citizens were rejected by the Government for participation, in "the rebellion." On the jury as finally formed, there were eight whites and four colored jurors, but to only one of these eight whites was graph companies, storage and wharfage the test oath applied. The News and Courier says the "District Attorney "challenged the juror for having been in "the Confederate service, whenever he im-"agined that the particular person before "him was likely to be bold and independ-"ent in the discharge of his duty. Not a 'colored man was catechised. Among the 'whites to whom the test oath was not ap-'plied are some who cannot take it, and would not have taken it. They were re-'garded, however, as safe jurors because of 'their affiliations or connections. The "District Attorney, in fine, packed the jury "by admitting to it every colored man and "every white man whom he believed to be anti-Democratic, and by excluding from "it, as far as the test oath enabled him to "do, every juror who might be presumed to "be in sympathy, not with the accused "about to be tried, but with the Demo-"cratic party. Only four whites could PUBLISHED EVERY DAY IN THE "take the test oath, and three of these were peremptorily challenged by the District 'Attorney. No more need to be said to "exhibit the animus and purposes of the and uniform" provision about taxation in "prosecution." the bill of rights is stricken out, so as to

> It seems that the District Attorney, Northrop, and his assistant, Mackey, did not move under Section 821, which leaves it discretionary with the Court whether the test oath shall be applied. Their operations were conducted under Section 820, which makes participation in the "rebellion" a cause of disqualification and challenge. The provisions in 820 were repealed by Congress but by a conspiracy or by accident were not excluded from the Revised Statutes. As our Charleston contemporary shows, to take advantage of an accident or a conspiracy, with the view of organizing juries to convict is unworthy of the Government, and a pitiful exhibi-

The jury having been sworn, a motion was made to continue the whole of the election cases to the next term, on the

ground that the Court was divided in opinion as to the lawfulness of the very organization of the jury, and that, under the operation of the test oath, the jury had been picked or selected, for which reasons and others, further proceedings cannot be had 'without prejudice to the merits" of the

case. Judge Bond over-ruled the motion, saying that the legal right existed to apply the test oath, and that in the matters alleged there was no reason for a continuance; persons who might be convicted would be admitted to bail. pending the decision of the questions upon which the Court was divided, and would have a new trial if the judgment of this Court were reversed. "This does not take into account, however, the inconvenience, the expense, and the general annoyance to which the accused are subjected while they are awaiting a de-'termination of the legality of the juries and other questions. A decision two or three years hence that they were improperly tried will not relieve them from contumely of an unjust conviction. Their position will be just one degree better than that of the man who is found to be "innocent the day after he is hanged."

Living by Slander.

The Radical party lives by slandering the South, and yet we should think that the signs of the times would admonish them to try some more substantial and promising means of livelihood. The New York Times, which is the leading organ of that party, says that for Southern Democrats national questions have little attractions. "Their thoughts are concentrated or their own section, as apart from the "country, and their interest in the contest "for the Presidency turns upon the uses to which the Presidency may be applied for the furtherance of the Southern plans. 'With a Democrat in the White House they will be content. Whether he be Tilden or Thurman matters not to them. Neither will stand in their way or hesitate to help them in their efforts to con-'solidate and guard the power they have 'gained. Whoever he be, the South knows 'that he will be its tool."

With a Democrat in the White House the Southern Democrats will indeed be content. They will feel that a Democratic President will treat all the sections alike, that he will uphold the laws impartially, that he will frown on corruption and as far as he can check extravagance. They may care as between the candidates named who shall receive the nomination, because they are concerned about the election and have their own ideas of fitness. But no more do they expect to control Mr. Thurman than they expect to manage our Uncle Samuel. There will be no need of management from this end of the line.

The truth is the Times has got so used to lying about the South it comes perfectly natural for it to say things like the above. The days of the efficacy of Radical lying are numbered. The Southern Democracy snap their fingers in the face of the Stalwart press and tell it to go ahead with its untruths, its uncharitableness and its senile loyalty. We care not what you say. We mean to thrash you out in 1880, lying or no lying.

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