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The Sun.

CICERO W. HARRIS, - - - - - Editor.

Thursday Morning, April 17, 1879.

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Crude Ideas and Social Dangers.

The various socialistic movements going on in the world, culminating as some of them have in Nihilism or the denial of every thing, in communism or the doctrine that there is no right of property, in sedition 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 military force. The Sun sees no ground for either 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 square-out 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 monopolies, the rapacity of great corporations, crude and ill-digested laws, the invasion of the Mongolian 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 undertook in a blindfold way to remedy 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 farrago 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 wholly out of place in the organic law of a Commonwealth. A few of the provisions of this Constitution will give the reader 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 telegraph companies, storage and wharfage charges, whether by companies or individuals. To prevent legislative corruption, "lobbying" is made felony. To prevent delay or denial 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 denied citizenship, and corporations forbidden from employing them. The "equal and uniform" provision about taxation in the bill of rights is stricken out, so as to permit a scaled income tax, and the way is paved for such a system of taxation as will 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.

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, unpartisan 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 omit 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 "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 commis-"sioner," is equally necessary.

"I cannot, therefore, accept the jury so "drawn as one selected according to the re-"quirement 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 "or 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 having been overruled, and the District Attorney having announced his intention to examine the persons drawn as jurors as to their participation in the "rebellion," under 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 dissenting, that the examination should go on in the manner proposed by the District 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 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 "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 "prosecution."

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 exhibition of partisanship and unscrupulousness on the part of it representatives.

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 gen-"eral 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 im-"properly 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 "on 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 Til-"den or Thurman matters not to them. "Neither will stand in their way or hesi-"tate 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.

THE

WILMINGTON SUN

Daily Democratic Newspaper

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It is printed in large, clear type and is a credit to the State.

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It is ably edited, handsomely printed, and gives promise of being a very, very interesting publication.

(Elizabeth City Economist.)
Altogether creditable. Its contributors are first-class and its mechanical and typographical execution excellent.

(Hillsboro Recorder.)
Its list of contributors is an an able one and if sustained, will ensure the permanent success of the enterprise.

(Wilmington Post.)
It is a first-class literay magazine, and one that the people of this city should be proud of and patronize, as well as the people of the whole state.

(Raleigh Observer.)
It is needless to say we wish it success, and that we look forward with pride, as well as pleasure, to the result of the enterpise as one that will reflect honor upon the State.

(Oxford Torchlight.)
The typographical execution of the magazine is very fine, and in point of appearance, contents, and indeed in all respects it is a publication which must commend itself to the public.

(Graham Gleaner.)
It gives promise of being eminently worthy of public patronage. No commendation of ours would equal a simple statement of the table of its contents, with the names of the contributors, which we give as an evidence of of the worth of the periodical.

(Farmer and Mechanic.)
Here we have a rich bill of fare from Southern writers, catered by a Southern lady and printed by Southern printers, on Southern paper. Ye who bewail the lack of Southern literature, and home-fostered talent, shall this enterprise live, and expand?

(Wilson Advance.)
The magazine is well gotten up. The subject matter is varied and entertaining, while its typographical appearance is a model of neatness, and reflects the highest credit upon the exquisite taste and excellent judgment that suggested and directed its consummation.

(Norfolk Virginian.)
This publication appeals to the people of the South for a staple support. It richly merits it and we feel will receive it. We know of no Southern literary venture that has exhibited so much merit, united with an evidence of management that must win for it a position in the ranks of magazine literature and hold it.

(Petersburg Index & Appeal.)
The South-Atlantic has this merit over any of its predecessors in the same arena, that its contents are solid, though not heavy, and that no room appears to have been intended in it for productions of a trashy and frivolous character. While it continues to adhere to this rule, it will have every claim on Southern and general support, and we sincerely trust it will receive it.

(Danville News.)
This is a most excellent publication—a magazine of high character, an honor to the State, and a credit to the whole South. All its pages are filled with articles of superior excellence and interest. It has for its contributors some of the best known authors in the South, is ably edited and neatly printed. This splendid monthly deserves a liberal patronage as a first-class southern enterprise.

(Raleigh News.)
Peculiarly Southern in its character, and numbering among its contributors some of the best and most vigorous writers in the country, it bears upon its face the stamp of originality and force. The interest of its serial stories has never ceased, while the shorter, casual articles have been marked by a vigor peculiarly their own. All topics are discussed, and thus the world's progress is closely followed. The magazine has from its inception been received with peculiar favor by North Carolinians, nor have its merits failed to receive just encomiums from persons of ability everywhere. tf