





VOL. IV.

WILMINGTON, N. C., THURSDAY MORNING, FEBRUARY 16, 1871.

THE WILMINGTON POST OFFICIAL ORGAN.

PUBLISHED SUNDAYS AND THURSDAYS.

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THE STREET STREET, THE PARTY AND A STREET STREET, AND A STREET STREET, AND A STREET, A	1 6

RATES OF ADVERTISING: Per square, one time, 75 cents.

Less than one square, one time, 50 cents. Two times \$1 00 and all succeeding insertions half price additional. Rates per month, \$3 for one square, and each succeeding square half rates additional Half Column and Column advertisements re

ceived in premer discount.

adv -ti-ements 10 cents a line. CHAS. I. GRADY,

Editor, Wilmington, N. C.

CITY.

DAILY POST!!

Numerous inquiries have been made as to when the Daily Post would be resumed. We inform the public that so soon as our triends send in the names of sufficient sub scribers, and as soon as enough actual paying ing subscriptions have been received we will republish the DAILY POST, at the low price of six dollars per year, or at two cents a number.

CLUB RATES!!!

Our readers are informed that "club rates" so often inquired about cannot be tess than \$2.00 per year. We have put the paper down to the very lowest price, and clubs of five or ten cannot be formed at any price less than TWO DOLLARS for EACH PA-

OPENING THE CAMPIGN. Special to the Post! ! -- A Message from

a Leading Republican. We have received for our private information a few words from one of the new leaders who now steps out from the Republican ranks and assumes control. This "control" only comes by hard work, and the old Jeffersoniaa Republicans are the very men who know how, and dare any and all means of achieving victory! Let the Eastern counties awake and join the West, now

organizing for victory. We must go before the people, and whether the conventionists "back down" or not we will have a fresh deal and establish matters on a stable basis. Read this:

RALEIGH, FEB. 13, 1871. DEAR SIR: - I have not written you sooner because I have been waiting to see what turn things would take. The Governor sent a message, this morning, to the General Assembly declining to issue the proclamation for an election, which may postpone a full development of plans, but which will, I think, at least, as I very much desire, put the election to the people. The message was a stunning blow to the revolutionists from which they will hardly recover, in the

event of the election being called. Some think it may cause an entire abandonment of their proposed Convention. think not and hope not, for with Caldwell's message as the leading document for the campaign we can overwhelm them with de-

teat which, may God in his mercy, grant! I am preparing matter for a speech on the issues involved in the campaign, if it you occasional contribution in regard to the various points at issue; but as nothing 19 definitely determined on yet, and all of us must patiently await what the future in al x + a e . He will do to tie to! I am g me to organize my part of the State, in sunday next. Write me by return mad here, and after that to Asheville, and inform me of the progress of events. I have the highest hopes of great success.

Very truly, Your FRIEND.

The City Treasurer notices people who

have not paid up. The Cutter "Seward" has been up several

days repairing her machinery. Men and women have become extinct.

They died sixty years ago, and left no heirs. Ladies and gentlemen have usurped their

Notice. - Delinquent subscribers are notified that unless they pay promptly, their papers will be stopped, and when practicable suits will be entered against those not offering proper excuse.

Mr. Newell advertises his Sewing Machines, and gives notice that hereafter he will have a large stock of harness and saddles on hand, and will sell cheaper than the house "over the way."

BY THE CIRCULAR PAMPHLET, which the New York Advertising Agents, Messrs. Geo P. Rewell & Co., issue for the use of Advertisers, much information is conveyed about all the best advertising mediums.

bill to pretect loyal and peaceable citizens of the United States in the full enjoyment of their rights, persons, liberty and property.

The Post will be furnished to clubs of ten and over at the rate of fifty cents for three months!! Let none say they are too poor to pay for their Post. Let Post Clubs be formed all over the State to resist Con-

School Concert.-There will be a concert and exhibition of the Red Cross Sunday School on Wednesday and Thursday evenings, 22d and 23d inst. The public are invited to attend. Admission 15 cents for adults, and 10 cents for children.

Hog WAR :- The hog ordinance has been enforced rigidly, and numerous poor porkers have been captured. To-day the Marshall sells those as yet unredeemed, by owners of pork who don't pay penalty. Many com plaints are made by those who hate to lose their stock, but we can only anvise them to keep all animals off the street.

SOMETHING WRONG. - Numerous complaints are made of "lost or missing" letters; papers, and mail matter generally. We have very frequently to notice the fact that papers come to us from other Posioffices marked "missent." Now we don't know how a thing can be "missent" when the of all the members of each House of the label is printed clearly on the wrapper.

SKATING ASSEMBLIES .- We regret to learn that our citizens will hereafter be deprived of the day skating assemblies. These are the instructions to the managers of the rink from the city authorities. Hereafter assemblies will only be held on Tucsday, Thursday, Friday and Saturday nights, from 8 to 10 o'clock. Friday night nex will be the second awarding assembly. large attendance may be expected.

SLANG. - The following lines embrace the favorite slang expressions of the day: The boy stood on the burning deck And thought he was a goner, For the flames, they lit the battle deck, And "liftle Church round the corner,"

Yet benutiful and brave he stood, Crying "howis that for high?" A creature of heroic blood, "A bully boy with a glass eye,"

Father, if yet my task is dono! He cried with considerable fear: But the old man never arswered him, So "he walked off on his ear."

Say Father! on ce again he cried, In a much more frightened manner, But the ship "blew up" and the old man died "And that's what's the matter with Hannah."

nerly. How to be so is the question. Many a good boy and girl feel that they can not behave to suit themselves in the presence of company. They feel timid, bashful and are eligible as delegates; when they shall self distrustful the moment they are ad- meet; what eath they shall take; what they dressed by a stranger, or appear in compa- may do; what they shall do, and what they ny. There is but one way of getting over this feeling and acquire graceful and easy manners, that is, to do the best they can at tive. If this be not calling a Convention, home, as well as abroad. Good manners then it is difficult to tell what would be are not learned from arbitrary teaching so much as acquired from habit. They grow upon us by use. We must be courteous, agreeable, civil, kind, gentlemanly and womanly at home, and then it will soon become a kind of second nature to be so everywhere. A coarse, rough manner at should occur, and shall endeavor to send home begets a habit of roughness, which are as much bound by the Constitution as we can not lay off if we try, when we go among strangers. The most agreeable people we have ever known in company are has in store for us. Rest assured you can | those that are perfectly agreeable at home. depend on the Governor in every event, and (Home is the school for all the best things, especially for good manners.

> GOOD EXHIBIT. - The following statement of the financial condition of Richmond county, we lay before our readers as exhibiting proof positive that the Post advice, have no power of legislation, and it is, after "business men for office," is the thing:

OFFICE OT BOARD OF COMMISSIONERS. RICHMOND COUNTY, N. C., ROCKINGHAM, Feb. 10, 1871. The following is a correct statement of the financial condition of Richmond county as appears from the records of the Clerk of the Board

of Commissioners on this February 10th, 1871: DISBURSEMENTS. Allowances by the Board from July Allowances by the Board from Sep-Allowances by the Board from September 1st, 1870, to Feb. 10, 1871. 4,000 00 Jury and witness tickets paid...... 2,500 00 R. R. coupons paid..... 978 00

Paid for support of poor Total to date.....\$36,426 19 RECEIPTS FOR SAME PERIOD. By taxes to date (commissions de-By special taxes on occupations (commissons deducted)..... 2,431 23
By special taxes on Marriage Licenses
By special taxes on Deeds, Mertyages,

&c....

The above shows how the people's money mond county. And it should be borne in stitution? If this General Assembly, by a Assembly, before the war. This being the is the final arbiter of all questions involving petrates greater outrages upon an innocent has been used under radical rule, in Richmind that when the radicals took charge of bare majority, can say what particular case, and the public mind still being sen- the constitutionality of an act of the General the county it was in debt some \$12,000 and jail is built and paid for, and nearly all of sition seems to me to be too clear to admit every day and hour of their lives that they opinion of your Honorable Cout, as to the the actual criminals go unpunished. If this

Very respectfully, W. R. TERRY, Clerk of Board Com.

GOV. CALDWELL'S MESSAGE.

DECLINES TO ORDER ELECTION.

HE IS SUSTAINED BY THE SU-PREME COURT.

STATE OF NORTH CAROLINA, BRECUTIVE DEPARTMENT, RALEIGH, Feb. 13th, 1871.

of North Carolina

To the Honorable the General Assembly

There has been certified to me "an act concerning a Convention of the people," ratified on the 8th day of February, 1871 by the terms of which the Governor is required to issue a proclamation commanding the Sheriffs of the respective counties in the State to open polls and hold an election for a Convention, &c., &c. If a majority of the votes are for a Convention, then the Governor is required to issue another proclamation summoning the delegates to meet in Convention, &c., &c., Said act does not purport to have been passed by two-thirds General Assembly:

I have the honor to inform your honorable body that as at present advised, I cannot discharge the duties required of me by

said act, When the act was upon its passage in the Senate, I was the presiding officer of that body, a: d then stated that as the bill did not recite that it had the concurrence of two-thirds of all the members of each House of the General Assembly, I deemed it anconstitutional and could not declare it with me, I would vacate the chair and call to it some Senator who had no constitutional scruples on the subject. The Senate did not concur in my views, and I vacated the Chair, calling to it the honorable Senator from Beaufort, whose opinion was known to be in accord with that of the Sepate. Since that time I have been called to the Executive Chair of the State, and as the Chief of one of the three Departments of the Government, I at first felt that it was hardly courteous for a co-ordinate department to require me to do what I had previously announced I could not conscientiously do on account of the unconstitutionality of the act; but upon further reflecis right in supposing that the act can in no other way be executed except through the Executive of the State.

I deem it respectful to state briefly why I think said act unconstitutional. Article 13, Section 1, of the Constitution declares that "no Convention of the people shall be called by the General Assembly unless the concurrence of two-thirds of all MANNERS .- Young folks should be man- | the members of each House." The act under consideration is unquestionably an act calling a Convention. It provides the means, fixes the time and places of voting; declares who shall vote and who shall not vote; who shall not do; and what they shall do with the Constitution which they may frame, and upon what conditions it shall become effec-

I am aware, however that it is contended that the Legislature does not call the Con vention, but only author zes the people to call one. For the sake of argument suppose this to be so; it only makes the case worse, for in my opinion, there is no event in which the people can call a Convention except as a revolutionary measure. Ours is the Legislature, or as any officer is. The Constitution is the supreme law, and it forbids even the people to change or amend it except in pursuance of its own provisions (Art. 1, Sec. 3.) Any other mode of amend- have done so, not because it affords me an ing it is extra-constitutional revolutionary, and endangers the peace of the State.

power is vested in the General Assembly. Convening a Convention is a legislative act and can only be done by the General Assembly. Calling in the aid of a popular vote does not alter the case, for the people all, only an act of the General Assembly,

without the vote required by the Constitu-If the act under consideration only submitted the question to the people whether they will have a Convention or not, then there might be some plausibility in the argument of its triends, that the General Assembly was not calling a Convention by a bare majority; but was simply inaugurating a mode by which the people might express their desire that a Convention should be called in the manner prescribed by the Constitution, so as to justify the General Assembly in calling one at a subsequent session. But let any one examine the Act dispassionately, and the conclusion is irresistible that this is a legislative attempt to amend the Constitution in a way and by a mode different from that prescribed by the Constitution itself. Is its sole object to allow the people to say whether they desire a Convention or not? Then why proand shall do still other certain things. Is tion by legislative enactment, without doclause or clauses shall be put into the Con- sitive to the slightest cause of alarm and Assembly. stitution, cannot it, with equal propriety, apprehension for the continuance of peace dictate all that shall be in it? This propo- within our borders, and our people praying from Hon. Clinton L. Cobb of a copy of his the floating debt of the county wiped out. of argument, and I submit that a Conven- may never see again the scenes of commoratify amendments made by the General through which they have so recently passed; Assembly, and not such a Convention as is that while they have decided views that provided in the first and third sections of the people themselves. - Raleigh Telegram. contemplated by the Constitution to alter one manner of selecting Judges and Jus- said act?

and amend the Constitution or to adopt a tices of the Peace is preferable to another;

United States and received its sanction and at the point of their bayonets and at the approval. This was rendered necessary by mouth of their cannons enforce their views an act of Congress passed on the 2d day of March, 1867, entitled "An Act to provide for the more efficient government of the undertook to do in 1861. Rebel States," and by an act supplementary . A feeling of doubt and uncertainty as to thereto, passed on the 23d day of March, the future, exists in North Carolina. There 1867, "te facilitate Restotation." Beth of is some reason why it should exist. And, these acts secured the approval of the Legislature of North Carolina, and the people of the State acquiesced therein; and time steady men and women of the State. For and again, in the Legislative Halls, on the hustings and in the courts of justice the slaughtered or crippled sons, of widowed leading representative men of the State daughters and orphaned children, and dehave affirmed that, in good faith, they would plore the loss of ravaged and desolated abide by and support mose laws until they homes and ruined fortunes. The trivial were altered, more ded or repealed by the coincidence of the month and day of the law-making power of the nation, or were declared to be unconstitutional by the Judiciary of the United States. Neither of dark period of bloodshed, crime, and overthese contingencies has yet happened, and throw of political relations and institutions, as our Constitution could not have gone inaugurated with as fair promises as are into operation without the sanction of Con- now made in this same month ten years gress, I submit that no part of it can be ago, will be remembered. It will be retion, unless the alteration of amendment be 13th, on which the proposed election is to made in the way indicated by the Constibe held, is the anniversary of the bombardtution itself. Congress agreed, when it ment of fort Sumter and the commencement opinion. accepted our Constitution, that we might of the war. Stight as these circumstances, amend it in two ways: First, by calling a are, the people will attribute to them great Convention, two-thirds of all the members significance as indicative of ulterior and of each House of the General Assembly con- dangerous designs, not perhaps in the concurring; and, second, by Legislative enact- templation of these who concurred in the ment, as provided in Article 13, Section 2. passage of the present law. The people of North / Carolina, by their | The dread of being deprived of the prodelegates in Convention assembled, and tection of the homestead clause in the afterwards by their own votes, agreed to present Constitution will create a deep feelthe same thing. Will it not now be justly ing of anxiety and interest among the pople, regarded as an act of Punic faith, on our and contribute to exasperate and heighten part, if we claim that we did not intend | the general excitement beyond that which the consequences of our own act, but on | we might expect in ordinary elections The the contrary had the ultimate purpose to fear that the army of creditors whose claims violate our plighted bonor whenever we have been excluded by the holding of the passed, and if the Senate did not concur | felt it convenient to do so? Ged forbid | present Supreme Court will be precipitated that we should give any one cause to be- upon the helpless and impoverished debtors lieve that we or our people could be wil- in the State, now protected by that decision, fully guilty of such an act of duplicity and | coupled with the fact that the present act treachery! In the name of the people of does not restrict the proposed Convention my State, I repudiate any such purpose, from abelishing the constitutional exemption and proclaim that although they may de- from imprisonment for debt, will seriously sire their Constitution to be amended, they agitate the minds of the peerer classes of will never consent that it may be done in our people both white and colored. The any other way than that agreed upon be former will regard the homesteads alloted tween themselves and the Congress of the to them by law as put in jeopardy, if not United States, without the consent of both

> parties freely given. I am embarrassed by the situation. I am extremely anxious to be in accord with your honorable body, but I feel assured that no member of the General Assembly, nor any censure me for refusing to do an act which I feel I am precluded from doing by the oath I have taken to support the Constitution. Were I to do so, I should feel that I merited the scorn and contempt of every or house servant is liable to become practihonest and honorable man in the State, and that I was utterly unworthy to occupy the

> submit to and acquiesce in their decision. flict of opinion between the executive and In reply to a letter addressed by me to the Chief Justice and Associate Justices on the 9th instant, I have received an answer, a copy of which I herewith transmit to your honorable body, as well as a copy of my letter to the Court.

I have endeavored to state the honest future, may shape its course in such a way Democratic. Legislature. Where is the judgment of my mind upon this important as to escape the dangers which every pru- neutrality?" - Tarbore' Boutherner. question. I have asked in a spirit of sin- dent man, in my judgment must see ahead a constutional government, and the people cerity and truth, and have ascertained the of us. opinion of the Supreme Court that my It is gratifying to me to know that they occasion to say that I was right and the General Assembly wrong, but because it Again, by the Constitution all legislative may suggest to your honorable body the proper means of accomplishing a change in the Constitution in lieu of such as are provided for by the act under consideration. It is in the interest of peace, quiet and

public order, and to prevent probable serious conflicts and collisions of authorities To the Honorable, The Chief Justice, and that I invoke the General Assembly to relieve me from the embarrassment of my present position. The Government is of the people and for the people, and upon a just occasion, and in a lawful way they nite and deliberate popular will expressit is in the face of contemporaneous expothe Convention of 1835, by the ablest men,

that one kind of county administration is When our present Constitution was adop-ted it was of no force or binding effect un-ing reason why they should again buckle til it was submitted to the Congress of the on their sabres, shoulder their muskets and

litered or amended without the same sanc- membered also that the very day, April

probably lost, by submitting to a call of a Convention. The latter, who labor upon our farms, in our domestic service, and upon our public works, may suspect that a Convention, unrestricted as to its power to establish the old ca. so aveter at in deof to mirroduce that or a system of peonage like that in Mexico, where, although their Constitution guarantees liberty to every citizen. by their mode of enforcing debts every farm

cally a slave. These topics are alluded to, not for the place I now hold. I would much prefer purpose of entering into any discussion with 1872. your censure when I have a conscience void | the General Assembly upon its views of what of offence, to your commendation with an it may think necessary to do in the way of Constitutional reforms, but to show, as all With an earnest desire to arrive at a cor- will admit, that there are causes of irritation rect conclusion and to do nothing rashly or | and excitement enough to be anticipated in unadvisedly, I have betaken myself to the any election which may occur in a regular great fountain of law in North Carolina, and lawful manner for determining the imand sought information from the Supreme | portant Constitutional changes now propos-Court on this vital question. It is the pe- ed, and that this irritation and excitement culiar duty of this learned tribunal of jus- must be beyond measure and with great tice to expound the Constitution and the danger to the public peace, aggravated by a before the war. laws, and I feel it my bounden duty to continuance of the present unfortunate con-

> legislative branch of the government. My ardent wish is that the General Assembly, actuated as I believe it is, by an honest a live news and commercial paper." and unselfish desire to promote the public good, and as fully it not better informed has had everything to say against, and noththan I am of the prebable perils of the ing to say for the actions of the present

In conclusion, I have again to repeat that judgment might be enlightened by their the oath which I have taken to support the property of North Carolina, do otherwise. views. They concur with me in my opin- Constitution forbids me to participate in Give it up. ion of the unconstitutionality of this act, in executing this act, which I believe to be violation of that sacred instrument.

I have the honor to be. Very respectfully. Your Ob't, Servant, TOD R. CALDWELL, Governor.

[CORRESPONDENCE.] RALEIGH, Feb. 9th, 1871.

Associate Justices of the Supreme Court of North Carolina: Gentlemen:

Enclosed herewith I send you a copy of have an undisputed right to change it. No an act passed by the present General Assemone will be less likely than I to interpose | bly, entitled "An Act concerning a Convencaptious objections to the mode or manner tion of the people." By the first section of effecting such changes as are proposed of the Act the Governor is required to issue by the representatives of the people, or as his proclamation, commanding the Sherifts may be in accordance with a distinct, defi- to open polls and hold an election, &c., &c. After carefully reading the various provied upon the subject. But it cannot be suc- sions of said act, and giving to it such cessfully denied that the mode now pro- examination as I have been able to bestow, posed is novel and irregular (to use no I am forced to the conclusion, that it is in stronger term); that it has no express war- direct conflict with the Constitution of the rant or authority by any prevision of the State, which I have taken a solemn eath to Constitution; that it is sustained only by a support, in that, it proposes to amend said latitudinous and strained interpretation of Constitution, in a way and by a method not a general phrase in that instrument; that recognized nor warranted by the Constitution itself. Entertaining this view. I feel sition and decision of the same question in that I would be unfaithful to my trust, were I in any way, even at the behest of the vide in the act that the Convention may do and by a very large majority of that body General Assembly, to become an instrument certain things, may not do certain things, of pure, upright and eminent citizens; that to assist in violating the supreme law of the it has been more than once determined, State, enacted by the people themselves. I not this establishing a part of the Constitu- and I had supposed finally determined by am willing, however, to surrender my own the action of both political parties, repre- opinion upon this vital question, to the ing it in the manner provided by the Con- sented by their best men in the General better opinon of the Supreme Court, which

> I desire not to act rashly or unadvisedly. and therefore most respectfully ask the guilty, while in the majority of instances, constitutionality of said act; and whether, state of evil continues, all hope of North if unconstitutional, it is my duty as Gover- Carolina's prosperity will be blasted. In nor, to assist in the execution thereof, as our opinion, the remedy is in the hands of

An early answer will confer a great favor. Very respectfully, Your ob't serv't. TOD R. CALDWELL,

Goovernor.

STATE OF NORTH CAROLINA. SUPREME COURT,

Raleigh, Feb. 11th, 1871. To His Excellency, Gov. CALDWELL: Sin: In reply to your communication of the 9th instant, I have the henor to say, the Chief Justice, and Justices Rodman, Dick and Settle are of opinion that the act to which you refer, is in violation to the Constitution.

All legislative power is vested in the General Assembly; calling a Convention is an act of legislation. It follows that no Convention can be called unless it be done by the General Assembly.

The people have reserved to themselves power of legislation. It fellows, that a Convention cannot be called by a vote of the people; nor will such voting enable the General Assembly to call a Convention in a manner not authorized by the Constitution. Justice Reads, for the reason stated by him when the opinion of the Justices was requested by the General Assembly in regard to the tenure office, declines to give an

Upon the second question in regard to your duty, provided you believe the act to be unconstitutional, the Justices do not feel at liberty to effer any opinion. Very respectfully, &c., &c.,

R. M. PEARSON, Chief Justice Supreme Court.

LETTERS FROM THE PEOPLE.

Leadership. RALEIGH, Feb. 12, 1871. MR. EDITOR :- There is only one thing needed by the Republican party in this State, to insure their success in the coming election. The party wants a leader. For

a leader she needs a young man full of energy and undoubted patriotism to the party, one who is brave, honest, has the capacity, to lead and carry through the storms of pelitical revolutions a party that has a status similar to ours. Of all the men in North Carolina-none are better fitted for this task, none better qualified to perform the double duty of returning the State to the Republican fold where she properly belongs, and saving it from the hands of the enemies, than the subject of this article. Therefore it is with pleasure that we salnounce our intention, to give to the flon. Tazewell Hargrove, of Granville all of our leader of the Repair Suppose for the next under his marshalship, charty to this State, grand army of Union loving Republican. He has all the qualities requisite for a leader-young, vigorous, energetic, a lawyer, and of revolutionary fame and renewn. Again we utter the watchword, Hargreves

STATE

our leader. Victory is sure in 1871 and

REPUBLICAN.

The Statesville American republishes an address of Hon. Zebulan B. Vance, to "the citizens of the Eighth Congressional District" in 1861. The address shows how good a union man Governor Vance was

"We cannot say that it has confined itself to the announcement that the Telegram would not be a political journal, but "simply

So far as we have read it, the Telegram

How can any "live" and independent paper, devoted to the real interests and

The Raleigh Telegram says that Gen. R. B. Vance, brother of Gov. Vance, 1.52 been elected Principal of the Institution for the Deaf, Dumb and the Blind, vice John Nichols, resigned.

The above was published in the State papers called "conservative." These papers did not state why a mere politician was selected to fill a place it took Mr. Nichols, fifteen years of constant study, and attention to learn the wants of his unfortunate

ENDORSES CALDWELL.-The only real conservative opposition paper in the State endorses the action, of Governor Caldwell. Thus the Telegram of Raleigh, proves its desire to please the people, and not the

It will be seen that Governor Caldwell and the Supreme Court concur in what has been hitherto the general and almost undis-turbed opinion of the public in this State; to-wit; That the General Assembly has no power, either directly, or by the intercention of the people, to call a Convention, except the law be authorized by a majority of twothirds of all the members of both Houses.

In vesterday's issue, in our Local and State [column, information was given of barn-burnings in Orange, and Ku Kluxism in Chatham. Where is this thing to stop? The Courts of civil law seem unable to prevent it; and martial law, of itself, perpeople. In the vain attempt to arrest it by civil process, the innocent suffer, vader suspicion and arrest, even more than the