Wilmington Journal.

WILMINGTON, N. C.

FRIDAY, JUNE 26, 1874.

"A DANIEL COME TO JUDGMENT—YEA, A DANIEL"—JUDGE RUSSELL AND CIVIL RIGHTS.

There is no question in which the white people of this district feel an interest, greater than that they feel in the question involving the relations between themselves and the negroes. It has become apparent to all men that in the hotels, on the steamboats, on the cars, in the theatre and generally in every public place the negro seeks to prove that he has the right to go wherever the white man goes.

How Judge Russell stands upon this great question is a matter of vital importance to us if he shall remain any longer upon the bench, and fortunately we are not left to any conjecture or mere surmise about his position. It is true that so far as we know, Judge Russell has given no intimation, either public or private as to his approval or disapproval of the particular Civil Rights Bill now pending before Congress, but if his views upon the general question be correct, the negroes need no Civil Rights Bill to give them all they demand. Upon this point Judge Russell's opinion is a matter of public record in the Superior Court of this county and can be seen, we presume, by any who may desire to do so.

The case was substantially as follows: In October of last year, certain negroes having determined to sit with the white people in the Opera House in this city procured first class tickets by some means and attempted to gain admission by force. The negroes were arrested and legal proceedings instituted against them by the Lessee of the Opera House. Judge Russell heard the case and gave his opinion in writing, as he said, to prevent it from being "misunderstood or misrepresented." In that opinion he declared that the negroes had committed a breach of the peace, subversive of all public order and safety, and that too, even if they had undisputed right to admission to that portion of the Opera House to which they attempted to go, for the reason that no one is allowed to enforce a mere civil right by a resort to violence. These negroes he declared had resorted to violence and therefore in every possible view of the case they were guilty of a violation of the law.

And there, plain men will think the case and the opinion ought to have ended. The negroes were guilty, no matter what their civil rights were, and Judge Russell so declared. What necessity then was there for Mr. Russell to undertake to ascertain and declare from his place on the bench, what those civil rights were—a question, too, that he could not decide without assuming to be facts, what he said there was no evidence before him to prove? There was no such question and no such evidence before him, and he knew it, and he said he knew it. Yet for all that, he openly and defiantly went aside from the path of judicial propriety to give the sanction of his official position to the opinion that negroes had equally with white people the right to enter all places of public resort for [illegible], thereby giving public advertisement to the negroes that he was ready to sustain them as Judge in their purpose to go to our hotels and other public places, provided only, they used no force before they went to law. And this public advertisement he calls an "*obiter dictum*," a *dictum* of a "*Nisi Prius* Court." It was well for the Judge to give the thing a hard name, for it was a hard thing for the Judge to do.

What did Judge Russell say? He said:

"Enough appeared in the examination of these cases to show that in truth there was a controversy between these parties as to the right of the defendants, who are men of color, to accommodations and privileges in this theatre equal to those enjoyed by other persons. Assuming that the house is a place of entertainment for the general public, that it is licensed by the laws of the State, and that there is nothing in its objects or character which relieves it from those legal rules which apply to the government of all institutions in which the public has an interest, and which are established or permitted for the public good—as to all of which there was no evidence, and hence I express no opinion—assuming that this is the fact, I apprehend that the right of these defendants to precisely the same accommodations and the same treatment as other persons will not be questioned. The pretension that any person or class may be prevented from resorting to a public place whose doors are open to all but them, and denied to them only on account of color or race, will not be tolerated by any court honestly and sincerely desirous of upholding the constitution and the laws according to their true intent and meaning. It may be that the manager of the theatre has the right to separate different classes of persons whose close association is not agreeable to each other—always remembering that he must not discriminate against any—but that the accommodations given, the comfort, *the style*, convenience and all other considerations for which the parties pay their money shall be the same as to all, or so nearly so as to furnish no substantial cause of complaint by any. This opens a wide field of argument into which I have not time to enter."

After reading the above there can be no pretence that we do injustice to Judge Russell in saying that he made substantially a public proclamation from the bench that negroes were entitled to "precisely the same accommodations and the same treatment" as white men at our hotels, and that too regardless of the wishes of the landlord. The Judge did, indeed, throw out as a tub to the white whale the idea that there might be a possibility that hotel and theatre keepers "may separate different classes of persons whose close association is not agreeable to each other—always remembering that he must not discriminate against any." It was a possibility, however, that opened up such a wide field of argument that the Judge had not time to enter upon it. Let us do it for him. It would, indeed, be strange if separate lodgings could not be provided for two men, who both object to being put together, for it would then be clearly a case of consent with which the law and civil rights would have nothing to do. Everybody understands that. But how about the case when one objects and the other insists that both shall eat at the same table and at the same time, or sleep in the same bed? Suppose there are two tables, one for whites and one for blacks, and the negro insists upon going to the white table? The landlord cannot get the benefit of Judge Russell's doubt for the reason that it cannot be said that these are persons whose "close association is not agreeable to each other," for one of them unmistakably desires it. It follows then, that if the negro is excluded from the white table, it is not by consent of both parties because close association is not agreeable to "each other," but simply because it is not agreeable to one of them; because, in a word, the white man objects to the black man's color, and this, the Judge says, will not be tolerated by any honest Court.

And then, too, what Court is competent, either in law or in fact, to decide so grave a question as the correctness or incorrectness of a nigger's notion of "style?" We frankly confess that we know of no Court capable of the task. "It may be," however, we underrate the powers of those *nisi prius* Courts that the Judge talks so learnedly and familiarly about, and "it may be" that one of those curious creatures if presided over by His Honor, might be able to adjudicate questions of "style" to the satisfaction of the colored "brethren and sisteren;" but really this opens up a field for argument so wide that we have not the time to enter it. We would as soon attempt to catch a bull yearling in a hundred-acre pasture.

The Judge's doubt then becomes a palpable absurdity if he holds to his first position. If we were disposed to call hard names we would say it was an *obiter dictum*, and that too, of the most worthless kind—an *obiter dictum* of a *nisi prius* Judge.

Does it not strike plain white people who know nothing about *obiter dictums* and *nisi prius* Courts, as a little strange, that a Judge should have ample time for an *obiter dictum* to show negroes how they can mix up with white people at hotels and theatres, and yet should have no time for an *obiter dictum* to show white people how they may escape such mixing? It will strike plain white people as a little strange also that when Judge Russell talks about the right of the negro to *mix*, he says it is the "law" and that every honest Court must so declare, and that when he comes to talk about the right of the white man to *separate*, he says it is a "may be," and not only that but one so doubtful that it opens up so wide a field for argument that he cannot go into it! Plenty of time to tell the negro how to mix with white people, but none to tell the white people how to separate from negroes. When negroes wish to force themselves upon white people it is "law," when white people wish to separate from negroes their only hope hangs upon a solitary doubt, lying about loose in a field of argument, so wide that His Honor has not time to enter in and hunt for it!

If Judge Russell's opinion be correct, the negroes need not to pass the Civil Rights Bill, as is already the law of the land. White men, are you willing to put a man who holds opinions such as these upon the bench? Remember that you have it in your power to keep him off.

THE LATE DECISIONS OF THE CHIEF JUSTICE.

An upright Judge, says the Raleigh *News*, deserves no credit for an impartial, honest decision. He is merely the mouthpiece of the law, and his function is simply to declare what the law is upon the point presented for his decision. What the consequences of his judgment may be, he cannot consider.

While this is true, yet in these uncertain times, when the ermine that should be as stainless as the snows of winter is placed upon the unworthy shoulders of Durell and Busteed, of Underwood and of Richardson, when the name of Judge is no longer synonimous with uprightness and integrity, and corruption has invaded the sacred precincts of the Bench, we actually find ourselves ready to applaud, with eager enthusiasm, the Judge who has but done his duty.

The visit of Chief Justice Waite to North Carolina has been of almost unmixed benefit to the good old State. The suits by which Self and his co-plaintiffs sought to secure the payment of the interest due upon the fraudulent special tax bonds, and to drain the last dollar from our impoverished people, have been dismissed. The decree permitting Swasey to sell the States' stock in the North Carolina Railroad does not go into effect until April, 1875, leaving it to the Legislature, in the meanwhile, to provide some means to pay the interest due, or to compromise the indebtedness. In all this he has shown a regard for the law, and with it a tender interest in the welfare of the State.

In the case of Dewey, Assignee of the Bank of North Carolina, vs. the University of North Carolina, *et al.*, the decision of the Court will be cordially greeted by every friend of the University in the State. The debts due by the University are recognized as valid and binding, but it is decided that the Trustees had no right to mortgage the property actually needed and used for educational purposes, such as the collage buildings and grounds, Professors' houses, &c. All its outside property, escheated lands, etc., will go to the creditors and the mortgage upon the remainder is declared invalid.

Some of the debts due by the University are of such a character that it is to be hoped that provision will hereafter be made to pay at least a portion of them, but the breathing-time given it will be of incalculable service. The Chief Justice has granted to the institution, so dear to the State, at least a homestead.

By these decision, more espicially those in the Self case and the University case, Chief Justice Waite has won golden opinions in North Carolina. He has but done his duty in declaring the law to be as it always has been thought to be among the best lawyers of the State, but he has enforced his views with an ability, and demonstrated their truth with a clearness, that deserve our highest commendation.

JUDGE RUSSELL AND THE NEGROES. IS HE AFRAID OF THEM?

The Radical party in this Judicial District at the last Gubernatorial election, polled 11,689 votes. The census returns for the year 1870 show that there were at that time 10,859 negro adults or voters in the District. As the negroes always vote the Radical ticket solidly, it is apparent at a glance that they constitute the bulk of that party, and that the Radical candidate who may offend the negroes will speedily come to grief.

In the knowledge of this fact is to be found, we fear, the explanation of Judge Russell's extraordinary conduct in going out of his way in the Opera House opinion to deliver what he called an *obiter dictum* about the civil rights of negroes. He was afraid to decide the case as became a Judge and then to allow the decision to stand upon its merits. He was obliged to decide that the negroes had been guilty of a violation of the law in attempting to enter by force into the Opera House, but he was afraid to stop there, for fear the negroes would think he was opposed to their enjoyment of civil rights. By way of apology for his extraordinary *obiter dictum* as he called it, telling what his opinion was about their civil rights, he says expressly:

This much is said in reference to the rights of the parties, lest the decision of the cause shall be misunderstood.

Now the decision of the cause was plainly and palpably against the negroes. Everybody could see that and straightway, as if the Judge was afraid the negroes would become angry with him, he hastened to tell them in effect, "I don't mean to say that you have no right to go wherever a white man goes, but you must not attempt to do so by force and violence. Go to law, every mother's son of you, go to law, and I tell you now, beforehand, that while I am on the bench, your right to go wherever the white man goes shall be respected. Don't be mad with me my good colored friends who constitute nine-tenths of my party, do not, I pray you, get mad with me. Go to law, prove the place is a public place, subject to all the legal rules which apply to all institutions in which the public has an interest and which are established or permitted for the public good, and that it is licensed under the laws of the State, and I will decide that you are entitled to precisely the same accommodations and the same treatment, comfort, style and convenience as white men."

Not satisfied with thus going out of his way to discuss the rights of the negroes when their wrongs was the only thing before the court, to prevent his decision from being misunderstood to the disadvantage of the negro, he put it all down in writing, a thing he would not have done he said, "but for the apprehension that the ruling would be misunderstood or misrepresented."

Verily Judge Russell has a tender regard for the negroes! And well he may, for he is the candidate of a party representing 11,689 votes, not more than one thousand of which are white if the census returns be correct. Is Judge Russell afraid of the negro element of his party? Is a Judge who thus panders to any man or to any set of men fit to be on the bench?

THE CIVIL RIGHTS BILL.

Some of the Radical politicians of this section are endeavoring to ignore the question of Civil Rights. Even candidates for office are as dumb as oysters in regard to it. We suppose it would be difficult to drag from Judge Russell or Mr. Sutton their approval or disapproval of this bill, and yet with their supporters it is the chief point in the canvass. However, so far as Judge Russell is concerned, his opinion upon the particular bill now pending in Congress is like Toot's love, a "matter of no consequence." He has already published to the negroes his views upon this subject, as we have shown, and his decision upon questions arising under the act, when it shall become a law, is already most positively foreshadowed.

However much our negro politicians differ upon other subjects they agree upon this. "Regulars" and "Bolters" come together on this plank. Moore, the regular candidate for the Senate, and, Banks, the impudent and ignorant negro preacher, candidate for the House on the Bolter's ticket, while denouncing each other personally, agree as to their ideas of Civil Rights. Martin and Gerken, and Mann hob-nob with Burney and Banks, and Hill. Yet the three white men have little use for Sumner's Civil Rights bill, while the three negroes regard it as the cap-stone of their political freedom.

Thus the whites continue to play fast and loose with these ignorant and confiding negroes, holding out to them the shadow of their aspirations that they may secure the substance of their support.

Heaton and Manning are more honest. They favor the Civil Rights Bill, and their hold upon the support of the negroes will be in proportion to the zeal with which they advocate its passage upon the stump.

In Brunswick county the Radicals have formerly split upon this question, the Civil Righters carrying the day and nominating the ticket. We would suppose from the close and frequent conferences and intimacy between Russell and Rosafy, the Civil Rights leader in Brunswick, that this learned (?) Judge was in favor of that wing, yet he is equally confidential with Canaday and Rice on this side of the river, so we are at fault. We guess from the facility with which Russell pays court to "Regulars" and "Bolters," Civil Righters and anti-Civil Righters, Democrats and Radicals, that he wants to be Judge about this time, and he wishes to make fools of confiding Conservatives and ignorant negroes alike. White men we take it will desire to know his notions of Civil Rights and the constitutionality of the pending bill, while "Regulars" are getting a little anxious to know how he is affected towards the Bolters. These are interesting questions for the curious.

In the meantime the Radicals in Congress, with the aid of Cobb and Thomas of this State, are hammering away at the bill. They have failed only by nine votes of securing a two-thirds majority, and made another almost successful effort in the last hours of Congress. When they meet again, and it will come up regularly, it requires but a bare majority, and its passage is certain.

How then will white men like for Judge Russell to construe and enforce its provisions?

SENATOR RANSOM.

Just in proportion to the benefits to the people of the Cape Fear to be derived from the improvement of our river and harbor should be our meed of thanks to Senator RANSOM.

It was simply impossible to get the House of Representatives in the first instance to appropriate more than one hundred thousand dollars for the improvement of the Cape Fear, and small as that sum was for the purpose, all the influence that could be brought to our aid could not secure anything beyond that amount, for just then the Radical party was seized with a pretended fit of economy, and of course appropriations, for the South especially, would fare badly. The House Committee named one hundred thousand dollars as the proper amount and the House would not vote a dollar beyond it.

From that body the bill went to the Senate and was duly referred to the proper committee. The prospect for an increase seemed gloomy enough to an outsider, especially when the committee reported the bill back without recommending any increase in our appropriation. General RANSOM had never despaired, however, but had gone to work with such a will and with such success that as he told us in Washington, some weeks ago, he had personal pledges from more than a majority of the Senators, in case any amendments were made to the bill thereby necessitating its return to the House of Representatives for concurrence, that they would vote for his amendment doubling the Cape Fear Appropriation. Other amendments were made and Senator RANSOM having moved to increase our appropriation from one hundred thousand to two hundred thousand dollars, the motion prevailed, so far as it appears from the record, without a dissenting voice. The House of Representatives when the bill was sent back to them for concurrence in the amendment refused to concur therein. A committee of Conference on the part of the two Houses was then appointed to reconcile the differences, but the very best that could be done was to get the House to agree to compromise on half the amount of increase voted by the Senate, and in that shape the bill became a law.

We feel that we do injustice to no one in attributing this action of the Senate mainly to the zeal and personal influence of Senator RANSOM. Indeed, it was impossible for one to be in Washington during the session of Congress and not to be surprised at the influence he wielded. No man from the South could compare with him in the Senate, unless it was General GORDON, of Georgia. RANSOM and GORDON stand together, and are spoken of together, their political relations being cemented by strong personal friendship. It was certainly not unpleasant to see those two in peace as well as in war fighting under the same banner and on the same line. Nor does it detract anything from their reputation at Washington that they were such distinguished and such devoted soldiers of the South during the war; nor from their influence in Congress, for it is universally admitted in Washington, we believe, that are there not two men in the country who can do more for the South than RANSOM and GORDON. We may well be proud of them.

What Senator RANSOM can accomplish the people of the Cape Fear have just now proof so tangible that they will not soon forget it.

RADICAL VIEWS OF CIVIL RIGHTS.

Senator Boutwell says:

And therefore, I say, if it were possible, as in the large cities it is possible, to establish separate schools for black children and for white children, it is in the highest degree inexpedient to either establish or tolerate such schools. The theory of human equality cannot be taught in families, taking into account the different conditions of the different members of the families composing human society, but in the public school, where children of all classes and conditions are brought together, this doctrine of human equality can be taught, and it is the chief means of securing the perpetuity of republican institutions. And inasmuch as we have in this country four million colored people, I assume that it is a public duty that they and the white people of the country, with whom they are to be associated in political and public affairs, shall be assimilated and made one in the fundamental idea of human equality. Therefore, where it would be possible to establish distinct schools, I am against it as a matter of public policy.

Judge Russell says:

The pretension that any person or class may be prevented from resorting to a public place whose doors are open to all but them, and denied to them only on account of color or race, will not be tolerated by any court honestly and sincerely desirous of upholding the constitution and the laws according to their true intent and meaning.

Mr. Neill McKay says:

Rally this last time and elect me, and there will be no parlor and no kitchen. Vote down the wealth and intelligence of the country.

The Raleigh Sentinel says: John Blake, the negro who raped Miss Haley yesterday, near Morrisville, we are sorry to learn, has not yet been captured. He is about 22 years old, about as black as they generally get, five feet and a half high, and at the time of his leaving after the hellish deed was done, had on no clothing besides his pants and shirt. A party of twenty-five were hunting for him all day yesterday and last night in the neighborhood. It is highly probable he will be lost if they are so lucky as to lay hands on his infernal carcass.—Miss Haley, it seems, had been to church at Mount Hernon, about 3 miles distant, after which she went to her aunt's about two miles distant from her home also, where she remained over-night, leaving there for her home before sunrise by a common neighborhood path through the woods. When she had gotten about half way home, she was met by the scoundrel in the path, and despite her cries and resistance, the horrible deed was accomplished. The scene of the outrage was at least half a mile from the house of W. H. Marcom, Esq., the nearest one to her, and who, upon hearing her loud cries, immediately ran to her relief, but, unfortunately, arrived too late to secure the villain. Mr. Marcom met Blake in the path while on his way to see what was the matter, and asked him what that woman was crying and halloaing about? He replied that he didn't know. The woman heard Mr. Marcom's voice as he was approaching, and thinking it was the black rascal returning to repeat his hellishness, without looking back, commenced to run from him, not stopping until she reached home. She is a respectable young lady, 17 years old. Blake has an uncle in this city and may be lurking around. He should be caught if possible.

Helmbold's Buchu is the great family medicine for diseases of the kidneys and kindred organs. Full directions accompany each bottle. Look out for counterfeits. The genuine has the private proprietary stamp of H. T Helmbold. It is not safe to take any other None but the genuine guaranteed. John F. Henry, New York, Sole Agent.

MASSA MOSES.

A STORY OF RAPINE, AS TOLD BY A ROYAL CRONICLER.

How a Robber Governor Fastened His Clutches upon South Carolina—Some Unexplained Feats of Corruption—An Ugly Chapter of Current History.

A special correspondent of the New York Times, sent into South Carolina to investigate the career of the robber Moses, tells in that journal the remarkable story of his crimes. It appears that Moses, during his canvas for Governor, purchased the support of the Union Herald for $12,000, one-half of which was "to be taken from the State civil contingent fund, which had not yet been appropriated, and the rest was to be paid in other State securities." In order to secure the payment of the six thousand dollars, Moses appointed a negro boy named Humbert, who was not yet twenty-one years of age, to be County Treasurer of Orangeburg county, with instructions to collect taxes to that amount and to hand them over to T. C. Andrews, one of the proprietors, at the same time assuring him that he would make the matter "all right;" and the boy did as he was directed.

Some weeks after, the Legislature appropriated $20,000 as a contingent fund for the Governor, and Moses drew the whole amount while his signature to the appropriation bill was wet. A week or so after, Herbert went to Columbia to pay over the taxes he had collected, and, as a voucher for $6,000, presented the Governor's warrant on the contingent fund. This the State Treasurer, Cardozo, refused to except, stating that Moses had already drawn the whole amount. The boy, greatly alarmed, went to the Governer, who told him to say nothing about the matter and he would protect him and see that he came out all right. And he advised him to purchase school claims against the State—which could be had at forty cents on the dollar—sufficient to cover the amount he was short, promising to get Cardozo to accept them at their full value. The boy did as he was directed, but the State Treasurer refused to accept the claims at their face, and arrested the unfortunate negro on the charge of being a defaulter.

The boy was released on bail, when Gov. Moses tried to induce him to surrender the written evidence of the relation between them, and to plead guilty of the charge, promising to pardon him immediately upon his conviction. But the boy declined to follow his advice. State Solicitor Butts thereupon framed an indictment against Humbert for breach of trust, fraud and attempt at grand larceny, and one against Moses for aiding, advising and abetting the crime, the law making the punishment for these offenses the same. On the day fixed for the trial, Attorney General Melton appeared in court and prepared another indictment against Humbert, charging him with a failure to return money collected to the State Treasurer. Had the boy been convicted of this he would have been sent to the penitentiary, and thus made powerless as witness against the Governor. Buttz, however, had determined to allow Humbert to turn State's evidence, and he therefore objected, and the case was put off until the next term.

Moses scatters his pardons freely by telegraph, without consulting an attorney. A number of instances are related—one convict because he was an active politician, another because he was a "good political nigger." We give entire the following account of the most remarkable instance of "executive clemency" on record:

The most remarkable misuse of the pardoning power of Moses, however, and perhaps the strangest story of executive clemency on record, is to be found in the case of a man named Benjamin Hernandez, an old resident of Charleston, who, after having defied the law for years, was convicted and sentenced to jail for two years for obtaining money by threat and under false pretenses. At the time of his conviction there were no less than seven other indictments hanging over him. One of them was for assault with intent to kill. The lawyer who defended him took an appeal from the ruling of the court that convicted him to the Supreme Court of the State. Pending the appeal, Hernandez committed various other offences. Soon after the inaguration of Moses for Governor he visited Charleston, and while staying at the house of General William Gurney, the present County Treasurer, sent for Hernandez and gave him to understand that the protection of the executive would always be with him, no matter what he might do, and at the same time, with his own hand, prepared and delivered to him the following commission, written on a small sheet of note paper:

EXECUTIVE DEPARTMENT OF SOUTH CAROLINA.

Mr. Benjamin Hernandez is hereby appointed one of the State Constables, with the pay of $75 per month, to hold office during executive pleasure.

J. F. MOSES, JR.,
Governor of South Carolina.

The law authorizing the appointment of State Constables has been abolished before this time, as was well known to both the Governor and Hernandez. This being the case, it was understood that the commission was given for political purposes only, and that no pay was to attach to the office. Notwithstanding this, however, Hernandez applied to the Governor for money, and for several months received the salary named in the commission. Finally, having no further use for the fellow, Moses instructed his servants not to admit him to his office. Hernendez on going to the State House at Columbia, was therefore informed that the Governor could not see him. Becoming enraged at this, he knocked the usher down with great violence, and was proceeding to commit other outrages when the police rushed in and arrested him. He had not been in the station house five minutes, however, when Moses caused his release and sent him an order on the contingent fund for $600. Having no confidence in the order or in the fund, Hernandez sent the Governor word that he must have $600 in money, or he would horsewhip him before he left Columbia.

Upon this Moses gave him a letter to General William Gurney, of Charleston, requesting that gentleman to pay the desperado the money he asked. As is further stated by Major Buttz, Moses had already received large sums of money from Gurney, and also his indorsement to a note for ten thousand dollars, which was afterward allowed to go to protest. This being the case, Gurney refused to pay the six hundred dollars demanded. Hernandez swore that he would be revenged, and a few evenings after, on meeting Gurney at a political convention, said he would not allow him to deliver any speech to the delegates until he had paid him six hundred dollars. Upon this a few hot words ensued and Hernandez drew a pistol and was about to fire on his opponent, when he was seized, disarmed, and taken to jail. For this offence he was convicted, sentenced to three years imprisonment in the penitentiary, and sent to serve out this charge, and also on the previous conviction for two years.

The convict had not long been in the State prison, however, when his friend, Governor Moses, telegraphed to the solicitor, Buttz, to come up to the capital. Upon his arrival the Governor very coolly asked him to consent to the pardon of Hernandez. Buttz not only refused to do so, but sent to the sheriff of Richland county and keeper of the penitentiary seven bench warrants against Hernandez in the several indictments pending against him in the courts of Charleston. He also filed a written protest against the pardon signed by General Gurney, the county treasurer; General Worthington, the collector of the port, and Mr. Bowen, the sheriff of Charleston. The Governor still urged the solicitor to consent to the pardon, saying that he wished to grant it to oblige George F. McIntire, one of the State Senators, and publisher of a newspaper which every week charged Moses with rape, seduction and theft.

The solicitor still refused, when Moses assured him that the party would be much benefitted by the pardon of Hernandez, and that if he were allowed to go free, McIntire would stop writing articles about him, and would support him in the fall campaign. Major Buttz here intimated that as McIntire had charged him in open print with so many terrible crimes, it would not look well in the eyes of the public to do anything at his request. After some thought Moses assented to this, and gave his word of honor that he would not issue the pardon. The solicitor, satisfied with his promise, returned to Charleston, and two days afterward was astonished and mortified to receive the announcement that Governor F. J. Moses, Jr., of the State of South Carolina, had pardoned Benjamin Hernandez, and ordered his release from the penitentiary."

This is not only proved to be true, but a few weeks subsequently McIntire's paper was suspended, and the publisher was appointed to the fat office of treasurer of Colleton county, and received a commission as Major General in the State militia. In this way the proper respect for the law is lost, and it is with the utmost difficulty that criminals can be made to fear punishment. This is particularly the case with the negro. Solicitor Buttz assures your correspondent that he has frequently been told by such persons that it was useless to convict them, as they would be pardoned by "Massa Moses," sure. A premium is thus put upon crime, and the "robber governor," by the influence which he can exert with a few unprincipled leaders, hopes to control the black vote of the State, and secure his re-election to the highest position in the gift of the people of South Carolina.

The same correspondent says that it is definitely settled that "F. J. Moses, Jr., will be a candidate for re-election on the Republican ticket for Governor of the State of South Carolina, and there can be but little doubt of his success!"

TRINITY COLLEGE.

Annual Commencement.

Dear Journal:

The following embraces the list of speakers and the exercises at the commencement at Trinity College:

SUNDAY, JUNE 7TH, AT 11 A. M., SERMON BEFORE THE THEOLOGICAL SOCIETY,

By Rev. Charles Phillips, D. D., of Davidson College.

MONDAY EVENING, JUNE 8TH, DECLAMATIONS BY MEMBERS OF THE FRESHMAN CLASS.

1. The Path of Duty, the Path of Honor, by W G Bradshaw, Trinity.
2 Power's Despotic Sway, by G W Dewey, Goldsboro.
3 The Noblest Motives, Public Good, by J F Tanner, Sandersville, Ga.
4 Raleigh's Response, by P L Groom, Rockingham county.
5 Fate, by S B White, Randolph county.
6 The Price of Excellence, by W P Mercer, Edgecome county.
7 Plea for the Greeks, by J H Small, Washington.

TUESDAY EVENING, JUNE 9TH—DECLAMATION BY MEMBERS OF THE SOPHOMORE CLASS.

1. Local Associations, by T M Cross, Harnett Co.
2. Regulus to the Carthagenians, by N E Coltrane, Trinity.
3. The Dead of North Carolina, by A Borden, Goldsboro.
4. The Defence of Peltier, by W D Turner, Iredell Co.
5. Drink Deep, of Taste not the Pierian Spring, by L S Gaither, Williston, Tenn.
6. Defence of Orr, by W G Burkhead, Shelby.
7. Vindication of South Carolina, by W E Sledge, Weldon.
8. The Fourteenth Amendment, by G S Bradshaw, Trinity.

WEDNESDAY, JUNE 10TH, AT 11 O'CLOCK A. M.—ANNUAL SERMON,

By Bishop J C Keener, New Orleans,

AT 2½ O'CLOCK P. M.—LITERARY ADDRESS,

By Rev. A. W Wilson, D. D., Washington, D. C.

AT 8 O'CLOCK P. M.—ORATIONS BY MEMBERS OF THE JUNIOR CLASS.

1. The Necessity of War, by H W Spinks, Randolph Co.
2. Journalism, by D B Nicholson, Magnolia.
3. What Can we Be, by B F Palmer, Randolph Co.
4. "Aut Caesar, aut Nullus," by J M Brown, Randolph Co.
5. What the Sword Destroys, the Pen Rebuilds, by E J Kennedy, South Carolina.
6. North Carolina has had her Achilles, but no Homer, by M A Gray, Kinston.

COMMENCEMENT, THURSDAY, JUNE 11TH, 1874.

I. Vocal Music—Anthem.
II. Prayer by Dr. Wilson.
III. Latin Oration—Salutatory, by Wm. Junius Scroggs, Lenoir.
IV. Work wins the race, by Cyrenius Crooks Lowe, Randolph Co.
V. The Price of being Great, by Walter Pharr Craven, Mecklenburg Co.
VI. The Literature of Love, by George David Tysor, Moore Co.
VII. Sectionalism, no longer possible, by Edward Thomas Boykin, Trinity.
VIII. Dominion of Thought, by John Cooper, Savannah, Ga.
IX. The Discipline of Democracy, by William Wesley Staley, Graham.
X. Sustaining Force, by Nereus Clark English, Trinity.
XI. Material Tendencies, by James Monroe Stockard, Graham.
XII. The growth of Individuality, the growth of Man, by Leander Slater Overman, Salisbury.
XIII. Northern Populations, by Junius Cassius Black, Randolph Co.
XIV. The Ruling Force of Passion, by Nathaniel Micajah Jurney, Olin.
XV. Report of the President and Degrees Conferred.
XVI. Literary Societies represented, by J M Rhodes, Hesperian; by W R Odell, Columbian.
XVII. Medals Presented, by R F Armfield.
XVIII. Bibles Presented, by Bishop Keener.
XIX. Valedictory Addresses, by Benjamin Franklin Long, Graham.
XX. Benediction.

A. B. was conferred upon all the speakers except the two who represented the societies.

A. M. was given to
G D Hines, of California;
J D Pemberton, of Wadesboro;
O H Allen, of Kenansville;
J [illegible];
A J Ellington, of Wentworth;
W H Pegram, of Trinity;
J W Mauney, of Salisbury;
J L Tomlinson, of California;
J M Webb, of Tennessee;
W T Swann, of Lexington.

D. D. was bestowed upon Rev. N H D Wilson, of Greensboro.

The Sermon to the Theological Society, by Rev. Charles Phillips, of Davidson College, was an able discourse, and attracted much attention. He preached without any manuscript, and was eminently successful.

The Sermon on Wednesday morning, by Bishop Keener, of New Orleans, was good in all respects; one of those grand productions that are rarely produced by any man, and are never forgotten by those who hear them.

The Literary Address, by Dr. Wilson, of Washington, D. C., was in the full sense, a literary address. It was full of fine thought, elegant in composition, and sometimes thrilling eloquent.

The speaking of the young men was good throughout.

Before presenting the Bibles to the graduating class, the Bishop addressed Dr. Craven, about as follows:

I desire to express my gratification and surprise. You have here a better College than even *you* think you have; and like North Carolina, your are quiet, you make very little pretention, but you have a great "come out."

STATE NEWS.

The Hillsboro Recorder says: Hon. W. A. Graham leaves for Washington City this week in connection with his duties as arbitrator in the Virginia and Maryland Boundary case.

The Raleigh *Sentinel* says: It is stated that General Grant and family will visit Greensboro, N. C. to-day to attend the nuptial ceremonies of Miss Jessie Dick, daughter of Judge Robert P. Dick and Robert M. Marshal of North Carolina.

The Charlotte Observer says: Reports from upper Iredell give good reports of the wheat crop just harvested. It is said that there has not been such a crop since 1871. All over the Western part of the State the growing crop looks well and gives promise of a fair yield.

The Newbernian says: David Holloway, a colored man, died in this city yesterday morning at 6 o'clock A. M., after an illness of three months. It is highly probable that his death is the result of a morbid belief that he had a frog in his stomach. During his illness he stated that he swallowed a frog about three months ago while drinking water, and this hallucination grew so strong upon him as to produce serious illness, which culminated in his death yesterday. Drs. Bates, Duffy, Attmore and Meadows made an autopsy of the body shortly after death, and came to the conclusion that Holloway died from valvuiar disease of the heart.

The Lumberton Robesonian says: We regret very much to learn that the dwelling house, kitchen and smoke house belonging to Mr. Atlas Atkinson, in this county were consumed by fire last Sunday. Everything was lost except a few articles of bedding and wearing apparel. The fire was accidental and occurred on this wise: Mr. Atkinson, with his family had gone to church, leaving two negro women at home to cook dinner. After the meal had been cooked they went to the house of a neighbor, and the fire not being extinguished, was scattered by the wind and ignited the kitchen, and the flames soon spread to the adjoining houses. The loss is heavy, and the deprivation is especially unfortunate at this season of the year.

The Robesonian says: The crop in this county is in a flourishing condition. The season so far has been good, and dry enough to keep down the grass. The cotton crop is also doing finely. Our farmers are in good spirits and if the season will continue, a bountiful harvest will be reaped. We think enough corn is planted this year to supply the demand, and we hope the amount of acreage will be increased next year.

THE DELUSION OF LOVERS

A Case in Point and Its Wholesome Lesson.

The Louisville *Courier-Journal* says: A case has just occurred in which love's young dream was dispelled in a cruel and unsympathising reality. A clerk, whose business it was to stand behind the counter of a fashionable emporium and expatiate upon the merits of his employer's stock of gentlemen's scarfs, hosiery, handkerchiefs and underwear, came to grief in a distressing way. The young man had a delicate and exquisite taste, and the goods which he sold to the snobs and swells of the city never passed from his hands without having every merit forcibly and eloquently presented to the purchaser. He was eminently successful in his line; and, had not the fires of ambition been kindled in his bosom too soon, there is no telling what a salary would not have been at his command.

But fate, as if envious of this prosperous existence, led the youth to believe that he was destined for a more brilliant career. Accordingly he betook himself to the Springs as the most advantageous field of operations.

His eagle eye rested upon a young girl reputed to possess great wealth, and, seeing

"—— his duty a dead sure thing,
Went for it there and then."

He set about to captivate the blooming and unsophisticated heiress, whose fortune, the rumor ran, consisted in lots, tenements and hereditaments in the city, with paying stocks and hard cash in proportion. He talked freely with the lady's aunt, and spoke often of his capital and the admirable use he had made of it. He wooed the young maiden, and being a gentleman of taste and fashion and fine clothes, he won her. The marriage day was set, but before its arrival the young man called unexpectedly at a certain other emporium in the city where ladies' dresses and ladies underwear were made, and lo! he found his young heiress in a draggled dress of faded sea-green sitting at a sewing machine; very laboriously manipulating some frills with the identical hand he had kissed in his moments of amorous and moonlight devotion. An eagle basking in the sunlight could not be more surprised at a blow from a thunderbolt; a nimble squirrel of the forest nibbling the shell from a nut, suddenly struck in the head by a rifle ball could not have been more shocked. The young lady raised her head, saw the young capitalist gazing in bewildment upon her, and lingered only long enough to upset the chair in which she was sitting, turn over one sewing machine and leap over another and, as a servant girl departs when she lights on a lot of substance which she thinks will suit the constitution of her aged parents, so the young heiress left through the door that opened in the rear of the building in which she labored for seventy-five cents per day.

The moral of this story is so plain that no-one can escape it. All is not gold that glitters. Young man, beware of the fortunes which are picked up like blackberries at the Springs. Set not your hearts on those fleeting treasures of earth, which pass away so soon, and are no more. Princes and poets have been deceived, and the very elect are not infallible in their judgment about the value of those midsummer fortunes. The Prince of Wales was astonished when he heard the expression of his financee, "I'm so glad that I'm going to be married, for then I will have some new gowns," and Lady Wortley Montague, instead of going to her lover with a full purse and an elaborate wardrobe, wrote to him at the last hour, "I shall have to go to your arms in my night gown, my father says, not a shilling."

And, young ladies, beware of the gay and dashing "capitalist" you find at such resorts. To one his entire fortune is carried on his back. At the Spring he talks of investments of stock and dividends. When he gets you he talks of "guns, galls, groceries, ginger, gin," and will tell how hard it is to support a family on one thousand a year—that you had better take the dressmaker's bill to your father with tears in your eyes.

THE EXCURSION.

Arrival of the Charlotte Excursionists—Their Reception at the Depot—A Dash on Water and on Ice—Address of Welcome and Response—Programme for To-Day.

The excursionists from Charlotte, fifty-eight in number, comprising a number of prominent merchants and bankers in that city, arrived here Tuesday afternoon. They left Charlotte Monday night and came through from that city to this on a special train. The following is a list of the excursionists kindly furnished us by Mr. W. H. H. Gregory, Chairman of the excursionists, viz:

Geo E Wilson, Iredell Jones, Columbus Mills, J S Williamson, J. Armstead, M P C White, D M Regler, C H Overman, J A Younts, W M Wilson, J V Symmons, R T Shipp, C W Bradshaw, H Ratterree, P Schiff, G. W. Chalk, J E Clarke, Dr L Von Meyerhoff, W A Barrier, D G Maxwell, Col J G Bryce Dr J S Woodruff, J M Wright, J R Holland, J F McLaughlin, J L Brothers, J Moyer, W M Smith, Maj J G Harriss, W F Cuthbertson, W R Burnwell, W R Cochran John Valandingham, M C Meyer, J W Miller, J J Sams, Dr T K Cureton, Chas Frazier, Philip Whisonant, J C Long, D P S White, T D Clarke, H B Hammond, Donald Macauley, E H White, W S Blackwood, J E Stenhouse, Dr J S M Davidson, Dr T H Means, W J Black, W W Grier, W J Friday, E A Osborn, C A Withers, T H Tiddy, McD Reel, Col Chas R Jones, W H H Gregory.

The train, with the excursionists aboard arrived at the freight depot of the Wilmington, Columbia & Augusta Railroad at 5 o'clock, where they were met by a delegation of merchants headed by Mr. Chas. H. Robinson, Vice-President of the Chamber of Commerce. The excursionists, as they stepped from the cars, were greeted by our own merchants, who conducted them to the barge *Experiment*, lying at the wharf with the tug *Wm. Nyce*. The barge and the tug were both gaily decorated with flags, and the flags of many of the vessels in port were also flying in honor of the occasion. As the party stepped on board the barge, the young gentlemen of the Cornet Concert Club greeted them with a burst of music, which must have sounded wonderfully pleasant to those who had been compelled to listen, for the past twenty-four hours, to the clanging and munching sounds of the car wheels. Not many minutes were required to make the guests perfectly at home and new introductions and hand shakings and hearty welcomes and as hearty responses followed in rapid succession. Soon the party were launched and the barge, towed by the tug, floated gaily down the river, while the Cornet Club gave "Dixie" with a will and a fine breeze swept up the river on the tired and heated excursionists.

It was here, on the barge, that Mr. Vice President Robinson, on behalf of the merchants, gave the following hearty welcome to our visitors:

Gentlemen:—The pleasing duty of welcoming you, on behalf of the Wilmington Chamber of Commerce, has been assigned to me. It is indeed a pleasant duty. Were you strangers coming among us we could not be inhospitable, for "Stranger is a holy name;" but when brothers come it is a great joy to throw wide open our arms, and our hearts say welcome. We welcome you as worthy sons of our good old mother, North Carolina. We welcome you as worthy representatives of our thrifty sister city of the West—our kindly rival in enterprise and growth. Our arms of iron are stetching out towards you and it is well that before these bonds join us, as we trust they will, in an indissoluble tie, that we should look into each other's eyes, should grasp each other's hands, and heart beat against heart.

It is said that in the olden time men journeyed from the West towards the East in search of light. Your journey towards the East is in search of pleasure: and I may safely say that those gentlemen whom I represent are determined you shall find it, and not alone—they will join you in the search, and I may say for them that in this, as in other enterprises, they know no such word as fail. Then, gentlemen, in behalf of the Chamber of Commerce, I bid you welcome to Wilmington. When you return to your homes may it be with pleasant impressions of this City by the Sea; and may we know no East, no West, but to love one another, our pleasant homes, our friends. We welcome you with all our hearts.

Mr. Robinson, having concluded his address of welcome, Mr. Gregory introduced Capt. J. C. Mills, of Charlotte, who, on behalf of himself and his friends, delivered the following happy response:

Mr. President and Citizens of Wilmington:

It is my grateful duty, in behalf of the merchants and visitors of the city of Charlotte, to acknowledge the cordial welcome and generous reception tendered to us so gracefully on the part of the city of Wilmington. This excursion was gotten up so hurriedly, so impromptu, that I had no idea of such a demonstration as I witness now. But I assure you, Mr. President, that your expressions of friendship and welcome are fully reciprocated by us. It is a most pleasant occasion, and one always memorable in our lives, to recall this visit from Charlotte to Wilmington; this meeting of the West with the East; this greeting of the mountains with the sea.

We come to you, gentlemen, with good wishes on our lips and good will in our hearts, with full assurance that our good will and good wishes will meet with a hearty reciprocation, for the generosity of the good old city of Wilmington is so proverbial that no man worthy of consideration can say unto you that "I came among ye hungry and ye fed me not, I came among ye thirsty and ye drank me not."

We come, gentlemen, to your city, if I mistake not, on the first excursion ever made from Charlotte to Wilmington, and as such we come as pioneers in the great track of trade and travel that is destined to flow down from our mountain country to "the city by the sea." And although we come on this festive occasion, we do not come as mere pleasure-seekers, but we come as representatives of the substantial men of merchandise and of trade, as representing every branch of business in our goodly city of Charlotte, and we hope by our efforts to inaugurate a community of business and of interest that will result in establishing Wilmington as the entrepot for our section of country and for our State. And what seaport on our coast is so well entitled as Wilmington, with all its advantages of commerce, with its system of Rail Road communication, to be the depot of exportation and importation of the State of North Carolina?

Our communications are such already that they should naturally lead to that result. Our great and varied resources of Western North Carolina, our waving fields of cotton and corn, of wheat and tobacco; our inexhaustible mines of gold and silver, of copper and iron, our boundless forests of hickory and pine, of walnut and ashe. All these sources of wealth are seeking an outlet to the sea; that great common carrier of the wealth of nations. And what outlet more natural should we seek than our own city of Wilmington—that "hath the sea for her heritage."

Ere long we expect the completion of the railroad connection between Wilmington and Charlotte, which will unite us by bonds of an iron matrimony that will render our interests and prosperity one and the same. And whenever the whistle of the Carolina Central Railway shall have been heard in Charlotte, then shall begin the era of our prosperity; and then shall Charlotte and Wilmington advance to the position in rank of cities to which they are justly entitled.—Then indeed will the mountains bow down to the sea, and the West will salute the East with the kiss of peace and prosperity. When that whistle shall have been heard in Charlotte then will Western North Carolina, like Rip Van Winkle of old, come down from the mountains and will bring her treasures of gold and measures of oil and will lay them at the feet of Wilmington, as a tribute for the sound of that whistle, nor will she, like that penny-wise philosopher of old, think she "has paid too dear for her whistle."

But, gentlemen, at the names of Wilmington and Charlotte, of New Hanover and Mecklenburg, there arise before me old historic recollections that cannot be repressed even on such a festive and fleeting occasion as the present. The brightest pages in the history of the old North State are derived from the records of New Hanover and of Mecklenburg. We, as sons of the Old North State, are all proud to know that North Carolina, in its first struggle for independence and liberty stand preeminent in the history of the American Revolution, and will shine a beacon for all ages to come, to lighten true heroes along the pathway of exalted self sacrifice, splendid courage pure patriotism.

And, gentlemen, we as citizens of Mecklenburg and New Hanover, should be prouder still to recall the deeds of our own ancestors in those times that tried the souls of men. It can never be forgotten, it can never be refuted, that, with a devotion to freedom unparalelled in all the annals of time, a band of patriots; heroes on the 20th May 1775, in the County of Mecklenburg, where now stands the City of Charlotte, announced to Great Britain and all the world that first and immortal Declaration of Independence that startled the sleepers of the old world with the realization that a newborn giant had been born on this continent, called Liberty! But although we are justly proud of this deed, and although we cherish it as the grand achievement of Mecklenburg—yet the gallant deeds done by the sons of old New Hanover must not be forgotten. It should be borne in mind that this section of country was more exposed to the attack of the enemy from the sea than any other; yet, nevertheless, as early as July, 1774, New Hanover expressed her sympathy and sent supplies to the citizens of Boston, who were contending against the tyranny of Great Britain; but search the records of history and where will you find that Boston has ever expressed sympathy or afforded aid to Wilmington? In November, 1774, she had already formed her committee of safety to resist the aggressions of the British Government, and in June, 1775, in convention assembled, the citizens of New Hanover declared in the words of the resolution that they were "ready to go forth and be ready to sacrifice their lives and fortunes to secure the freedom and safety of the country." And, gentlemen, it is a striking coincidence that we stand here to-day as representatives of the counties of Mecklenburg and New Hanover—the two banner counties of North Carolina in her first struggle for independence and liberty. In view of this fact it is a memorable occasion when New Hanover and Mecklenburg join hands in friendship and good will, in commemoration of our glorious past. It is fit and proper that the land of Ashe, of Hooper and of Moore, should greet the land of Alexander, of Graham and of Davidson.

The thunder of battle that rolled down from the craggy heights of King's Mountain, across the plains of Mecklenburg, were re-echoed back across the plains of New Hanover from the piney groves of Moore's Creek. And the right of freedom and liberty that was achieved by the gallant deeds of our ancestors *should not* be our heritage. But, gentlemen, these reminiscences of a historic past recall other memories of later days—of days still glorious, but alas! of "days that are no more." We stand in sight of the beautiful bay of Wilmington and the glad waves are sparkling in the light of the sunset, and the waves are whispering tender tones to the shore. But to some of us the voices of the sea recall other memories. For some of us can remember the thunder of the guns from Fort Fisher that once boomed over the waves of this bay, and it recalls the memory of "the days that are no more." Yet the memory of our dead heroes—of Whiting, of Duncan Moore, of Meares, of Wright, and of all our gallant knights who died with the shout of victory in their ears, these all remind us that though we live in these latter days, we are not the degenerate sons of a noble ancestry.

In conclusion, gentlemen, I will offer this sentiment—the Mountains send tidings of good-will to the Sea, and as New Hanover and Mecklenburg are united by memories of a glorious past, so may Charlotte and Wilmington be banded together by ties of mutual prosperity and realize a glorious future.

During the speaking the boat had rounded to a short distance this side of the Dram Tree, wisely forbearing from proceeding to that point for fear of recalling some unpleasant recollections connected with the trip by rail, and passed up the river abreast of the city. As Capt. Mills concluded he was greeted with a burst of music from the band and then —— ice water and cigars were in order, and everybody was at liberty to cultivate acquaintanceship with everybody else. It was wonderful to note what a great auxiliary the ice water and —— cigars proved in this pleasant undertaking.

At about 6 o'clock the tug rounded to and steamed up with her barge to the wharf where the party landed and, two by two and arm in arm, proceeded up Market street to Front, headed by the Cornet Band. In this order they marched to the rooms of the Cape Fear Club, where Maj. J. A. Engelhard, on behalf of the Club, in a little impromptu speech, tendered the hospitality of the rooms to the excursionists, during their stay in the city, assuring them that the rooms and all therein were at their disposal night and day, and gently intimating that it would be found particularly pleasant to rest there on their return from the Sound this afternoon, as he knew that they would then be *tired*.

Maj. Engelhard was responded to very briefly by Col. E. A. Osborn, of Charlotte, who returned the thanks of himself and friends, for the kind reception accorded them, assuring the gentlemen of the Club that their courtesy was fully appreciated by them all.

Some one who had strayed into the card room entered at this moment and mildly remarked that there was some very nice ice water across the passage, whereupon the meeting adjourned without a day to partake of the ice water. They then departed for the hotels to make the necessary changes in their toilets, after which they all strolled off in various directions to overhaul the city.

The Excursionists Sound Part.

Yesterday morning, promptly at 8 o'clock, carriages were ready to convey our guests from Charlotte to the Sound, and before 9 o'clock all had left. The party arrived in due time at the residence of Wm. A. Wright, Esq., and the absence of that gentleman in the Western part of the State was severely felt by all those who know and appreciate his elegant hospitality. The Committee of Arrangements, we know, regretted his absence.

Upon our arrival we found everything prepared in fine style for the re-