

W. P. WALTON.

Gov. BUCKNER's message is a production of which any man might be proud. It shows a thorough knowledge of the status of State affairs and his suggestions are timely, well-considered and in the main such as ought to be adopted. No part of the public business is overlooked and the beauty of it is that there is no indulgence in poppy-cock about national affairs. He commends the wisdom of the former legislature in adopting a new revenue law which has resulted in a more equitable assessment and made a balance of \$197,684.88 in place of the deficit of previous years. A few amendments may be necessary, but care should be taken not to modify the principal features of the bill. Attention is called to the unnecessary expenditures imposed for criminal prosecutions, record books and idiots and he suggests restrictive legislation on the subject of guards for prisoners. All fines should be immediately covered into the treasury and the officers entitled by law to percentage from them be paid by warrants from the auditor, because much of the fines collected are now never accounted for. He calls attention to the unconstitutionality of acts exempting private property from taxation, recommends the examination of the accounts of the auditor and treasurer and a thorough revision of the criminal laws. Assassination and burglary, when accompanied by arson, endangering life, should be punished with exceptional severity and a statute passed defining clearly what cases are bailable. The growing evil of bribery in elections is dwelt upon and the suggestion made that the briber should suffer even more severely than the bribed.

Upon the exercise of the pardoning power, the governor is peculiarly level-headed. Applications for it are always ex parte statements and often untrue, and he asks that in order that he may act fairly in all cases, that a law be passed making it the duty of the prosecuting attorney to forward him a statement of what was proved in the case when on trial. He is greatly pleased with the labors of the railroad commission and wants their powers considerably enlarged, their office located at Frankfort and sufficient salary fixed to justify one of the commissioners at least in devoting his entire time to his duties. The public buildings should be thoroughly repaired, enlarged and improved; the Bureau of Agriculture should be abolished and its duties assigned to the Agricultural and Mechanical College, and that institution be converted into a school of technology, where mining, mechanics, engineering, as well as agriculture may be taught. The building of an asylum for colored inmates is urged and its immediate construction suggested. He wants the office of Inspector of Public Works and Institutions created, so that the State's property and interests may be better looked after; a special tax for the support of the State guard and a law inflicting a heavy penalty for the raising of military companies except under express authority.

He congratulates the State on her liberal direct appropriation for public education, which is greater than any other, with possibly two exceptions, reaching last year to \$1,247,798.40. The insurance department should be raised to the dignity of a separate and independent one, with the commissioner appointed by the executive.

The rapid increase of the out-put of coal, which last year amounted to 44,830,000 bushels, is very gratifying and every attention should be given to improving the sanitary condition of the mines and lessening the dangers of their operation. He recommends that any appropriation made for the branch penitentiary should be to complete the portion now under contract, before any attempt at enlarging it. The excellent condition of the Frankfort penitentiary is commented upon, the librarian is complimented and the suggestion made that the State should have a voice equal to the amount of stock she holds in selecting officers for turnpikes to protect her interests. Measures looking to preserving the existing forests from needless destruction and providing for the encouraging of planting trees, are suggested. He thinks the Secretary of State is too poorly paid and wants his salary increased to a sum commensurate with his duties. The elections under the local option law should be fixed so as not to occur on the day of any election, since the objects are of a moral rather than of a political character. A special fund to be used for the detection of crimes and arrest of criminals is suggested and the evils of special legislation appropriately discussed. Private bills cover 2163 pages of the Acts of the last Legislature and public acts but 274. The Rowan county lawless-ness is commented on and deplored and a thorough investigation of the whole subject recommended with a view of taxing such action as may best enforce the law and maintain the dignity and impartiality of the judiciary. He desires a severe penalty affixed for any failure of official duty and the judicial ejecting from office of such delinquents. He thinks that the attorney general should be made the head of a department of justice and that prosecuting attorneys be subordinate to and make full reports to it. The geological survey has been of incalculable advantage to the State and it ought to be liberally provided for, and the pay of the director increased. Barring the several suggestions for creating new offices and raising salaries, the people will be pleased with the message and proud of the great old man whom they have placed in the high position which he so signally honors.

The Case of Mr. Davison.

At the meeting of the present General Assembly of Kentucky a protest against the seating of G. M. Davison as the member from Lincoln county was presented to the House of Representatives. Being a matter in which our readers are more or less concerned we publish the protest and the names of the signers. It reads as follows:

To the House of Representatives of the General Assembly of Kentucky: We, the undersigned citizens of Lincoln county, would respectfully protest against G. M. Davison taking his seat in the House of Representatives as the representative of this county, for the following reason: Because at the time of his alleged election in August, 1887, he held the office of master commissioner at the Lincoln Circuit Court under appointment of its October term, 1886, a copy of which accompanies this protest. He has since held the office, exercised its duties and received its emoluments and does to the date of this protest as shown by notices of sales advertised to be made by him as master commissioner aforesaid, copies of which are enclosed.

We base this protest on Art. 2, Sec. 27, of the Constitution and upon Chapt. 81, Sec. 6 of the General Statutes of Kentucky. W. G. WELCH, A. R. PERRY, W. P. WALTON, J. W. ALCOCK, THOMAS RICHARDS.

The only point made, it will be observed, is that Mr. Davison is, under the constitution of Kentucky, ineligible to this position, because of the fact that he is now, and was at the time of his election, Master Commissioner of the Lincoln Circuit Court. This will not, of course, be denied by him and the issue therefore is purely and solely one of law. If the two offices of representative and master commissioner can be held by the same person and at the same time, then Mr. Davison is our representative and we have naught to say against it. If, however, he cannot hold both offices without a violation of the fundamental law of the State, which every good citizen should defend, and which every member of the legislature is sworn to defend, then assuredly he is not the representative of this county and the House at Frankfort should so adjudge. The sovereign people surely had the power to prescribe the qualifications of their representatives, and just as they did prescribe in the constitution that no person should be a representative who was not 24 years of age or who had not been a citizen of the State two years, so they chose to prescribe, and for good and sound reasons, that no person could hold this office and another at the same time. Art. 2, Sec. 27 of the constitution says: "No person while he holds or exercises any office of profit under this commonwealth or under the government of the United States, shall be eligible to the General Assembly, except attorneys at law, justices of the peace and militia officers."

Sec. 6, Chap. 81 of the General Statutes, declares, "A person holding an office, post or employment under this State or the U. S., which is incompatible with a seat in the legislature, shall not be voted for as Senator or Representative until he has resigned his office, nor until a duplicate of his resignation has been filed in the court of the county of his residence, and all votes given for him before such resignation is so filed shall be void." The question thus is a simple one. Is the position of master commissioner "an office under the commonwealth" and is it an office of profit? That it is a post of "profit" can not be doubted. The eagerness with which it is sought, and the fees which litigants are by law compelled to pay to Commissioners, are quite conclusive of this point. Is it then an office under the commonwealth? To us it seems perfectly clear that it is. In the first place the Commissioner is created by law, and is not, as some affect to think, the mere creature of a circuit judge. "Each Circuit Court shall appoint a Master Commissioner for such court," Sec. 1, Chap. 75, General Statutes. The same section evidently thought it had created an office for it provides that the commissioner shall not "continue in office" more than four years. The same chapter enumerates the important duties of this office, provides for its fees, and requires the incumbent to execute a heavy bond, not to the judge, but "to the Commonwealth of Kentucky" for the faithful discharge of his duties. In the case of Danlap vs. Kennedy (10 Bush 540) our Court of Appeals, too, seemed to think it was an office, for in that case they speak of the master commissioner being regularly "inducted into office," of his being removed "from office," and also of his "term of office." Again, to a plain understanding it would seem that master commissioners are as much officers in the meaning of the constitution as are attorneys at law, and yet the framers of the constitution in the section above quoted evidently deemed attorneys "officers," because in the same section they thought it necessary to expressly except them from its operation. In short, to our mind, at least, there seems to be no doubt whatever that Mr. Davison as commissioner held an office of profit under the State when he was voted for as representative, and is therefore as plainly disqualified from taking his seat as if he were an un-naturalized foreigner or only 20 years of age. We may add that we are sustained in this view by the opinion of confessedly the first lawyer in the State.

Some foolish friend of Mr. Davison lately telegraphed a republican paper at Cincinnati that "the whole thing is the result of personal malice, and is simply an out-rageous effort on the part of a lot of disgruntled politicians to oust a republican who has been fairly elected to office." This, as Miss Murdstone remarked to Miss Trotwood on a memorable occasion, is either insanity or intoxication. The gentlemen who signed the protest did so in language respectful both to Mr. Davison and to the legislature, and because they conceived it a duty, which, as citizens, they owed to the State, and as democrats they owed to their party. They entertain toward that individual neither personal ill will nor the slightest envy of his double honor and his double "profit." But was he "fairly elected?" The answer will depend, not so much on one's politics, as upon one's morals. There were two candidates for the legislature that had been before the people for weeks—Dr. Pettus, the democratic nominee, and a so-called independent. The republicans had made no nomination. Mr. Davison, an active worker for the republican State ticket, and chairman of the county committee, sought the democratic nominee, voluntarily proffered his cordial support, and assured him again and again, indeed up to the last moment, that he had fixed his own party friends so that they would either not vote at all in the legislative race or vote for Dr. Pettus, and that he would be triumphantly elected. He sought some half dozen of Pettus' most active supporters and day after day made to them the same assurances. He was never announced at all as a candidate except by the tickets, at the head of which his name had been secretly printed. He denied that he was a candidate or that he would be, until confronted with one of these tickets accidentally obtained the evening before the election. The people had no opportunity to canvass his fitness for the place, nor his views of public policy, if he had any, and many doubtless, in voting the republican ticket, furnished them at the polls, voted for him without being aware of it. In the light of these facts, which are notorious and indisputable, we humbly venture to think that in the meaning attached to it by honorable people he was not fairly elected. But the friends of Mr. Davison complain of this protest for the reason that every thing short of felony, is permissible in politics, and that Mr. Davison shrewdness in hoodwinking the democrats is rather creditable to him than otherwise. Very well, then. Adopting this somewhat erratic ethical view, why do you complain gentlemen? If it was fair in Davison to down us in August by strategy, isn't it equally fair for us to down him now, if we can, by law? Or has the cherished axiom suddenly become untrue that "what is sauce for the goose should be sauce for the gander?"

Others are saying, as we learn, that it is too late now and this objection should have been made before the election. To these it is sufficient answer to say that owing to the tactics of Mr. Davison, to which we have already referred, it was impossible to urge this or any other objection to him before the election. We have thought it proper, and due the parties to the protest to say this much. The subsequent proceedings will interest us no more than they should interest all other citizens who believe in upright methods and are jealous of their constitutional guarantees. The matter has now been called to the attention of the legislature. That body, representing the sovereignty of a great State, will, it is to be supposed, meet the question squarely and dispose of it impartially and justly. Whatever may be the outcome, the "disgruntled politicians," who have in good faith submitted the issue, can afford to preserve their tempers and keep on their shirts.

freebooters vs. Free Traders. The conclusion is foregone. All speculation as to the character of the issue in the approaching campaign is past. As certainly as that water seeks its level, so surely do political questions adjust themselves to the temper and the necessities of the times. The day of mere sentiment is over and an era of economics is upon us. We are on the threshold of a readjustment of party lines. The question of the amount and the purpose of Federal taxation and the method of its adjustment is now superseding all others; and political parties will arrange themselves on the one side or the other of the issues involved. Beginning with the goodly year of 1888, the democratic party should give forth no uncertain sound. Its principles rightly understood, its teachings fairly considered, its traditions honestly applied, jointly and severally inculcate the doctrine of the lowest rate of taxation compatible with the public need; the application of the fund raised by taxation to the maintenance of government and government only; and the imposition of tax upon those articles which can, with the least detriment to society, bear the burden of the levy. In a special sense, all taxation is an evil. It is a burden which the members of society take upon themselves in consideration of the benefits which government confers. What are these benefits? The protection which a government gives to a citizen in the peaceful enjoyment of life, liberty and property.

People are not presumed to have, in fact they do not have any object in the formation of government other than the attainment of these ends. If such individual of a community could protect himself in these absolute rights as well without as with a government, then government would be a curse. But he needs an arm stronger than his own to guard his life against the assassin; to guard his liberty against the despot; to guard his property against the robber. This guard he is willing to pay for; his interest demands that he shall pay for it, and he does, in organized society, pay for it by paying taxes. In other words, the citizen buys his peace. Rob Roy levied a tribute on the low lands of Scotland. History calls it blackmail. But in consideration of it, this Highland chieftain not only refused to harry the lands of the lowland laird, but protected him against the raids of other freebooters. Government proceeds similarly. Its true function is, not to give to the citizen, for it has nothing to give, but to reach forth its strong arm, nourished and sustained by the tribute (tax) exacted, and

protect the citizen in the enjoyment of that which is already his.

So it is that government is founded not in the virtues, but in the vices of mankind, and in this vicious state taxes are necessary because and only because government is necessary. It seems, therefore, irresistibly true—true both as a moral and a political proposition—that taxes should not be imposed beyond the amount which is absolutely necessary to maintain the government. If it were its proper office to foster one element of society at the expense of another; to require the doctor to pay tithes to the lawyer; to make the farmer feed the eavesucker gratis; to compel the fiddler to furnish the rosin and the cat gut to the dancer, or, in fine, to pull the dirt from Jones' stalk of corn to fill up Brown's cabbage-head; then government should enlarge the range of taxation. But the true limit of legislation is reached before we go this far. In the history of every people there is a period of time ante-dating their organized government. In our own case, that period is almost within memory. Looking to the end of establishing a constitution, our forefathers, as we reverently call them, assembled to take counsel and concessions from each other. Suppose some one or more of them had said: Let us form a government for the general good under which the cardinal rights of every man is protected and which will, at the same time, require a certain portion of the community to pay a tribute to another portion. Would the constitution have ever been formed on such basis? Surely not! And yet that principle is exactly the one advocated by the republican party and by an inconsiderable number of traitors spying around in the democratic camp. Manufacturers are good things, and being so, they are able to stand of their own strength. Religion is a good thing—better in fact than certain protected industries—but government ought not and cannot tax the people for its support. Even doctors may be considered a fairly decent sort of people, engaged in practicing their honorable profession. As a class, they are considered somewhat necessary to a community. But when the public health is distressingly good, and the profession becomes financially as weak as the "infant industries" of a young country, should the government hasten to its relief by enacting a law that the mercantile, agricultural and manufacturing elements of the community shall pay it a tribute to keep it out of bankruptcy?

The INTERIOR JOURNAL has a modest pretension to being a public institution. It continues to stumble along the highway of journalistic life at \$2 per annum, furnishing its proprietor a cold potato for his supper and a clean shirt on Sunday morning. In its impetuous way of thinking, it has the vanity to believe that it is of some advantage to its home people. Would it not be well to have, for its special benefit, a chapter of protective legislation—say, an act compelling each subscriber to pay the proprietor, in addition to the subscription price, a bonus of 50 cents? It is an "infant industry"; it gives employment to wage workers; it furnishes reading matter to the people, and it even publishes daily forecasts of the weather. Come, give us legislative protection! Do not make fish of one industry and floss of another! Seriously, these are the principles contended for by the advocates of a protective tariff. Let those who advocate a system of such gross inequality and bald injustice arrange themselves in line with the statesman from Maine. True democracy will have none of it! We must count off and clean up! What boots it that we are called free trader? It is well. Let us accept the name. It is of noble significance. Freedom to seek the markets of the world; freedom to carry the flag of American commerce into every sea; freedom to advance the standards of American civilization beyond all known borders! Freedom of trade; freedom of speech; freedom of the press; freedom of religion—these are the offspring of free institutions, the vestal virgins which guard the holy fires of civil liberty.

Bearing a banner consecrated to these principles, defeat under it would be preferable to victory under Randolphism. A victory based on legalized thievery would, in its livery of shame and infamy, secretly be overshadowed by the disgraceful victories which the cruelty of the Duke of Alva enabled him to achieve in the Netherlands. The battle is now on! Suttlers and camp followers to the rear! Move out the women and children and house guards—the assault is ordered! "Forward, brave champions, to the fight! Sound trumpets—God defend the right!"

The promotion of Mr. Stuart R. Knott from assistant to Vice-President Smith to the position of General Traffic Agent of the entire L. & N. System, is most thoroughly deserved. He is an excellent railroad man, exceedingly able and accommodating, and all who know him will rejoice at his rise. W. A. Kelland will be Mr. Smith's chief clerk in the future.

Our dear friend, Marcus Craft, was no elected assistant clerk of the House, but he still holds the more honorable and exalted position of editor of a capital newspaper, one for which he is very eminently fitted and which he fills with credit to himself and to the delight of his patrons and his friends.

The public debt reduction for December is over \$15,000,000 and the reduction for the calendar year \$117,016,000. The country seems to be doing pretty well notwithstanding the demorats are in power.

THERE are now 11,222 pensioners in Kentucky, an increase of 2,357 during the year. The total amount disbursed by the Louisville agency is \$2,380,044.99

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