THE JUDICIAL LOCK UN-LOCKED regular election for Judges which was expected to occur every four years

Indge Wilson Adjudged to be the Rightful Judge of the **sth Judicial District.**

We lay before our readers the opinon of Judge Kerr, in the action transferred to Orange Court for trial as to case was argued at Hillsboro, on the hold the Courts thereof. 6th inst :

NORTH CAROLINA, SUPERIOR COURT, Orange County. Fall Term, 1874. The People of the State of North Carolina upon the relations of John M. Cloud, Plaintiff, against Thomas J. Wilson, Dejendant : Assa

This action having been commenced which is acknowledged by all, to be the in the Superior Court of Yadkin county, and transferred to this Court, and the same time, a stock of goods that cannot be parties by their attorneys having sub-mitted a "case agreed," as set forth in the statement of facts deemed materal for the determination of the matters in issue, and the cause being argued on both sides and duly considered by the Court, it is adjudged, 1. That the words of the Constitu-

tion, article iv, section 31, "All vacan-"cies occurring in the offices provided "for by this article of this Constitu-"tion," refer to a vacancy happening after the office has been filled by an incumbent who was elected at the first election held under the Constitution. and that a failure of a person elected as Judge at such first election to qualfy and who was at the time of such lection and subsequently holding the lice of District Attorney of the United States, an office incompatible with the discharge of the duties of a Judge of the Superior Court of the State of North Carolina, did not constitute a vacancy occurring in the offices of a ladge which could be filled by the appointment of the Governor. If he could appoint in one such case, he must have had the right to appoint to all the offices of Judges of the Superior Court, if none elected at the first election held under the Constitution had qualified. But it will be seen by reference to article xv, section 5, of the Constitution, that such a power for the Governor cannot be claimed, but the Judges in office, when the Constiaution was adopted, were to hold their positions "until their successors shall have been chosen and duly qualified according to the provisions of the Constitution." If this view be correct, the appointment by the Governor of the plaintiff as Judge of the 8th Judicial District, was not in accordance with the Constitution. There seems to be no provision in case of a failure of a person elected as Judge at the first election to qualify. As the Constitu- for dinner parties or for Sacramental purtion then stood the Judges were elected by the whole vote of the State, and as it is provided in article 1, section 37, This enumeration of rights shall not be construed to impair or deny others retained by the people, and all persons not herein delegated remain with the people, it is considered in such a case the people having retained a right, the exercise of it could be had under the machinery authorized by the Legislaure, and the appointer being in that view morely a de facto officer, could be replaced by one elected by the people of the whole State, or of the 8th Judicial District, if so directed by the Legslature, under article iv, section 27, of the new Constitution, II. In regard to the allotment of the Judges of the Superior Court into two classes, it is considered that those Justices of the Supreme Court, who had qualified (if a majority of the whole number) and proceed with and fully solicit a continuance of further favors. superintend the division as the requirement of article iv, section 26, of the Constitution, is considered directory, and not impartially, requiring the at-tendance of the Chief Justice and four Associate Justices. But is not seen how any one who was not then a Judge of a Superior Court could be allotted to any Term. III. Supposing, however, that the appointment by the Governor of the plaintiff was properly made, there reours upon the proper construction to be given to the words, "and the ap-pointee shall hold their places until the next regular election,"-Sec. 31, Art. iv. of the Constitution. It is considered that the words, "next regular election," refer to an election to be held for Judges, which, it will be seen by reference to Section 26 of Article iv, vas to occur every four years. It is ontended by the counsel for the plainiff that the proper construction to be placed on these words is reached by adding "until the next regular election for Judge of that Indicial District," which would be equivalent to saying "for the unexpired Term of the Judge chosen for that District." It will be perceived that the expression "for the nexpired Term" occurs in several Sections of Article iv, of the Constitu-GIFT tion, and in that Section immediately preceding the one under consideration Sec. 30,) this expression is used, "In case of a vacancy existing for any cause in any of the offices created by this ONE Section, the Commissioners for the County may appoint to such office for the unexpired Term." The language both as to the vacancy and the term of the appointee being changed in Sec. FIVE PRIZES \$1,000 each il must have some meaning. Resolv-FIVE PRIZES \$500 TEN PRIZES \$100 in ing any doubt that may be entertained in favor of the people under the Sec-tion of the Bill of Rights heretofore moted and Sec. 28 of said Art. 1, it is considered that the expression "until ness, worth \$1,500 each! Bed-covers, and an elegant line of the next regular election" is not the Two Buggies, Horses, &c, worth \$600 each. CARPETS and HOUSE FURNISHne as for the "unexpired Term.

should take place, and distinguished from the regular elections for mem-bers of the General Assembly which were to occur every two years, as prescribed in Art. ii, Sec. 29.

It is therefore adjudged that John M. Cloud is not entitled to the office of Judge of the Eighth Judicial District, ial District of the State. We learn J. ing been duly elected Judge under an M. McCorkle, Esq., appeard for Judge Cloud, and Governor Graham, Hon. W. N. H. Smith and L. M. Clement, his Excellency C. H. Brogden, is the M. McCorkle, Esq., appeard for Judge Cloud, and Governor Graham, Hon. W. N. H. Smith and J. M. Clement, Esq., appeared for Judge Wilson. The Esq., appeared for Judge Wilson. The

JOHN KERR, Judge Seventh Judicial District.

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Finest and Largest in the State, and at the surpassed. In addition to a full line of Foreign and Domestic Dry

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We have in store, a great assortment of Ingrain, Three Ply and Brussel's Carpeting, Rugs and House Furnishing Articles, suited to the wants of the RETAIL TRADE. and Wholesale buyers will find the Largest and best Selected Stock of General Merchandise to choose from, at Prices that will pay to examine. Call and see us, at Masonic Temple Building. ELIAS, COHEN & ROESSLER. oct20-1v. JACK BLACK WHOLESALE & RETAIL GROCER ried stock of KEEPS THE LARGEST STOCK OF

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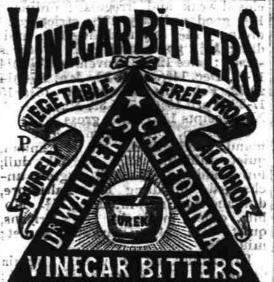
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Bilious, Remittent and Intermittent Fevers, which are so prevalent in the valleys of our great rivers throughout the United States; especially those of the Mississippi, Ohio, Missouri, Illinois, Tennessee, Cumberland, Arkansas, Red, Colorado, Brazos, Rio Grande, Pearl, Alabama, Mobile, Savannah, Roanoke, James, and many others, with their vast tributaries, throughout our entire country during the Summer and Autumn, and remarkably so during seasons of unusual heat and dryness, are invariably accompanied by extensive derangements of the stomach and fiver, and other abdominal viscera. In their treatment, a pargative, exerting a powerful influence upon these various organs, is essentially necessary. There is no cathartie for the purpose equal to DR. J. WALKER'S VINEGAR BITTERS, as they will speedily remove the darkcolored viscid matter with which the bowels are loaded, at the same time stimulating the secretions of the liver, and generally restoring the healthy functions of the digestive organs. Fortify the body against disease by purifying all its finids with VINEGAI BITTERS. No epidemic can take hold of a system thus fore-armed. Dyspepsia or Indigestion, Head ache, Pain in the Shoulders, Coughs, Tightness of the Chest, Dizziness, Sour Eructations of the Stomach, Bad Taste in the Mouth, Bilious Attacks, Palpitatation of the Heart, Inflammation of the Lungs, Pain in the region of the Kid neys, and a hundred other painful symptoms, are the offsprings of Dyspepsia. One bottle will prove a better guarantee of its merits than a lengthy advertise-

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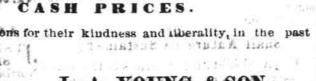
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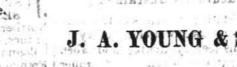
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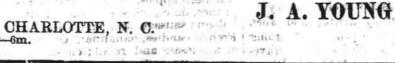
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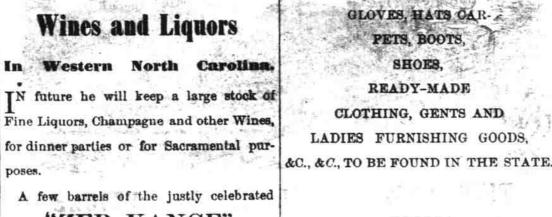






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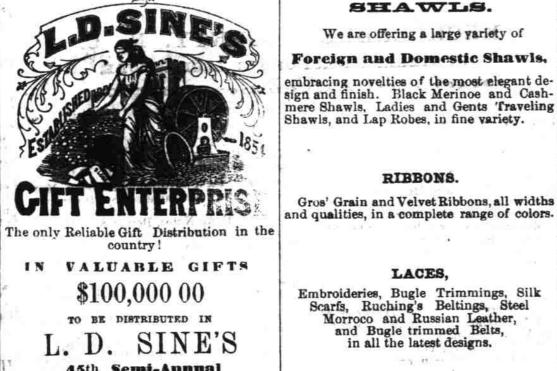
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Two Family Carriages and Matched New style Repellant, Blankets, Counterpanes Horses with Silver-Mounted Har-Bed-covers, and an elegant line of ness, worth \$1,500 each !



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with all its furniture, Iron Safe, two pair Scales and four Leaf Tobacco Screws in the basement room now used as a prizery by Mr. T. C. Skinner. The building and every thing connected with it is in fine condition. This valuable property is too well known all over Virginia and North Carolina as

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For Inflammatory and Chronic Rheumatism, Gout. Bilious, Remittent and Intermittent Fevers, Diseases of the Blood, Liver, Kidneys and Bladden these Bitters have no equal. Such Diseases are caused by Vitiated Blood.

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Cleanse the Vitiated Blood whenever you find its impurities bursting through the skin in Pimples, Eruptions, or Sores; cleanse it when you find it obstructed and sluggish in the veins; cleanse it when it is foul; your feelings will tell you when. Keep

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