

WILMINGTON, N. C.:

THURSDAY, FEB. 11, 1875.

The DAILY JOURNAL, the oldest daily paper in North Carolina, is published every morning, except Monday, at EIGHT DOLLARS a year; FOUR DOLLARS six months; SEVENTY-FIVE cents per month for shorter periods. Sent by Carriers to the city at SEVENTY-FIVE cents per m^o, or Two DOLLARS and TWENTY-FIVE cents per quarter.

The WEEKLY JOURNAL (Friday) is a thirty-six column paper, Two DOLLARS per year; three copies FIVE DOLLARS AND A HALF; four copies, SEVEN DOLLARS; five copies, EIGHT DOLLARS AND A HALF; ten copies, FIFTEEN DOLLARS; twenty copies TWENTY-FIVE DOLLARS.

SUBSCRIPTIONS in all cases payable in advance, and no paper continued after the expiration of the time paid for.

REMITTANCES should be made by Post Office Money Order or Express. If this cannot be done, protection against losses by mail may be secured by forwarding a draft payable to the order of the proprietor of the journal, or by sending the money a registered letter.

Advertising Rates (per inch of twelve solid lines of advertising type). One tenth one insertion, ONE DOLLAR AND A HALF; three insertions, TWO DOLLARS, four insertions, TWO DOLLARS AND A HALF; five insertions, THREE DOLLARS; six insertions, THREE DOLLARS AND A HALF; twelve insertions, FIVE DOLLARS AND A HALF; twenty insertions, EIGHT DOLLARS; two months, FIFTEEN DOLLARS; three months, TWENTY-TWO DOLLARS.

Contracts for longer periods and longer spaces open liberal terms.

Address—
ENGELHARD & SAUNDERS,
Wilmington, N. C.

EDITORIAL NOTES.

Andrew Johnson is the first ex-President who has ever been elected Senator, and is the only ex-President now living.

By the expulsion of the Sisters of Charity from Mexico forty-three charitable establishments are closed, and four hundred and ten Sisters are sent out of the country.

Wyoming rejoices in an extensive coal-field where the black diamonds can be gathered to an unlimited extent on the surface without going to the trouble of mining operations.

There are in Georgia 27,535,639 acres of improved land, valued at \$96,511,935. This is an average valuation of 25.50 per acre. The wild land of the State is returned at 7,000,000 acres, valued at \$2,191,854.

Only 6,500 invitations were issued for President MacMahon's ball in Paris this year. To accommodate the guests the rooms of the Elysee have been expanded by wooden structures outside, which will open into the several hall-rooms.

Throughout the past year the French troops have been largely exercised in night marching. A battalion would march at dusk to some distant point, and then, breaking up, find its way back to barracks in separate detachments and by different routes.

Ben Butler is the advocate in Congress for the \$100,000 damage claim of Victoria Woodhull and Tennessee Claflin. It is a kind of case which suits the Essex statesman. He thinks their imprisonment for circulating nasty literature is worth about that sum in damages to their spotless characters.

Gen. Thayer was the caucus candidate of the radicals in Nebraska; but the unearthing of a letter which he wrote in 1867, in which he urged the legislature to disfranchise all rebels who had emigrated to the State, led to his defeat. The truly loyal are at a discount everywhere. The successful candidate, Mr. Paddock, supported President Johnson in his memorable struggle with Congress.

The decline in business is very well illustrated by the figures of a prominent tobacco house of Cincinnati, which we here subjoin: In 1871 it paid \$57,000 to the government. In 1872 it fell to \$43,000; in 1874, \$17,000; and the indications are that in 1875 it will pay about \$7,000. It is easy, says the *Enquirer*, to see how this affects laborers employed in the tobacco business, and how many hundreds and thousands of them must have been discharged. The tobacco trade is intimately connected with many other trades and avocations which are dependent upon its prosperity.

The election of the Hon. A. S. Paddock, as United States Senator in Nebraska, is regarded there as a serious blow to Grantiere. Mr. Paddock is a Republican of liberal proclivities; indeed, his independence of partisan influence was so well known that the Grantiere distrusted and refused to support him. The Lincoln Spy says that the only time he ever ran for office before the people, he ran on the Democratic ticket for Congress and was defeated. His election as Senator was accomplished by Democratic votes, and it affords great satisfaction to the Democrats, as well as to moderate Republicans, who are disgusted with the corruption and usurpation of the Administration. The new Senator is represented as an able man, who possesses, in an unusual degree, the confidence of his constituents of all shades of political opinion.

THE DISPUTED JUDGESHIPS—
WILSON VS. CLOUD.

The following commentary upon the opinions of the Supreme Court in the case of Wilson vs. Cloud will strike every reader, whether legal or layman, as just and sensible. The communication is from the pen of a gentleman who in better days did honor to the bench in North Carolina, and would that those days could return so that North Carolinians would have the profound satisfaction of knowing that throughout the whole State the judicial ermine was honorably worn:

Mars Editors:—Allow me through your columns to submit a few points of comment upon the case of Wilson vs. Cloud, lately adjudicated by our Supreme Court.

While I consider Justice Read's dissenting opinion as at least equal to the opinion of the Chief Justice, it seems to me that he has failed in two particulars to produce fully the arguments that clearly establish his view of the law—one as to matter of law which he may have thought unnecessary, the other as to matter of fact, which he may have overlooked.

1st. As a matter of law, following the Chief Justice, he has treated this case as one of ordinary construction, when, as it is in this case of cases in which the Court has no right to overrule a construction made by a coordinate department of the Government, unless that construction is clearly and plainly erroneous, exercising a power of which that truly eminent man and jurist, Chief Justice Buffum, (then shall we see his like again?) says in *Hoge vs. Henderson*, "Nor ought it to be, nor is it ever exercised, unless upon such deliberation that repugnance between the legislative and constitutional instruments be clear to the court and susceptible of being clearly understood by all." In every other case, there is a presumption in favor of the general legislative authority recognized in the Constitution. The Court distrusts its own conclusions of an apparent conflict between the provisions of the statute and the Constitution, because the former has the sanction of the intelligence of the legislators, equal to the apprehension of the meaning of the Constitution, of their equal and sincere desire from motives of patriotism and conscientious duty, to uphold that instrument in its true sense; and of the present and temporary inclinations at least of a majority of the citizens which must be supposed to be known to their representatives and to be expressed by them. But even these sanctions are not sufficient to overturn the Constitution, if the repugnance do really exist and is plain." Words fully sustained by Chief Justice Marshall in *Fletcher vs. Peck*.

Can any one read the opinion of the Chief Justice alone and say that the repugnance was "clear to the Court and susceptible of being clearly understood by all"—"that it did really exist and was plain?" If so, can they, after reading the dissenting opinion?

If they can, let us examine the second point, which I think Justice Read overlooked and which to my mind is weightier than all the other arguments, indeed, conclusive, especially when considered as supplement to Justice Read's opinion.

The question is the true construction of clause 31, article 4, of the Constitution. It will be noted that article 4 contains the Constitutional provision relating to the following officers: Chief Justice and Associate Justices of the Supreme Court, Superior Court Judges, Clerks or Probate Judges, Solicitors, Sheriffs, Coroners, Constables, Justices of the Peace—that these are divisible into those whose terms of office are for two years and those whose terms exceed two years—that in two clauses, 30 and 31, (the one in controversy) stand in juxtaposition, provision is made for vacancies in many of these offices; that the two clauses need could only be necessary in case a distinction was to be made between the offices mentioned in them; that in the first, every officer mentioned holds for two years that in the second every officer mentioned holds for more than two years; that in the case of two years office the clause reads, "the unexpired term." That in the case of all officers for more than two years, and where our regular biennial elections might intervene, it says, "until the next regular election." Can meaning be clearer? But this is not only true of these clauses, it is repeated in Sections 34 and 35 showing a clear and distinct purpose. In '34, the two years term officers are provided for and again it reads "the unexpired term." In '35, four years term officers are provided for and again the words are, "until an election can be regularly held," showing that whenever the regular biennial elections might intervene, in the general spirit of the Constitution the people should choose their officers.

If this is not true then the Convention made a classification of these officers and used separate phrases for each, meaning exactly the same thing, and that in clauses directly under their attention; and not only so, but repeated the folly. A construction which brands every member of the Convention as a knave is an opinion from which Justice Rodman, at least, should have dissented.

To show that a construction so obvious and in such perfect accord with the spirit of the Constitution is "clearly erroneous"—"plainly" so—and susceptible of being so understood by all, what are the arguments of the Chief Justice, stripped of their verbiage and standing in their naked simplicity?

First, he interpolates the clause with words enough to make it equivalent to the sentence in opposition to which it is used, and then, having made it equivalent, says the Constitution in another instance uses different expressions to convey the same meaning.

Secondly, in the face of the direct legislative construction which he was then overruling, he says that an exception of Associate Justices (evidently done in the endeavor to get an impartial tribunal) was a legislative construction in direct reversal of their solemn act.

Thirdly, that the election to fill a vacancy, if made by the people, must extend beyond the limit of the term, and destroy the regularity of the incoming and outgoing of the Judges—a lame and impotent conclusion.

If the Chief Justice had been a member of the Convention, and I had gained of that body the opinion shadowed forth in the decision, I should not have been surprised at such argument; but aware of his great legal insight, the matter to me is inapplicable.

MISCELLANEOUS.



A YOU ARE THEN SURE YOU HAVE THE BEST IN QUALITY.

Now in Stock and Constantly Received Ad-

Plows.

Hoes,

Shovels,

Spades,

Wheelbarrows,

Pitchforks.

ANVILS.—BLACKsmith's BE LOWS,

Vessels, Harnesses, Trade Chars., Galler, Hams,

Plow Bar, Iron, Hams, Spokes, Hubs,

POTS,

SPIDERS,

Ovens,

SMOOTHING IRONS,

POCKET KNIVES,

TABLE CUTLERY,

REVOLVERS,

LODGE & TINT GUNS,

COOPER'S TOOLS,

And a Complete Line of

HARDWARE,

NATHANIEL JACOBI'S

HARDWARE DEPOT,

NO. 9 MARKET ST.

JAN 21

TO ALL THOSE WHO THINK OF

THEIR OWN INTEREST AND THE

WELFARE OF THEIR FRIENDS

AND FAMILY.

We are now offering great inducements to buyers of BOATS and SHOPS at our Fish-shops at various points. We have now fully equipped our style and well made Boats and Ships, which we can supply to suit all purposes. We have some extra boats in Children's Bins and Boxes. Please come and see us.

EVANS & VONGLAN,

Wholesale and Retail Dealer in Boots, Shoes, Laces and Shoe Fluids, &c. &c.

Jan 21

Notice! Notice!!

SELLING OUT AT COST!

FOR CASH ONLY!

HAVING PURCHASED THE INTEREST

OF MR. GEORGE L. LEWIS IN THE FIRM OF

Lewis & Davis, and desirous of closing out

present supply of our Goods & all up with

our Stock, I will, until further notice, sell at

any price offered.

EVETH DAVIS,

At Old Stand of Lewis & Davis

Feb 7

Furniture.

D. A. SMITH & CO.,

Wholesale and Retail Dealers in

Furniture and Furnishing Goods,

In All of the Branches,

Smith's New Buildings,

North Front Street,

Wilmington, N. C.

Feb 6

Furniture.

D. A. SMITH & CO.,

Wholesale and Retail Dealers in

Furniture and Furnishing Goods,

In All of the Branches,

Smith's New Buildings,

North Front Street,

Wilmington, N. C.

Feb 6

Tobacco Leaf and Cotton Plant.

PUBLISHED AT CHARLOTTE, N. C.,

SEMI-MONTHLY.

Largest circulation of any Trade Journal in the Southern States. Subscription \$2 per annum.

Tobacco Leaf and Cotton Plant.

SUPPLEMENT—WEEKLY.

Over Five Hundred Specimens Circulated.

Post Paid Specimen Copies to Post Offices in adjoining counties of the Carolinas.

J. R. MORRIS,

Proprietor.

Feb 20

Screven House,

R. BRADLEY, Proprietor,

SAVANNAH, GA.

THIS LONG AND FAVORABLY KNOWN

House, pleasantly situated on Johnson Square,

having been recently repainted and repaired,

and having all of its departments fitted with

competent, polite and attentive employees,

offers to the traveling public comfort unsurpassed by any House in the Southern States.

Passengers having Through Tickets, will have

Free Transportation from the House to their destination.

Feb 20

Cash.

SAVE MONEY BY BUYING YOUR GRO-

CES FOR CASH.

JUST RECEIVED.

TRY our prices and be convinced.

Pure Baker Whiskey.

FLANNER & SHURE,

Druggists,

Feb 4

CASH.

SAVE MONEY BY BUYING YOUR GRO-

CES FOR CASH.

JUST RECEIVED.</p