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**KNOX'S INELIGIBILITY.**

The press dispatches in yesterday's papers stated that it had been discovered that there was a clause in the Constitution which made Senator Knox ineligible as a member of Taft's Cabinet and that to take his case out of that constitutional provision a resolution had been introduced in the Senate to reduce the salary of Secretary of State to what it was prior to Knox becoming a Senator. The dispatches, however, did not state what the exact trouble was.

His disqualification is plainly set forth in Paragraph 2, Section 6 of the First Article of the Constitution which says:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

Mr. Knox's term as Senator began March 4, 1905 and the "time for which he was elected" will not expire until March 4, 1911. While he was a member of the Senate Congress passed a bill increasing the salaries of a number of Government officials, among them that of Secretary of State from \$8,000 to \$12,000. Knox was not only a member of the Senate at the time of the passage of that bill but he voted for it, and was one of its most active supporters.

In the opinion of some Senators whose attention has been called to this matter the Constitutional provision works an absolute bar to the appointment of Knox during the "time for which he was elected" Senator.

That bar could, it is said, be removed by Congress reducing the salary to what it was before it was increased by the Congress of which he was a member at the time, the former salary to remain in force until the time for which he had been elected Senator expires. If the disability can be removed in this way Knox will have to serve as Secretary of State for two years at a salary of \$8,000. It was for the purpose of removing this disqualification that the resolution reducing the salary was introduced in the Senate. As there was no opposition to Knox's appointment this resolution will, no doubt be rushed through Congress, if the lawyers of that body decide that it will remove the bar which now exists.

Several Senators declined to express an opinion on the subject, saying they wanted further time to examine the question. One of them remarked that in case such examination confirmed his first impression of the unconstitutionality of the appointment he certainly would oppose confirmation; that it "would be a terrible thing to make such an appointment;" that the "prosecution of rebaters and land-grabbers would be a joke, with the highest official in the nation thus flagrantly violating one of the provisions of the fundamental law of the land."

It is strange that two such lawyers as Taft and Knox should have entirely overlooked this provision of the Constitution which so closely concerned them both in this matter, or that some other reader of the Constitution had not earlier called it to their attention.

**SEAWELL'S NOMINATION PIGEON-HOLED.**

It looks like the Senate Judiciary Committee has pigeon-holed Seawell's nomination and that the Senate is not going to call for it to be brought forth from its hiding place. The sub-committee which was appointed over a week ago to consider this appointment has never held a meeting, and Senator Overman, one of its members, says he does not know when it will do so. Nothing can be done until that committee passes on the nomination and reports to the full committee and the latter reports its conclusions to the Senate. In the meantime National Committeeman Duncan has been in Washington again trying to hasten action by the Senate, and Judge Pritchard has written to leading Republican Senators urging immediate confirmation. Despite the urgent solicitations of these two prominent Republicans, it is the impression in Washington that Seawell's nomination will not be confirmed at this session and many

think that Taft will choose some one else when he takes up the Judgeship matter.

**THE SWAIN DEBT.**

We hope this Legislature will not adjourn without having made provision for paying the just claim of the estate of the late David L. Swain against the State University. That institution has no funds wherewith to cancel this debt which is one of honor as well as a legal one. It is a shame that the State has not paid it long ago. The claim is for money advanced by Dr. Swain to the University at a time when the State had no funds wherewith to aid it, and if it had not been for his generosity the University would have been compelled to close its doors. Time and again the State has been asked to pay this debt and every time has refused to do so, still each year it appropriates thousands of dollars for purposes not near so meritorious. So long as this debt remains unpaid the State cannot truthfully declare that it treats with fairness and justice all persons with whom it has money dealings.

An Indiana farmer says he has a hog which has caught two rabbits. It must be of the Moore county razor-back species, which are noted for their swiftness of foot. A jack rabbit would stand no show with one of those fellows, to say nothing of an ordinary molly cotton tail. If Texans would import a few of these pine roosters they would soon clear the State of jack-rabbits and even of coyotes and the like "varmints."

It strikes us that there is a good deal of common sense in this remark by the Durham Herald:

"If the trust is doing something that is wrong the thing to do is to stop it, but there is no more virtue in passing a law to hurt the trust and benefit somebody else than there is in passing a law to benefit the trust and hurt somebody else."

If this Legislature would appoint a special committee to prepare a table showing, at date of adjournment of that body, the bonded indebtedness of the counties and towns of the State, including issues authorized but not yet made, the people would be astounded at the sum total.

Whose duty is it to see that the Penitentiary Board does not persistently and openly violate the law regarding the employment outside of the penitentiary of convicts of a certain class? So far, it has seemed to be nobody's.

Instead of the State Guard asking for increased appropriations would it not be better to ask for more judicious expenditure of what it now gets, and closer inspection with more detailed report of the manner in which it is expended?

It's all right to say that Bryan could be elected at this time or that time, for there is no way of proving the contrary; but judging from the result on the days he did stand for election it is natural to conclude that with him as candidate all days in the years would be alike.

Some of the Chesapeake and Ohio people seem to think it a thing to boast of that the Standard Oil Company has secured control of their company.

**CURRENT COMMENT.**

—Los Angeles is preparing to go 230 miles for a water supply. Several cities in the South have for some time been going just as far for their supplies of another liquid, and soon they will be going even farther.—Virginia Pilot.

—The Columbia State reflects that the members of the United States House of Representatives are more readily "convulsed with laughter" than any body of men on earth and in most cases the very fact of being where they are is a good joke to start with.—Augusta Record.

—The Czar of Russia wishes an airship built for him by the Wright brothers. He is tired of life under a coal scuttle and fain would split the blue empyrean wide open with an aeroplane, far above the reach of the waddling crowd and out of the range of the bullets.—Columbia State.

—Once President Roosevelt was very sure he had never injured Colombia and that he had no part in the revolution or secession of Panama. But he is anxious now to pay good money in extenuation of a wrong never inflicted just as he would now hesitate before denying the truth of Judge Parker's charges.—Florida Times-Union.

—The President was right, certainly, in vetoing the Census bill taking the selection of the officials of the Bureau out of the hands of the Civil Service Commission, and the veto will probably be sustained, but his objections would have had a more considerable effect upon Congress and the people if his own course relative to the higher branches of the Service had been less inconsistent with his life-long pledges of devotion to reform. In the choice of subordinates in all branches of the Service, in civil and military affairs, he has pleased himself rather than his own or any other party, and has, in the public's opinion, not infrequently acted upon his own caprice rather than in the interest of the country.—Petersburg Index-Appal.

—Mr. Victor Morawetz has published

ed a volume on "The Banking and Currency Problem" in the United States, in which he lays much stress upon the inadequacy of bank reserves in this country, in regard to which he makes some misleading comparisons. He is right in maintaining that the only reserve against deposits that can be relied upon to serve its full purpose when most needed must consist of cash in the possession of the bank, and that bank notes, deposits in other banks, call loans or securities owned, do not add to the strength of reserves at such a time. Then he states on authority of the report of the Comptroller of the Currency that "the collective individual deposits of all the (twenty thousand-odd) banks and trust companies in the United States amounted on or about June 30, 1907, to \$13,099,600,000, while their aggregate reserves of cash of all kinds (including bank notes) amounted to only \$1,113,742,000." This is only 8.5 per cent. of deposits. How dangerous this situation was, it is said, is made obvious by the fact that the Bank of England generally holds a reserve of about 50 per cent. of its deposit liabilities and a larger separate reserve for its notes; the Bank of France, a reserve of about 80 per cent. of its deposit liabilities and notes, and the Imperial Bank of Germany a reserve of about 40 per cent. of deposit liabilities and notes.—Journal of Commerce.

**TWINKLINGS.**

—"And you complained of the cost of your wife's new hat?" "Yes," answered the philosophic man, "but that was before I saw how big it was."—Washington Star.

—"Be careful what ye say, son," cautioned the Plunkville Polonius. "Yes, pop," "Remember that you ain't prominent enough to claim that you was misquoted."—Puck.

—Subaltern (to pretty widow, newly arrived at Indian Hill Station)—I say, might I hold your hand? Pretty Widow—Certainly not. Your colonel's wife hasn't calked on me yet.—Puck.

—Othello has just smothered Desdemona. "And yet," he cried, "she was never inconvenienced by those new ruffs." Herewith he considered it an accident.—New York Sun.

—"And have you an ideal man, Miss Gladys?" "I had an ideal, but he—" "Your ideal has been shattered?" "Not exactly shattered, but he is broke."—Rochester Times.

—"I want to marry his daughter. I get a good salary. Don't you think the mention of that fact ought to pave the way?" "Sure. Wave the pay under his nose."—Kansas City Journal.

—"I have always heard," observed the Doctor, "that President Roosevelt is a good liver." "How can that be," testily responded the professor, "when he has only one Loeb?"—Chicago Tribune.

—An Irish tenant who had just bought under the purchase act boasted to the agent that his landlord was now "God Almighty" and that he need fear nothing. "Don't you be too sure, Pat," was the reply, "Remember God Almighty evicted his first two tenants."—The Christian Advocate.

—"That's a nice-looking chap at the next table," said the young man who was treating his best girl to a lobster supper. "Is he a friend of yours?" "Yes, indeed," laughed the pretty girl. "Well, er—I think I'll ask him to join us." "Oh, this is so sudden!" "What's so sudden?" "Why—why, that's our young minister."—Chicago Daily News.

—Lincolnton Times: Rev. J. M. Ballard, of the Machpelah neighborhood, had Mr. J. M. Davis, who lives six miles north of town on route four, down to his place last Tuesday and Wednesday examining some mineral veins on his farm. They found a strong gold vein on the reverend's farm which runs over into Major W. A. Graham's plantation. At one time Major Graham opened up a mine for gold, but he was quite a distance from the true vein. They traced the vein east-ly for over a mile and found a good showing all the distance. Mr. Davis showed us a sample of the ore which shows good color and is rich. This ore is, of course, off of the surface, as they did not do any digging, but they are making arrangements to uncover and expose the full face of the vein and will work it later on.

—Kinston Free Press: It was stated on the streets today that "some-where" up the river, "someone" struck oil yesterday. The "who" "where" and nature of oil, whether petroleum or fossil oil from some still, remains shrouded in mystery, not have we been able to chase down the report—though the reporter has searched faithfully and long. We got a hint—and that was all.

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2-11.

**COMMISSIONER'S SALE.**

By virtue and in pursuance of a decree of the Superior Court of New Hanover county made in the case of Charity Henry vs. Grace Ann Nixon et al., the undersigned will sell to the highest bidder at public auction for cash on Wednesday 3rd March, 1909 at 12 m., at the Court House Door in the City of Wilmington, N. C., the following lots situate in said City: 1st, a lot beginning at Southeast intersection of 14th and Chesnut streets, runs East with line of Chesnut street 165 feet, thence South parallel with 14th street 66 feet, thence west parallel with Chesnut street 165 feet to East line of 14th street, thence North 66 feet to beginning. 2nd, a lot beginning in the Eastern line of Twelfth street 132 feet South of the Southern line of Wooster street, runs South along said line of 12th street 66 feet, thence East parallel with Wooster street 165 feet, thence North parallel with 12th street 66 feet, thence East 165 feet to beginning being west half lot 3, Block 56. If the lot first described brings enough to pay the judgment and costs, the second above described will not be sold.

**WM. M. BELLAMY,**  
Commissioner.

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