E. C. WOODSON, Editor.

The people ex. rel. Nichols et al. vs. McKee et al.

The theory of our State government is, "that all political power is vested in and derived from the people." Con. Art. 1, Sec. 2 The Constitution is their grant of powers; and it is the only grant which they have made. "And all powers not therein delegated remain with the people." Art. 1, Sec. 37. This last clause will not be found in the former Constitutions of the State. The Constitution then proceeds to di-vide the government into three departments, Legislative, Executive and Judicial and makes a grant of powers to each department, under its appropriate head, and directs that they shall be "forever seperate and distinct from each other." Neither is superior or interior to the other, but each has its appropriate functions, and in the exercise of them, is independent and supreme. To the Legislative department is granted the power of making laws; to the Execulaws; and to the Judicial, the power of

arpounding the laws.

It is true that their several functions sometime shade into each other as do the colors of the rainbow; but still they are distinct-as where Governor appoints and the Senate confirms; or where the Governor fills vacanlows that it is not true, as contended for upon the argument, that the Legislature is supreme, except in so far as it is expressly restrained. However that may be in other governments, or however it may have heretofore been in this State, it is plain, that since the adoption of our present Constitution the Legislative, just like the other departments, acts under a grant of powers, and cannot exceed them. This being so, it is indispensable to good government that each department should confine itself strictly to the exercise of its legitimate functions. And then, however they may shade into each other, there will still be harmony. It is only where the powers are brought in conflict that they become

entangling and dangerous. The first question is, to which of the departments has the constitution granted the power of appointment to office? If the Constitution does not in express terms grant the power to any one of the departments, and we have to solve the question by construction or implication, titen we would have to consider whether the duty in any given case, is a Legislative, or an Executive, or a Judicial one; but if there is an express grant, then, of course, that must govern. Under the first Constitution 19r the State, the Legislature was the general appointing power. It elected the Governor, his Council and other Executive

officers, the officers of the Military, the Judges of the Courts, Justices of the Peace, &c. The Governor had no appointing power, except to fill vacancies when the Legislature was not in session. Under the present Constitution there is an entire change. The people have resevered to themselves the lection of almost all the offices in the State. There are still some of the officers, which, for convenience, are otherwise appointed or elected, or chosen, as the case may be, and we pro ceed now to enquire to which of the departments the power is given.

1. We will first consider, what express grant of appointing power is made to the Legislature. "Art. II, Sec. 20. The flouse of Rep-

resentatives shall choose their own

speaker and other officers. "Sec. 22. The Senate shall choose it. other officers, and also a speaker pro tempore in the absence of the Lieutenant Governor, or when he shall exercise the

office of Governor." 15The foregoing are all the grants of powers of appointment to the Legislature under the second article, which is

the legislative article. And it will be observed, that even these are not grants to the Legislature as a body, but only to each branch to choose its own officers. Under the third article, which is the executive article, sec. 10, "The Govenor shall nominate and by and with the advice and consent of the Senate, appoint, all officers, &c., and no such offi-cer shall be appointed or elected by the General Assembly."

Except the loregoing, there is no other express grant of appointing power to the Legislature, and that the session last quoted is only the power of one branch, to confirm or reject the nominations of the Governor; with an express prohibition to the General Assembly as a body, in regard to all officers. So, it is plain, that there is not only no express grant of power to the legislative department to appoint to office; but there is an express prohibi-

2. In the second place we will consider what express grant of appointing power is made to the Executive De-

Article III. Sec. 10. "The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers whose offices are established by this Constitution, or, which shall be created by law. and whose appointments are not other-wise provided for, and no such officer shall be appointed or elected by the General Assembly."

That section, read without any verbal criticism, would seem to make the Governor the general appointing power, and to exclude the Legislature altogether. Sec. 13 Enumerates the principal Executive officers, and provides, that,

RALLIGH, N. C., THURSDAY, FEB. 27, 1873

"If the office of any of said offices shall be vacated by death, &c., it shall be the duty of the Governor to appoint,

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The foregoing are all the express grants under the said Executive article. But under Article IV, which is the Judicial article, section 31, it is provided that "All vacancies occurring in the offices provided for by this article of the Constitution, shall be filled by the ap pointment of the Governor, unless other wise provided for," &c. And, under Article VII, section 11, the Governor was authorized to appoint Justices of the Peace in each county, until elections could be held.

From the foregoing it is plain, that the general appointing power is given to the Governor, with the concurrence of the Sepate; and that the power to fill vacancies, not otherwise provided for, is given to the Governor alone; and that, whether the Legislature is in session or not, and without calling the

4. In the third plate we are to consider er what appointing power is expressly given to the Judiciary. It seems that the only power expressly granted to the Supreme Court, is to appoint its clerk; and to the Superior Court, to fill vacan cies in their clerkships.

Reading the whole Constitution, and

without any Lypercriticism, it is plain, that such officers as are not elected by the people at the polls, and most of them are so elected, are to be appointed by the Governor, the Senate concurring, except the immediate offices of each branch of the Legislature, and the immediate officers of the Supreme Court; and that all vacancies are to be filled by the Governor alone, except such as are otherwise specifically pro-vided for. And the Legislature has no more right to appoint the Directors of the Asylums, than the Governor has to appoint the clerks of the Legislature.

4. In the next place we are to inquire

whether the Directors of the Insane Asy-

am, Deaf and Dumb Asylum, Peniten tiary, &c. are officers; or, whether they are only servants, employees, on contractors of the State. The arguments upon this part of the case were exhaustive, and the citations of authorities abundant. The learned counsel who insisted that they are not officers, defined an office to be, a lodgement of some portion of the sovereignty of the State; and an officer to be, one who exercises some portion of the sovereign power. Take that to be so, for the sake of argument, or put it in another form, and say, that, an office is a part of the goverment. and part of the State polity, and that an officer is one who takes part in the government; and then try our case by hat test. The Constitution establishes -i. e., "secures the permanent existence of."-as a part of the State polity, certain charitable institutions for the care of the unfortunate, and penal institutions for the punishment of criminals: can these institutions exist without a board of directors? And is not such a board an office, a lodgement of a portion of the government? And are not the direcors officers, taking part in the government? The statement of the case is enough. We do not propose to follow the argument farther; because, the Constitution not only makes them officers. but in express terms calls them officerswhich seems to have been overlooked by the learned counsel. Art. III., sec. 7. The officers of the Executive Depart ment and of the public institutions of the State, shall report to the Governor,"

Executive Article of the Constitution. The Governor with the advice of the Senate, having the appointment of all fficers; and the directors of the Pubic Institutions being officers, it follows, that their appointments are with the Governor and Senate, unless otherwise provided for. It is not pretended that they are otherwise provided for by express terms in the Constitution, but it s insisted that they are provided for by implication: (1.) because the Legislature has all powers, except wherein it is restrained. But, we have seen, that is not so; for the Legislature, like the other departments, acts under grant of powers. (2.) Because they have been provided for by law, to wit, by ap pointment of the Legislature, which, it s insisted, takes the appointment from the Governor which he would otherwise have had with the Senate under Art. 3, Sec. 10. On the other side it is insisted, in regard to this last position, that, "not otherwise provided for," means, not otherwise provided in the Constitution. So that, one side insists upon reading the 10 section, "not otherwise provided for by law." And the other side insists upon reading it, "not otherwise provided for in the Constitution.'

&c. And note, that this is under the

It has already been said in two cases n this Court, Clarke vs. Stanly, 66 N. C. R. and Holden vs. University Railroad 63 N C. R., that " not otherwise provided for," meant, "in the Constitution;" but they were dicta, and there fore we have considered it as an open question. And at the threshhold of the discussion, we make these inquiries: Why should the Constitution give the general appointing power to the Governor and Senate, in all the offices named in the Constitution, and not give the same power in regard to offices to be created thereafter or which had been created before? And why should the Constitution expressly prohibit "the General Assembly" from electing any officer named in the Constitution, and

permit the General Assembly to elect officers thereafter to be created? The Constitution reserves to the people the election of almost all the officers in the State. For such as they did not choose to elect, or, it was not convenient for them to elect, the most con-venient other mode was prescribed; to-wit: nomination by the Governor. Elections were taken away from the General Assembly, because it is a large body with two branches and is very expensive. That was one of the evils; there may have been others. Would not the evil exist in electing officers thereafter to be created, as well as offi-cers named in the Constitution? Doubt-less. And must we not construe the provision with reference to the evil? Put the election of half dozen Directors, for half dozen Institutions each, in the General Assembly, and circumstances would often occur which would make the expense and inconvenience enormous. But then it is said, that the election need not be by the Legisture itself, but that it may be otherwise provided for by law. But it is an-

If the mode prescribed in the Constitution was not the best, why was it pre-scribed? If it was the best, why sllow it to be altered? And especially why leave the mode at sea so as to engender conflicts between the Departments?

It was insisted by Mr. Battle with

much confidence, that unless the 10th

section is so construed as to give the

Legislature power to provide for filling

offices, then the government cannot be administered, and must fall; because no provision is made in the Constitution for filling vacancies in the county officers; and it would be impracticable for the Governor to fill them. The county offi ces and officers will not be found under any of the articles of the Constitution, which we have been considering, but under the article, "Municipal Corporations." And while the election of all the county officers are provided for by the people at the polls; yet, if vacancies occur in some of them, the made of filling them is not named. If there were no mode of filling them, still the result might not be disastrous; because, most of the offices are filled by several: and if one should die, a ma jority might act; but still it would be an inconvenience, which ought not to exist; and it is true also, that some of the offices are filled by a single officer. But suppose the fact be, that there is no express power in the Constitution for filling such vacancies, does it follow that the Legislature has the inherent power to fill them? Why the Legislature rather than the Executive? It the Legislature has no power to fill vacancies on any other case, why assume it in this? And if the Governor has the power to fill vacancies in every other case, why deny it in this? It it be a casus omissus, and necessity imp'ies a power somewhere, it ought to be im-plied to reside with the general power to fill vacancies-the Governor. But, there is another, and, probably, a better way of meeting the difficulty. A county is a corporation; and, after its officers have been elected by the people according to law, and a vacancy happens which it is necessary to fill, it is inherent in the corporation to preserve its own existence; and the electors may fill a vacancy, just as the electors may such legislation as would be necessary to conduct the election, would be legit imate. But it is not in the power of the Legislature itself to fill the vacancies : or to prescribe that they shall be filled otherwise than by the electors; unless the corporate authorities have the inheent right to fill the vacancies which case appropriate legislation to enable them to exercise their rights would be legitimate, And there is al-

ready such legislation. Our conclusion is, that the Legislature has no power to elect or appoint any officer in the State, except its own offi cers. Nor has it the power to provide for the appointment, or election, of any officer, whose office now exist, or which may hereafter be created; so as to take the appointment away from the Governor and Senate, or other appointing power, or the election away from the people. Nor can the Constitutional rights of the Governor or the people be vaded by letting the offices to contrac-

The Deaf and Dumb Asylum was one of the public institutions of the State at the time of the adoption of the Constitution in 1868, governed by a Board ct Directors. The 14th Article, Sec. 5, of the Constitution continues them in office until other appointments should be made by the Governor. The Governor made other appointments, who were in office 21st January, 1871. At which time the General Assembly passed an act abolishing the Board of Directors, and providing for a "Board of Trustees." We assume that the General Assembly had some sufficient reason for changing the name of the Board, but left the Board, the office, to be filled by officers. And then the Act proceeded to fill the office with the defendants; and to provide that the Governor should fill vacancies, "subject to the approval of the General Assembly, who themselves shall fill the vacancies, if they disapprove of the appointment made by the Gover-

The question is, had the Legislature the power to fill the office by the appointment of the defendants ? We have already seen that there is no express grant of the power to the General Assembly. No such grant is to be implied, unless it be in regard to some appointment necessary to the exercise of its Legislative functions, as its own officers. And, to make it plain, the power is expressly prohibited, Constitution, Article 8, section 10. Therefore the appointment of the defendants was

It becomes the duty of the Governor under section 10 to appoint the officers. And if the Senate was in session he ought to have sent the nominations to the Senate, because it was the original filling the office, and not the filling a vacancy, which latter he can do without the Senate. The Governor did not nominate to the Senate, but, as we assume, out of respect for the Legislative action, and under a mistake as to his duties, he allowed the office to remain vacant until 1st of March, 1872, after Clark vs. Stanly was decided, when he filled. The vacancies caused by his failure to nominate, by the appointment of the Relators, whose term of office is limited by the act aforesaid, "to 1st January, 1873, and until their succes-

sors are chosen." Regularly, it was the duty of the Governor, on the 1st day of January 1873, to nominate to the Senate the successors of the Relators, And then, the Relators would have gone out of office. But their successors were not nominated at that time- the action of the Governor, as we assume, being postponed for this decision as to his powers and duty, and as to the powers of the Legislature ever the appoint-ments. Indeed the Senate was not in ession on 1st of January, 1873, bavin taken a recess for some weeks. So the Relators term continued until

The Senate being now in session, and the powers of the Executive and Legislative Departments being herein declared; and it being declared that the Governor, by and with the advice of the Senate, has the power of appointment; and it being of great public moment that the offices should be filled ac-

their successors are appointed.

cise the office of "the Board of Trustees of the Asylum for the Deaf Dumb and Blind:" and the Relators are entitled to hold and exercise said office, until their successors are appointed according to law. There will be judgment that the defendants be excluded from Trinity College: said office, and that the plaintiffs recover their costs. The statute, C. C. P., S.

a sum not exceeding \$2,000. But, as the defendants, went into the office under an act of the General Assembly. we assume that they had no criminal intent, &c., therefore, in the exercise of our discretion, and in respect to the General Assembly, no fine is imposed.

375, authorizes the Court, in its dis-

cretion, to fine each of the defendants

There is no error-affirmed. Reade

J. See The People ve. Bledsne et al. at McIVER STICKS .--- I ne Supreme Court yesterday delivered the following opinion, settling the Battle Iver case : Consider the case as if Ashley had not resigned. His term would have ex pired January 1, 1873, if his successor had been elected and qualified. As his successor was not elected and quali-fied, he would have held over. Consti tution, Article 3, section 1. Up to Jun. 1, 1878, he would have held as filling his own term, and after that time as holding over for the election and equali-

fication of his successor. As Ashley did resign, and the de tendant, McIver, was put in his place; he was put in his place to all intents and purposes, and up to January 1, 1873, filled the vacancy caused by Ashley's resignation, and after that time, as holding over for the election and qualification of his successor. How long he may be entitled to hold over or when and how his successor is to be "elected and qualified," may be beyond the purposes of this decision; but it would seem that it will be only until the people can elect his successor at the next "general election," to-wit : Aug. 1874, Article 3, sections 1 and 3. It has been suggested, that as term for which Mr. Reid was elected was four years, from and after January 1, 1873; and as the defendant, Mr. McIver, is in to fill the vacancy caused by Mr. Reid's fail-ure to qualily; he is in Mr. Reid's place to all intents and purposes, and is en-titled to hold for the whole four years. But the Constitution is express that Mr. McIver shall hold only until the next election, "and the person then chosen shall hold the office for the remainder section of the Article," to-wit: four years from Jan. 1, 1873, Article 3, sec-

It has been suggested that the Govenor, instead of appointing Mr. Battle, or allowing Mr. McIver to hold over, ought to have nominated some one to to the Senate to fill the vacancy on Jan. 1, 1873. The answer is, that the Govenor never nominates to the Senate to fil vacancies. He does that alone in all cases. But where officers have to be appointed to fill a regular term, then he nominates to the Senate, unless it be an officer who is elected by the people; and then he never nominates to the Senate but fills the vacancy or term by his own appointment, [unless there is an officer holding over] until the people can elect as in this case. Beside the provisions in the Constitution already quoted, we refer to the numerous authorities cited by defendant's counsel which were to the point and conclusive. See also People vs Bledsoe et al. and People vs McKee et al., at this term. There is no error. Judgment affirmed,

OXFORD ITEMS,-Our Oxford corres pondent, under date of yesterday, gives us the following items:

READE, J.

The Reading Club met in larger force, numerically speaking, than usual, at the residence of Col. T. B Venable, on Fri day night. The proceedings are represented by a member of the Club to have been of an unusually interesting and entertaining character. Hon. A. W. Venable was elected an honorary member, and was at once designated critic for the evening. The next regular meeting of the Club will take place at Dr. L. C. Taylor's.

Mr. Lloyd M. Vanhook, formerly citizen of Caswell county, but for many vears past a citizen of Oxford, and who was a mechanical genius, has entirely lost his mind. He was a Justice of the Peace in this count, before the war. He is quiet and inoffensive in his demeanor, talks in an extravagant and incoherent manner, and his mind is perpetually conjuring up the wildest and most absurd fancies, which he imagines to be stern realities. His situation is most

The Goodwyn Agricultural Club held its last monthly meeting at the residence of Mr. Charles A. Gregory. We do not doubt but he and his accomplished bride provided a most excellent

inner on the occasion referred to. The Granville Railroad is the title o bill in the House of Representatives. by Richard Sneed. The opinion pre vails here that if the question of build ing the read by taxation, as we have heard suggested, is left to the people, that their opinion will be decidedly in he affirmative.

OPERATION PERFORMED.-Yesterday painful, but we are glad to say successful, operation was performed on Mrs. W. J. Edwards, the unfortunate ady who was burned so severely some weeks ago. She has been a great sufferer ever since the accident occurred, and it became necessary to amputate ner right hand, just above the wrist. The peration was performed under the supervision of Drs. W. H. McKee, F. J Haywood, Jr., W. Royster and James McKee. We are glad to hear that the lady's condition at present is comforta-

SUPREME COURT .- The Court met vesterday at the usual hour. All of the Judges present. The following cases were argued:

R. S. Pullen et al., vs City of Raleigh, from Wake. Moore & Gatling and Battle & Sons for the plaintiff and Argo

& Harris for the city.
State vs Nick Alford, from Wake. Attorney General for the State and Busbee & Busbee for the deleudant. M. A Bledsoe vs Edzabeth A. Nixon et al, from Wake. Smith & Strong and Battle & Sons, pluintiffs and E. G. Hay-wood and D. G. Fowle for the defen-

LOCALS IN THE NEIGHBORHOOD OF TRINITY COLLEGE. -- Our correspondent, under date of Monday, gives us the ollowing items from the vicinity of

The weather for the past two weeks has been miserable. The roads between this place and High Point are almost

New students still continue to come in. There are at present about 185. We are glad to welcome our old friend John Townsend back to Trinity again. John scems "always gay and happy." What has become of the singing ciub! We would like very much to hear W. P. Craine sing his "Rye Straw" again, and Ned Merrimon's "Keiser, n you want to puy a purp." Both of these young gentlemen sing well, and will perhaps at no distant day be numbered among the best songsters of our Suany South. Messra. Palmer, Gray and Drumond all play well on the violand the old banjo. Won't you give us a call, young gents, the first clear night that come?

Rev. Mr. Pegram had quite a large congregation at Hopewell last Sabbath, although the roads were so bad.

We are pained to learn that Mr.

Kernodle is very ill. We hope he may recover soon. The examination will commence in a few days. "Hain't we glad our college

days are over." Boys, are ye "skeered?" Mr. Andrews has opened his school with about 32 scholars. He is an excellent teacher. THE NEW BOARDS TO OBTAIN QUIET

Possession.—The Caldwell Boards for the Deat, Dumb and Blind and the Penitentiary yesterday made formal demands upon the Legislative Boards, that have been in office for the past two years, for the control of said institutions. and were informed that by the first of March possession would be given, the intervening time being desired to close up the affairs of the present Boards. No disturbance is apprehended or is likely

The Caldwell Penitentiary Board is composed of Messrs, George W. Welker, John R. Harrison, Jacob S. Allen, Alfred Dockery and Wiley D. Jones. The Caldwell Board of the Deaf, Dumb and Blind Institution is composed of Messrs. T. F. Lee, J. N. Bunting, Albert Johnson, John Nichols and Handy Lockhart. We understand that present in the management of this in-" All is quiet along the lines."

RESOURCES OF NORTH CARO-In a weekly paper called the South, published in New York City, we flud

an editorial in the issue of February 1st, devoted to the resources of the State of North Carolina. The article, after paying a compliment to Col. George Little, the State Commissioner of immigration, and the

North Carolina Land Company, in directing the tide of Emigration and this State, proceeds to give a "few reasons" why North Carolina is one of the best States "for people to emigrate to." The first reason given is the spareness of the population. With a territory of greater extent than the States of New York or Pennsylvania, she has only a little over one million of inhabitants. "Along her eastern borders are large

bodies of the finest timber, easily acces-

sible to water tranportation, and many emigrants from the North are now operating profitable in that region. These lands cleared and properly drained, are as fine for agricultural purposes as any in the world." The turpentine trees, "which are highly renumerative to those who box and dip them," and the cotton and cereal soil of the eastern counties are referred to in highly complimentary terms,

and their grape-growing qualities are especially commended. Speaking of the soil in the eastern section of the State the South says: "Properly set with scuppernong, flowers, mish and other native grapes, it produces more than twice the numobtained in Europe. \* \*

ber of gallons to the acre that can be There is land enough, and to spare in North Carolina, to furnish all the wine that can be consumed in the United States."

The middle region of North Carolina extending nearly three bundred miles to the base of the mountains, "is an undulating country, with soil either naturally good, or centaining clay enough to retain tertilizers, and being generally capable of producing fine crops of clover, cotton, tobacco or grass. All fruits of temperate climates can be grown with advantage, and water power is a bundant for manufacturing purposes."

The mountain region, extending two hundred miles in length and about sixty in breadth, is remarkable for its abun dant yield of grain crops, its clover, timothy, orchard grasses, &c., not being surpassed. It is also noted for the variety and excellence of its apples and grapes, for its fine timber, for its waterpower, and for its cool Summer climate. Tue minerals in the central and wes-

ern portions of the State come in to special notices. Coal, the best iron ores. copper ores and gold mines are found in several counties. The silver mines in Watauga county, an account of which was given several months ago by a correspondent of the NEWS, are not mentioned. Mica, worth \$2.00 per pound, is obtained in several of the Western counties, and the mica mines in Mitchell and Yancey counties are said to be quite extensive. Corundum has been found in several of the extreme Western counties, and crystals of that mineral of such character have been picked up

as to encourage the opinion that rubies and other valuable sapphires may be and found by a proper search."

On the whole the South thinks North Carolina is a most inviting State for emigrants. We think so, and we hope the Legislature before it adjourns will take the necessary steps to give to persons desiring it, full information concerning the resources and advantages of the various sections of the State, together with such statistics as will be interesting and valuable to emigrants.

TATE AGRICULTURA JOURNAL. The first number of the State Agricultural Journal has been laid on

It is an eight-paged weekly paper, published in this city, by R. T. Fulghum, Editor and Proprietor, The Agricultural and Industrial Department is edited by Capt, James R. Thigpen, and the Department of Floriculture by Capt. C. B. Denson.

The State Agricultural Journal is combination of the Reconstructed Farmer and the Farmers and Mechanics Journal of Goldsboro, Capt. Fulghum having purchased the interest and good-will of both publications.

The first number of the new paper presents a decidedly bandsome appearance, is filled with useful and valuable agricultural and other matter, and speaks well for the taste, judgment and ability of the Editors.

We bespeak for this new candidate for public favor a large patronage on the part of our farmers and business men generally.

Terms, \$2.00 per annum in advance. Address R. T. Fulghum, Raleigh, N. O.

THE DEATH OF A DISTIN-We announced yesterday in our local columns the death of Col. William Bingham, which occurred in Florids on

Thursday last. Col. Bingham's health has been declining for some time, and through the dvice of his physician, he conclude to visit Florida, with the hope that the change of climate would prove beneficial. But his disease, consumption, had fastened itself too firmly in his constitution to be eradicated, and his friends who knew his condition are prepared to hear the sad intelligence of his death.

Colonel Bingham was well known as one of the most successful and eminent educators in the South, and the Bingham School, at Mebanesville, Alamance county, established by William Bingham, the elder, had obtained a celebrity enjoyed by few private schools

of similar grade. The Horner School at Oxford and the Bingham School at Mebanesville have taken a front rank in point of merit and scholarship with preparatory as distinguished from collegiate institutions, and North Carolina, although deprived of her University, can point wit: just pride to these excellent high schools, which are second to none in

The Bingham family have been emiently distinguished as successful educators. The grand-father and father of the late Col. William Bingham devoted their lives to teaching, and many of the first men of the past and present generations in North Carolina owe much of their distinction to the rigid training and mental discipline received in their early days at the schools of the Bing-

The mantle of their ancestors fell pon the shoulders of the brothers, William and Robert, who have worthily sustained the reputation of the Bingham name.

Colonel William Bingham was gallant soldier in the late war, and although in delicate health while in the army, he bore uncomplainingly the hardships of camp-life. and illustrated his devotion to his native State by his self-sacrificing and heroic efforts in defense of her rights

Since the war, Colonel Bingham has written some valuable school books, and his Latin Grammar has been introduced as a text-book in a large number of schools and colleges, both North and The death of such a man may be

regarded as a public calamity, and North Carolina, at the present critical juncture in her educational affairs, can ill afford to lose the services of such an

MR. WELCH'S SPEECH. We surrender much of our editorial pace to the remarks of W. P. Welch, Esq., Senator from Haywood, on the subject of the State debt.

Mr. Welch coutends that three Commissioners should be appointed by the Legislature to separate the fraudulent the value of the State's interest in Railroads, Canals, and other public improvements, and that the said Commissioners be empowered to assign over to the honest creditors of the State all the State's interest in the public property, the creditors surrendering all their claims against the State, in consideration of such assignment.

Sergeant Clemmons, one of the U. S. soldiers stationed in Charlotte, committed suicide one night last week, by taking laudanum. He didn't want to go to the Modoc war,

THE WEEKLY NEW

RATES OF ADVERTISING.

For larger advertisements liberal con-tracts will be made. Ten lines solid non-parell constitute one square.

NO. 49.

THE STATE DEBT.

WELCH, OF HAYWOOD, ON THE

BILL INTRODUCED BY HIMSELF TO

ASCERTAIN THE REAL DEBT OF THE

STATE, AND TO PROVIDE FOR THE

PAYMENT OF THE SAME, DELIVERED

IN THE SENATE, MONDAY THE 25TH

The Bill is to ascertain what por-

tion of the debt of North

Carolina is valid, and the manner

of paying off the same. It authorizes

the Governor to appoint three discreet

and able persons as Commissioners or

the part of the State, whose duty is

shall be to ascertain and estimate the

State's interest in Railroads and other

public improvements; to ascertain the

debt contracted anterior to the war, as

well as the amount actually expended

for the legitimate purposes for which

appropriations were made of the bonds

issued from the Public Treasury during

and since the war. That after this

shall have been ascertained, the said

Commissioners be empowered to assign

all interest which the State may have

in said public improvements to the

parties holding such legitimate claims,

in such proportions as the aggregate

interest of the State in such improve-

ments bears to the aggregate claims

against the State, and that the State

protest against any other compromise :]

The condition of North Carolina to

day, Mr. President, is well calculated to

excite the sympathy of all her citizens.

and more especially should it command

the anxious consideration and solicitude

of those occupying seats in this Assem-

bly, whose highest ambition should be

to relieve her from the embarrassment

under which she has too long travailed

Never in the history of our common-wealth has so wide spread dissatisfac-

tion prevailed amongst our people. The

present indebtedness of the State is an

ncubus that paralyzes every energy

and so long as it continues, there wi

be but little prospect of advancement

in any of the material interests of the

country. Something must be done and

that speedily, or our ship of State is for-

ever stranded upon the shoals of finan-

cial ruin. The exigency is upon us-

our duty imperative. The subterfuge

of so grave importance can no longer be

uccessfully continued. Our people de-

mand decisive action at the hands of

their representatives and will be content

with nothing less. The policy of non-

action which has so long obtained in

these halls only adds to our embarrass-

ment and aggravates the disease. Time

out multiplies and complicates the

difficulty. There is no escape other than by "rising to the height of this

reat argument," and meeting the issue

ike men. The gordian knot must be

cut and I, for one, can see no other way

than that proposed in the bill now under consideration. \* \*

In presenting this measure for the ad-

ancial troubles I know full well, Mr.

President, that I am subjecting mysel

o the severe criticisms and animadver-

sions of a certain class of political

causists who denounce in high sounding

erms everything looking towards even

partial repudiation as unworthy of this

oody and derogatory to the character of

the State. But I would ask these gen-

tlemen what plan have they proposed

policy have they indicated as the surest

and best for the relief of a tax-ridden

and impoverished people? The burden

is rapidly accumulating-our session is

drawing to a close, and as yet no plan

has been suggested other than to rest

quietly until Congress in magnanmity

ssumes the debt. Yes, sir, this is the

ignis fatuus (for in my opinion it is

nothing more) which is now blinding

the eyes of Senators. 'Tis an illusion

that attracts but to deceive. But will

Congress do this? Ought she to pay

off these entire claims? The marplots

and bloated bond holders would doubt-

less rejoice to witness so great an exhi-

bition of generosity, but should we, know that most of this debt was con-

racted through fraud and in the interest

of rings, be willing even for the United

States to be thus imposed upon and

that too for the sole benefit of men who

have done so much to trample in the

Our indebtness, according to the mos

reliable calculation, reaches the enor-

mous sum of thirty-seven millions of

dollars-equal to at least one-third of

the estimated value of the entire real

The interest accruing annually i

more than two million of dollars. Be

cause of the scarcity of money and the

meagre compensation received for la-

bor and its products great complaint is

made against the taxation collected as

a revenue to defray the ordinary ex-

penses of a government complex in

tself, and unsuited to the wants of our

people. Add to this the interest on the

public debt-enforce its collections, and

you may say farewell to the cherished

homesteads of our toiling masses—the sun of Carolina's prosperity goes down

forever-her veomanry in a few short

vears becomes the seris of lordly bond

holders, and chained to a slavery more

intolerable than freemen tamely submit

to who have once tasted the sweets of

Anterior to the late unfortunate conflict

of arms between the two sections of our

country, the old North State was more

than able to meet all her just obligations.

Her fields blossomed with the fruits o

honest toil. Abundant harvests reward

ed the labors of her children. Prosperi-

ty smiled o'er the land and peace and

quiet and happiness blessed our hearth-

stones. But the destroyer came, and his

motsteps were marked with desolation

and ruin. North Carolina emerged from

that dire conflict torn and bleeding, but

thanks to the noble hearts of her brave

sons, with no taint of dishonor upon her escutcheon, her brow wreathed with a halo of glory. And in the darkest hours of her humiliation—though rob-

bed of that wealth which she had ac-

cumulated by years of honest toil-with

a resignation and a manhood unsur-

passed in the annals of history, she went

gallantly to work to rebuild her waste

repair undisturbed the mislortunes of of the war, in a few more years she would have regained something of her lormer prosperity and spleador.

the party of the first of the second of the

places. Had she then been left alone to

dust every interest of our people.

property of the State.

to settle this yexed question?

OF FEBRUARY, 1873.

REMARKS OF SENATOR W. P.

But mark the sequel. No sooner had the true soldiers of the Union returned to their distant homes than a horde of vampires from Northern dens. like the locusts of Egypt, spread over the land to devour the small pittance left by the magnanimity of their predecessors. These cowardly miscreants, too ignoble for the files of federal soldiery, by pandering to the prejudices and exciting the baser passions of that unfortunate class of our citizens who had just been released from the sheckles of slavery- had but it is difficulty in foisting themselves into positions of honor and trust. The entire policy of our government was changed. The treasury was depleted, our noble University dismantled, and the credit of our people wasted by the most profligate and irresponsible legislation known to ancient or modern times. Scarcely a relic was left of what we oace were as a landmark to juture generations. Nor were these men alone the authors of our ruin. Ready allies, with hearts equally corrupt, were found among our own people to assist in the horrid work, and well did they perform

their work.

Everything around us attest the poverty of North Carolina. The whole State feels the chilling, withering curse of the rule that has been over us, All the instincts of self preservation 'demand that ere we are swept away by this maelstrom of accumulated misfortunes, something should be done to resucitate the crippled energies of our people. Our entire sy-tem of public improvements has been destroyed. Trade languishes. All the incentives to industrial pursuits are enervated. Efforts for the development of our natural resources meet with no encouragement. The condition of our unfortunate deaf and dumb and blind and insane is pititable in the extreme. Not more than one eighth of this charge have been supplied with even reasonable accommodations. Hundreds, aye, thousands of poor orphan children in every part of the land call loudly for help. Denied the means of education, these are left to grow up in almost stolid ignorance—their only schooling such as leads to crime and wretchedness and want. Shall this thing continue? Will the representatives of a once great State, by this suicidal policy of "masterly inactivity" give their sanction to the continuation of a a condition of affairs so shameful? It so, the future of North Carolina is gloomy indeed. Every enof intellectual darkness inaugrated that will blight for all time every prospect for the prosperity and happiness of our people. This tide must be stopped. Seminaries of learning for the dis nation of knowledge and the diffusion of moral principles must be built up on the spots now disgraced by jails and houses of correction. Wipe out this debt to the full payment of which we are bound by no moral obligation, and a new era will be made to dawn, giving security and hope where there is so

much to dishearten and depress.

No people in this beautiful world have been blessed with a more lovely land than ours. It is indeed a "land of hills and valleys," with a climate as varied and salubrious as was ever enjoyed beneath Italian skies-a soil rich in all that produces food and comfort for man-rivers opening into the wide Atlantic, upon whose placid bosoms float the commerce of nations-mountains in whose gigantic sides repose mineral treasures of untold wealth, and blessed throughout the entire domainstretching as it does from the lovely shores of the ocean, hundreds of miles to far west-with a population as honest and law-abiding, as generous and noble-hearted as live under the broad aegis of our common country. Relieved from the shackles which this debt has thrown around her, and at no distant day North Carolina will proudly take her position in the front rank of her sister States.

Congressional.

WASHINGTON, D. C., Feb. 25 .- Trumbull, Morton, Carpenter and Hill spoke on Louisians affairs. Their speeches were echoes of their several reports. The Agricultural College bill, which

gave an opportunity for the debate, went to the Committee on Conference. The President's message, after parrating events, concludes, "I have no specific recommendation to make upon the subject; but'if there is any practical way of removing these diffi-culties by legislation, then I earnestly request that such action may be taken at the present session of Congress. It seems advisable that I should state now what course I shall feel bound to pursue in reference to the matter in the event of no action by Congress at this time, subject to any satisfactory ar-rangement that may be made by the parties to the controversy, which of all things is the most desirable. It will be my duty, so far as it may be necessary for me to act, to adhere to that government heretofore recognized by me.

To judge of the election and qualification of its members is exclusive province of the House but as to State offices filled and held under State laws, the decisions of the State judicial tribunal, it seems to me, ought to be respected. I am extremely anxious to avoid any appearance of undue interference in State affairs, and if Congress differs from me as to what ought to be done, I respectfully urge its immediate decision to that effect, otherwise I shall feel obliged, as far as I can by me legitimate authority, to put an end to the unhappy controversy which disturbs the peace and prostrates the business of Louisiana, by the recognition and support of the government which is recognized and upheld by the Courts of the State.

House.-The Credit Mobilier occupied the day with no action. The eches were bitter. The gallerie were packed.

Is is an understanding in the Senate that Louisiana matters will not come up before appropriations. The President's message was read in the House in reference to the Judiciary Committee with privilege.

The cotton factory at Mountain Island, on the Catawba river, ten miles from Charlotte, is again in orperation. Mr. Calvin A. Everett died at his residence in Richmond county, on the

19th inst. Mr. James Knight has been appointed Master of Transportation of the Wilmington and Weldon Railroad.