

THE ERA.

Official Organ of the United States.
Official Organ of the City.

W. M. BROWN, Manager.

THURSDAY, SEPTEMBER 3, 1874.

What we Expected.

The Piedmont Press, in giving its views upon the Convention question, does but re-echo the yearnings of the Democratic party, expressed in a few instances, but doubtless secretly desired by the party at large. We have heard of but few, if any, of the Democratic press opposing the call of a Convention except upon the grounds of policy. They all desire to tear up and effectually eradicate every liberal feature of the present Constitution and would not hesitate a moment to have a Convention called, but for fear of the people's indignation. The Press, however, bolder than some of its friends, is in favor of wiping out the new Constitution and inserting the old one, erasing nothing except the distinction of color. Hear it:

"Away with it! Let us have the old Constitution with distinction of color, alone, erased. Let us have our judges elected in the old way. Let us have our old County Court and as many magistrates as a neighborhood will hold. Let us have done with the 'New Code,' Battle's Revision, &c. Let us go back to the old 'Revised Code.'"

Now the old Constitution provides for the election of State officers such as Secretary of State, Treasurer, Auditor, and many others now elected by the people, by the Legislature, and its adoption in place of the present instrument, would, to this extent, deprive the people of the direct choice of their public servants. It would, as in the days of slavery, operate only in favor of the aristocratic element, and against the working man. Who ever heard of any mechanic or laboring man being pushed forward for office under the old Slave Constitution of North Carolina? The instrument was nothing more than a compact under which a few miserable nabobs were allowed to sit quietly in the shade and enjoy the fruits of other men's labor. It was an abomination; and the advocacy of its revival is an insult to the free people of North Carolina.

But says the Press, "Let us go back to the old Revised Code." Here, no distinction is made. The Press wants all of the old Code, whipping post, imprisonment for debt, pillory, branding and such other modes of torture as were wont to be inflicted upon the "poor white trash and niggers" under Democratic rule before the war. The Press and its allies would doubtless hail it as a happy return to the good old times, if they could be allowed to again entrench themselves behind the barbarous provisions of the old Code and rule with rods of iron the bone and sinew of our good old State. With what delight they would parcel out offices to the soft-handed gentry; with what contempt they would sneer at the pretensions of the honest masses to participate in any manner in the affairs of government; and with what feelings of revenge they would witness the tortures of "poor white trash and niggers" while writhing under the lash of the whipping post and bent beneath the yoke of the pillory. We thank the Press for its timely warning to the people of North Carolina. It is not alone in its desires for the old Code. Other Democratic papers entertain the same views, but the Press has only been unable, like some of its allies, to stifle its subdued feelings. Let the people of North Carolina be on the watch. If there ever was a time when we should realize the truism, that "the price of liberty is eternal vigilance," it is at this juncture, when unscrupulous and revolutionary doctrines have been temporarily allowed to gain a foothold in our State.

The Great Unloaded Ex-Governor.

Zeb. Vance, the great unloaded Ex-Governor of North Carolina, has been to New York. That ubiquitous individual, a Herald reporter, and the startling announcement has been given to the world that the aforementioned great unloaded may again be the Democratic-Conservative candidate for Governor of North Carolina. Now we do not doubt but that there are many in North Carolina who would like to have Zeb. again put on the track, but then there are others who will remember how Zeb. unloaded himself as soon as he heard of Sherman's approach to the capital in 1865. Sherman, on arriving, asked for Zeb., and was somewhat surprised to hear that he had fled. He sent for him, but Zeb. paid no attention to the invitation. Finally the Ex-Governor, who had unloaded himself, had to be taken to Washington, and his letter book was also carried to the same city and is now on deposit in the War Department. The Government still insists on keeping the book, because Zeb. had so much correspondence in it from Jeff Davis, Benjamin, and other Confederate champions, that the book has become necessary to the Government as a reference.

If Zeb. should receive the nomi-

nation for Governor, the Government ought, and probably will, allow the publication of some of these letters. It is said that some of them contain matters of the most astounding character. During the administration of Governor Holden a letter was addressed to the War Department, asking that this book be returned to the Executive office in this city, as it formed a part of the archives of the office, and its absence created a gap in the records. The reply was that the book contained matter which the Government desired to retain in its control and that it was deemed inexpedient that the book should be returned. If Zeb. should again run for Governor of North Carolina, perhaps some extracts may be allowed to see the light for the benefit of the people of the State. We are only afraid that Scales, Merrimon, or some others may protest, and that Zeb., the Great Unloaded, may not be considered the most available candidate after all.

P. S.—Since the foregoing article was written and set, we have seen a card from Ex-Gov. Vance in which he says that the Reporter was mistaken in understanding him to say he would probably be the Democratic candidate for Governor in 1876.

Sheriffalty of Wake.

Considerable excitement was created in political circles in this city on Saturday evening, the 29th ult., by the announcement that a mistake had occurred in the count of the vote for Sheriff at the late election, and that T. F. Lee had been chosen Sheriff by a majority of eight votes. It seems that in the returns made from the Western Ward the vote of Sheriff Lee was put down by the gentleman keeping the tally at 465, but the Clerk in making up the official statement wrote the number 415, thereby making an error against Sheriff Lee of 50 votes, causing the election of Mr. Dunn by 42 votes, when according to the rectified count Mr. Lee is elected by eight votes.

We give the statement as we hear it. We have only to say, that if on a fair count it shall appear that Sheriff Lee has received a majority of the votes cast, every good citizen should be willing to abide the result. Although the Era opposed the re-election of Sheriff Lee and believed it impolitic that he should under the circumstances again be placed in the office, yet, when the voice of the people has been fairly expressed no journal will more earnestly protest against any attempt to thwart their will. We trust that the matter will be thoroughly investigated and that justice will be done all parties concerned.

The Legislature.

On our fourth page will be found a correct list of the members elect of the General Assembly, with the exceptions of the representatives from the counties of Martin and Pitt. We would thank any persons in those counties for the names and politics of their members elect. Our State exchanges can make several corrections in their list of members by a comparison with the statement published in the Era. Chowan, Dare and Montgomery are erroneously reported in most journals; Dr. Mullen, of Camden, is named F. N., and Mr. Munden, of Pasquotank, W. J. There are thirty-seven straight-out Democrats, one Independent Democrat and twelve Republicans in the Senate—majority, twenty-five. In the House, there are eighty-one straight Democrats, two Independent Democrats, three Independents and thirty-four Republicans—majority, forty-five. Democratic majority on joint ballot, seventy, and a working two-thirds vote in each House. They have full swing.

Thos. R. Purnell, Esq.

The Republicans of North Carolina are deeply indebted to this gentleman for the bold and untiring energy with which he conducted the late campaign. Although defeated, he has gained for himself a reputation of which any man might well be proud. While it is not in the power of mortals to command success, yet Mr. Purnell, by his strict devotion to duty and faithful performance of the role allotted him by the Republican party, richly deserved it. We believe that we but utter the sentiments of a large majority of our friends in the State when we express the hope that the day is not far distant when he will be elevated to some position commensurate with his ability and peculiar fitness.

Jas. H. Headen, Esq.

We had the pleasure of a visit a few days since from Jas. H. Headen, Esq., late Republican candidate for Congress from this district. Mr. Headen, by his unflinching devotion to principle, has endeared himself to the Republicans of the Metropolitan District. From the time of his nomination until the day of election he was in the thickest of the fight, proudly bearing the banner of Republicanism. Of such men as James H. Headen the Republican party may well be proud.

We publish the following letter of His Excellency Governor Brogden, and opinion of Attorney General Hargrove for the information of the legal fraternity and others:

Hon. T. L. Hargrove, Attorney General.

SIR:—As you are the Constitutional adviser of the Executive Department of the State Government, I desire your opinion as to whether a Judge or a Solicitor goes out of office on election day, or holds over until his successor is elected and qualified.

Very respectfully,
Your obedient servant,
C. H. BROGDEN,
Governor.

ATTORNEY GENERAL'S OFFICE,
Raleigh, Aug. 26, 1874.

To His Excellency Curtis H. Brogden, Governor—

SIR:—I have the honor to acknowledge the receipt of your communication of the 24th inst. In it you say, "I desire your opinion as to whether a Judge or a Solicitor goes out of office on election day, or holds over until his successor is elected and qualified." The terms of office of the six Judges who, under the superintendence of the Justices of the Supreme Court, were divided into a class to hold office for four years, expiring this year, and your question is on what day do the terms of these officers end. On the first Thursday in August, "election day," or on the day of the qualification of their successors who have been elected. The constitution prescribes, Art. 4, Judicial Department, sec. 32, that "The officers elected at the first election held under this constitution, shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly." The Judges are "officers" elected under "this constitution," and their election is provided for in this article. Their terms are for four years and eight years, respectively, according to the classes made under the superintendence of the Justices of the Supreme Court, as prescribed in the constitution.

Four years, next ensuing after the next regular election for members of the General Assembly, that is, four years "next ensuing after" the first Thursday in August, 1870, is the term of the Judges of the first class. This would complete their terms on the first Thursday of August, 1874, "election day," and in my opinion on that day the terms of office of these Judges ended. It may be said that the constitution does not provide for the election of their successors until the day for counting and comparing the votes, which was elected. That is true, yet the choice was made on the day of election, and even if the recent incumbents should be re-elected, their previous terms had ended on the first Thursday of August. They were after that no longer Judges de jure. Although no election is made in the Constitution in regard to extensions of their terms. If re-elected they must have new commissions; if not re-elected it would be the same thing as to their tenure of office. It might be suggested that these officers are entitled to hold and exercise the functions of their offices until their successors are elected and qualified. In reply I would say that no such provision is made in the Constitution in regard to Judges. In the third article of the Constitution (the Executive Department) provision is made that the Executive officers shall be elected for a term of four years; "their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified." Constitution, Article 3, Section 1. As before said, there is no provision that the Judges shall hold "until their successors are elected and qualified," and the fact that such provision is made for one department, and not for the Judicial Department, seems to show conclusively that no such extension of term was intended. Suppose that it is said that this construction would leave these judicial Districts without a Judge from the first Thursday in August (election day) until their successors are elected and qualified. Yet, Judges although elected for certain Districts, being empowered to exercise their functions in all parts of the State, no material inconvenience is imposed on these Districts, except possibly the not holding of one term of their Court, and that is only temporary. They could obtain the services of other Judges at Chambers, if necessary, in cases requiring immediate action. But, however that may be, I can only say *ita lex scripta est*, and that there are, in the meantime, six Superior Court Judges in office capable of transacting any business in the temporarily vacant Districts. This may have been the reason for causing six of the Judges to go out of office at one time, and six others four years afterwards. If, nevertheless, this temporary vacancy is considered inconvenient, it may hereafter be remedied by the Legislature. The 32d section of article 4, above quoted, provides that "the officers elected at the first election held under this Constitution, shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly." Now, inasmuch as the General Assembly, theretofore had made no law providing for the beginning of "the term" "next ensuing after the next regular election," it must be immediately after the next regular election for members of the General Assembly, which was on the first Thursday in August, 1870, as provided in the constitution, article 2, section 29, and continuing four years must end on the first Thursday of August, 1874. But after the "first election" it seems clearly to be competent, and it may have been before, for the Legislature in accordance with the constitution, to provide by law, that the terms shall begin on the third Thursday in August or at the time of the qualification of the persons elected, or at some other time and continue for eight years. And it may be that by virtue of the present election law the terms will begin and continue for eight years from the day of counting and comparing the votes, or from the

date of the qualification. But of that it is not necessary to consider.

It may be contended that under section 5, of article 14 of the constitution the Judges may hold over until their successors shall have been chosen and duly qualified. But upon a careful reading of this section it will, it seems to me, appear plainly, that it is temporary relief only applied only to officers "heretofore elected or appointed." That is, to those who were holding office at the time of the adoption of the constitution. It only provided that persons then in office should hold "only until" their successors were "duly qualified," and this only in the absence of any contrary provision. And even if now in force, there is no contrary provision in the Constitution we are considering. I am of opinion therefore the terms of the first class end four years from the first Thursday of August, 1870, that is on the first Thursday of this month, on "election day," and that on that day they go out of office, and not on the day of counting and comparing the votes of the counties of the District, or the qualification of their successors.

Of course this opinion has no reference to the terms of the Judges of the second and eighth Districts, as I do not understand your question to refer to them, and therefore I give no opinion either one way or the other as to them. The provision of the Constitution in regard to the terms of the Solicitors is contained in the same article (4th) of the Constitution which contains those concerning the Judges, and they are "officers" within the meaning of the same section (32) of that article above referred to. I am of opinion, for similar reasons, that their terms ended on the first Thursday of August, 1874, the day of the election. Whether Judges holding over and continuing to act are not Judges de facto, and whether their judicial acts are not binding as between parties, is not required of me to decide, and admitting that they are, cannot affect the answer to question propounded.

Very respectfully,
Your obedient servant,
T. L. HARGROVE,
Attorney General.

The following, in relation to the fashions the coming season, will prove of interest to our lady readers:

"An early importation of bonnets from the best Parisian milliners indicates what the fashions of the next season will be. The shapes are large, with high, soft, box-plaited crowns and flaring brims turned up directly in front, and are very compact looking, without strings or streamers. A similar shape of smaller size is in vogue at present, and is found to be the most dressy and becoming of the many styles introduced in the spring. The materials used are velvet, gros grain and satin. An especial effort will be made to restore satin to favor. At least two fabrics appear in each bonnet, as satin or gros grain for crown and for facing brims, or for piping folds with velvet for head or front piece and as upright loops of trimming. There is also much wide double-faced ribbon that is satin on the side and gros grain on the top, and within their gift on the very best men who will accept them, and we shall have a party that no combination can break up, a party that will stand through years to come, as it has through an eventful past, the true exponent of the popular will, the acknowledged defense of constitutional liberty.—Washington Republic.

For convenience of reference we give the following calendar of political events from now until November:

August 26.—Pennsylvania Democratic State Convention at Harrisburg; Ohio Democratic State Convention at Columbus.

September 1.—Election of Congressmen and State officers in Vermont.

September 2.—Election of Congressmen in California.

September 9.—Massachusetts Democratic State Convention.

September 14.—Election of Congressmen and State officers in Maine.

October 13.—Election of Congressmen in Indiana, Iowa and Nebraska.

October 14.—Election of Congressmen in Georgia.

October 22.—Election of Congressmen in West Virginia.

November 2.—Election of Congressmen and State officers in Louisiana.

November 3.—Election of Congressmen only in Rhode Island, Arkansas, Florida, Maryland, Minnesota, Mississippi, Virginia, Wisconsin, and Texas; election of both Congressmen and State officers in Massachusetts, Alabama, Delaware, Illinois, Kansas, Michigan, Missouri, New York, New Jersey, Nevada, Pennsylvania, South Carolina and Tennessee.

Post Office Affairs.

The following regulations of the Post Office Department are published for general information:

"Postmasters are notified that under the new postal law it is not lawful to deliver newspapers to be sent by mail, any letters or circulars concerning so-called gift certificates or other similar enterprises of offering prizes of any kind on any pretext. Such matter should be immediately forwarded to the dead-letter office; and at the same time, but separate from the package, a letter should be sent to the Third Assistant Postmaster General advising him of the transmission."

The "Coming Man."

The field for political speculation is more crowded to-day with picaresque scribblers than ever before in the history of this nation. Opinions, without regard to good taste or public appreciation, are persistently paraded through the columns of partisan journals with an audacity utterly disgusting to all thinking people. Opinions that are alike senseless and void of the most charitable test of analogy. Men set themselves up as promulgators of public opinion who are absolutely as ignorant of the instrumentalities employed in the propagation of a popular issue as if they had dwelt in Dreamland from the day of their birth. There is much talk as to who shall be the "coming man." We suppose every State in the Union has a favorite son who ought to be our next President; and of course they ought; but who is to be the fortunate man? If our readers will cultivate a little patience, we shall be pleased to inform them after we learn the action of the National Republican Convention.—New-Berue Times.

Office-Seekers.

There are some men who believe that the highest object for which a political party was created was to give them an office for the term of their natural lives. If a party falls in this, its mission is ended, and a regiment of disappointed office-seekers offer themselves as pioneers in an independent party movement. Every year we have a fresh batch of these patriotic gentlemen. They are willing to suffer for any new party that can give them fat offices. They are willing to make an affidavit that they are competent to fill any office from that of President down. They agree to serve in Congress, or would take a Cabinet position, or even a foreign mission if the party can do no better by them. For the past two or three years the Republican party has been afflicted with these self-constituted and natural born office hunters. They have swarmed around the party wigwag like flies around a sugar-hoghead, and to brush them away is to imperil the party by driving them out of its ranks. But their absence has not been noticed. They depart, and are followed by others who buzz for a season, and, like the first, take their flight when the sweets of office are denied them. So it would be to the end. We shall have our annual desertions of men who think themselves aggrieved because the people or the appointing power fail to recognize their peculiar fitness for the high offices to which they aspire. But the party lives on; its offices find good men to fill them, and the places made vacant are filled by others who join the standard of Republicanism not to obtain its offices, but to sustain its glorious principles. Look over the field of political aspirants who to-day are clamoring for a new party movement.

Aside from those of Democratic faith who have opposed the Republican party on general principles and purely party grounds, who are they? Disappointed men! Chronic office seekers who have failed to sharpen their axes at the Republican grindstone! They know that the party has weighed them and found them wanting, and now they labor for its overthrow in the vain hope of securing from its ruins the coveted offices denied them in the temple itself. We trust the time will never come when men, no matter how high their standing or potent their influence, shall be kept within the party by promise of office. If their attachment to the party is simply a desire to fill its offices, the sooner they leave the better. Their presence can give no strength—their departure will relieve us of a burden.

We hold the Republican party to be the people's organization for the purpose of securing good government and an honest administration of affairs. When an office is to be filled, either by election or appointment, the people have a right to demand the best selection possible for the place. If men have the merit and the people desire their services they will call them to the front. To seek an office and claim it as a right should be regarded as the best evidence that the applicant is unfitted to hold it. Let the Republicans everywhere bestow the offices within their gift on the very best men who will accept them, and we shall have a party that no combination can break up, a party that will stand through years to come, as it has through an eventful past, the true exponent of the popular will, the acknowledged defense of constitutional liberty.—Washington Republic.

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THE GRASSHOPPER PLAGUE.—The latest writer on the subject of the grasshopper plague seems to have had an extensive acquaintance with the grasshopper in Montana, Colorado, Utah, and California. According to his opinion, if the fertile lands of Southwestern Minnesota and Iowa had been cultivated during the past two years by experienced Western farmers, the story would be different. Deep plowing would have kept the grasshoppers' eggs out of the sun, and prevented their hatching by the million early in the spring. The crops would have had a good start, and later on the young grasshoppers could do them but little injury. He thinks that it is folly for any State to incur the expense of employing a special entomologist to study their habits, and concludes with the assertion that no agriculturist need lose his crops by a plague of grasshoppers, if he attends to them carefully and intelligently. The opinion of a man like this is of some value. He fortifies his statement with the fact that old resident farmers, in territories that have been quite well stocked with grasshoppers as Iowa and Minnesota, have uttered no cry for help.

It is reported that Attorney General Williams will have an interview with President Grant at Long Branch shortly, on the condition of affairs in the Southern States.

Theodore Tilton's Insanity.

The Brooklyn Eagle has, in a lengthy statement and after many interviews, arrived at the conclusion that Theodore Tilton is insane, and that insanity is hereditary in his family. It adds:

As it was the purpose of the Eagle to lay the facts of the mental history of Theodore Tilton's family before competent medical authority on the subject of insanity before giving them to the public, the reporter obtained from Mrs. Tilton, through a third party, a statement as to any peculiarities she might have observed touching his mental condition for some years past. Mrs. Tilton, it should be distinctly understood, had no knowledge of what purpose the data were required. The following peculiarities bearing on his mental condition were given:

For twelve years he has shown an inability to get to sleep without being read to by the hour or more. He would drink ale and porter after retiring, and then read himself to sleep.

He often complained of distress in the head. He would often get up and walk the house in order to induce sleep, or he would walk the streets for hours, sometimes returning as late as three or four o'clock in the morning.

He would say all manner of cruel, insulting things to his wife, and then wonder that she felt badly, and would express his surprise that she should feel badly.

He has developed the peculiarity of frequently repeating the same story to the same person, who would be supposed to know the story in the first instance.

To these facts were added others which have appeared in the course of the investigation; the contradictions apparently without motive; the strange behavior in writing two irreconcilable statements; his strange conduct in leaving his wife, returning, then leaving again; his conduct in regard to the proposed transfer of the property to his wife and his subsequent refusal to do so; his proffer to permit his wife to take away her personal effects and his sudden and causeless refusal to permit it and the language he then made use of; his strange and persistent attempts to see his wife at Mrs. Ovington's after having been refused, and without apparent motive for seeing her; his statement to Mrs. Ovington that he had come to see what he could do for his wife, and his threatening and abuse of her almost in the same breath, and the fact that he has recently asserted that neither himself nor Mrs. Tilton nor Mr. Beecher would live a year; these and a multitude of strange actions which have been observed by all who have watched this case carefully were placed together in connection with the facts of Mr. Tilton's family history and were laid before three eminent medical gentlemen, two of them having had long experience in the study and treatment of the insane, and one of them having the highest reputation in this particular.

Tilton and his friends laugh at the insanity charge.

AN UNFORTUNATE AFFAIR—A man dies from an accidental Pistol Shot.

About ten days ago Mr. R. H. Beery, a young gentleman of this city of the highest moral and social standing, visited Point Peter occupying the city for the purpose of discharging a pistol which had been loaded for some months in order to clean the weapon properly. At the Point, Mr. Beery placed a mark upon a tree some distance from him to try his skill. After the pistol had been discharged, some one in the swamp hollowed "I'm shot." Mr. Beery thinking that he had probably fired near some person, did not shoot a second time, but started in the direction of the swamp where he was met by a colored man by the name of Tim Rodderick, who, upon seeing him, said, "You've shot me." Mr. Beery then asked where? The man replied "in the leg."

On examination of the leg it was found that the ball had entered just above the ankle. Mr. Beery expressed his regrets, assuring the wounded man that he did not know he was in the swamp, and kindly offered to be of any assistance to him in his power. This he declined, assuring him that the wound was only slight, and that he could reach his home without assistance. The wound extended over but a small territory or the damage would have been serious. The cloud was not large but very dense, and the conditions necessary to its condensation were fulfilled so suddenly as to precipitate its contents to the earth in an incredible short space of time. In fact such a rapid fall of water was that by many it was called a veritable water-spout. We have not the storm extended over but a small territory or the damage would have been serious. 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