The Old North State

SALISBURY, PRIDAY, JUNE 40, 1870.

THE XIV AMENDMENT-THE LEGIS-LATURE

We take very great pleasure in laying before our readers this week a very able, learned and elaborate argument, in reply to ours of the 20th; of May, on the proper construction of the XIV

hope that we would be convinced by it. We probably by the present Congress. drawe given it, and every part of it, all the weight | That much of this lawnessness is due to and consideration to which it is entitled, either political excitement of the times cannot be defrom its intrinsic excellence or the distinguished nied, though not all of it. But the fact that a source from which it emanated, without being very large, perhaps the larger, part of it is atable to bring our mind to the conclusions of the tributable to the political causes is a fact that writer. Indeed upon forther and maturer re- calls for some remarks. If it is caused by the flection we are more than ever convinced of the lutense excitement on political subjects, then wisdom, if not necessity, of the course which we those who control the polifics of the State, should have heretofore recommended.

We are not convinced that a member of the Legislature is not an officer within the "purview" of the third section of the XIV Amendment to the Constitution. We have never doubted, however, that members of Congress were not "civil officers of the United States within the purly decided that "they were not civil officers within the purview of" a certain section " of the Constitution," not that they were not civil officers in any sense whatever. The case of Blount, and the opinion of Judge Gaston, cited by our learned, able and excellent correspondent, present no new authorities to us.

The reader will observe, however, that no at enforcement of the XIV Amendment. It is not claimed that the government of the United States, in all its departments, Executive, Legislative and Judicial, will not take the same view of in accordance with its conclusions. But, assuming that his argument is conclusive-that members of the legislature are not "officers under the State," our correspondent simply proposes to contend against the Government of the United States as "a lawless usurper," as our forefathers resisted the encroachments of George III. The example of Charles Carroll, and of his compatriots, is invoked as the one to be followed now. The "'enforcement bill' with its mimic is that the time for such talk has gone by. Charles Carcoll and his compatriots did not hurl their defiance at the British Government after they had fought it for four years and been completely vanquished by it. They did it at the encement of a struggle in which, by the help will almost immediately result from it. of God and foreign nations, they were successful, and not after they had been subjugated. Our people have learned by sad experience since the will at no distant day. When the excitement of war that all further resistance to the Government is worse than useless, and they intend to accept the situation in good faith and make the best of it. Those who preach further resistance in any way-and we are persuaded that our correspondent means lawful resistance notwith "manding the language used-will not be sustained by the people. Some romantic and chivalrous spirit may think it worth while for the name which it will make for him in history, but the present age is not the one in which political martyrs will be much respected or possess great

popularity. But we have extended this article very far beyond our intention at the time we commenced it. At the earliest day practicable we intend submitting a rejoinder and publishing therewith the "enforcement act" with comments

We shall extend to our correspondent the courtesy of sending this number of our paper to all of those distinguished professional gentlemen to whom we sent a copy of our own argument.

HON, FRANCIS E. SHOBER.

It will be seen, by reference to the proceedings in another column, that the Convention which met at Statesville on the 2nd inst., unanimously nominated Mr. Shober for re-election to Congress. This is nothing more than we expected. The pomination was so manifestly due to Mr. Shober that we never supposed the Convention would be any thing more than a mere form. It is true that but half of the counties of the district participated in making the nomination, but that half was entitled to cast a majority of the votes. Mr. Shober having received all of these may be said to have been nominated by the district. That such will be the view that will be taken of it we scarcely entertain a doubt. That the Convention called to meet at Charlotte on the 22ad, will, if it meets, simply endorse what has been done at Statesville we have no

So far as the Congressional contest is conce ed every thing looks well in this district. Mr. Shober is a gentleman of excellent character, of a high order of talent, a well cultivated mind and great personal popularity. He is as nearly a representative man of both wings of the party as could have found in the district, and no 'reasomble objection can be made to him by any one. As a representative in Congress he will reflect credit upon the district and upon the Conservative party, With nominations as indicious as this in all the Congressional districts, and in the several Senatorial districts and counties, the State would be safe. Two months since the prospects of the Conservatives to carry the State were of the most flattering character. But they are being seriously damaged by the want of prudent and discress leaders, and the want of harmony that unfortunately prevails in many many counties in the State. It, consequently, Behoves the friends of the cause, and of good government-of retrenchment and reform, to be active in their labors for the restoration and promotion of that harmony without which success is simply impossible. It is not yet too late. By proper exertions and necessary sacrifices all will ret be well. All the lost ground can easily be regained and more too, by bringing the best, the House of Representatives in Assem-

ward as candidates for the General Assembly Unpopular tickets for the logislature will very greatly embarrass the chances of our Congress sional candidates, as by the present law all the names have to be written or printed upon the same ticket.

LAWLSSNESS.

The lawlessness that unfortunately exists many parts of the State is absolutely appalling. Amendment. The author of it is a gentleman It is not only deeply to be deplored by the peo of much distinction in North Carolina, both as ple immediately in its vicinity but by the peoan author and a lawver, and his opinions are ple of the State at large. It is keeping out inentitled to great respect, especially upon ques- migration by reason of the very bad characterit tions of the character of the one under discus- is giving her abroad. It is preventing any ension. That he is a fine writer, as well as a skill- hancement in the price of real estate. It is beful dialectician, is abundantly proved by the ing seized upon by the radical leaders in Conarticle in our columns this week, (which was gress to prove that there is stiff a rebelious spirit hastily prepared) if other evidences were want- among the people of the South. It is being used ing. He will pardon us for saying, however, to defeat the passage of a general bill for the nethat he seems to be on quite as good terms with moval of the political disabilities imposed by himself as is the editor of this paper, inasmuch the 14th Amendment. And we have recently as he too "flatters himself" that the question been informed by a Conservative member of will "hereafter be accepted as finally settled" by Congress that it, in connection with some other acts of prominent Southern men, will defeat the We read this argument with great care in the passage of such a bill at the present session, and

But past experience has shown that mere politiwithout producing this state of lawlessness. Unfortunately the animosities engendered by the late civil war still live in the politics of the State. Many of those whose duty it was to allay those view" of section four, article six, "of the Consti- passions have labored to keep them after and tution." For the high court of impeachment on- in full glow. And this remark applies with more or less force to the leaders and papers of

It is quite true that they all denounce the murders and outrages that are being committed with more or less severity, but they manage while denouncing them to say something in paliation of them. A man is murdered under such circumstances as point to the League as its pertempt has been made to controvert that part of petrators, and it is at once set off, if not justified. our argument,-much the strongest part we by reports of Ku Klux outrages. A murder is think—based upon the Acts of Congress for the perpetrated under such circumstances as point to the Ku Klux as its authors, and it is immediately set off or paliated by stories of outrages by the League. And when this is not the case it is said that the murdered man was a man of the question taken in our argument, and decide bad character—that he was a very odious man that he had been guilty of some crime at some period more or less remote. These things only give comfort and consolation to the guilty parties, and, to that extent, encourage them in their crimes. All of this must cease before these outrages come to an end. Public sentiment must be made to frown them down as horrid crimes which cannot be paliated, much less excused.-The perpetrators of them must be made to feel that the mark of Cain is upon their brow-to thunder of a thousand dollars fine" and one seek a hiding place for their guilt. When this spear's imprisonment "should not appall a heroic spirit" at a time like this. But the opinion of the honest law abiding people of North Carolina the honest law abiding people of North Carolina to the honest law should be attached to such deeds. They should viously taken an onth as simply be regarded and treated as murders and their perpetrators as murderers. Let the papers on both sides take this course and great good

> For the present it is hardly to be supposed that counsels like these will prevail, but they the present canvass shall have passed away passion will begin to subside and reason to resume her sway. The fomenters of discord and the stirers up of strife will be compelled to give way to men of better balanced minds, of less violent empers, of less rankerous partizanism, of a loftier type of patriotism and a more conciliatory are different offences, and "aid" given is by no truly represent the State itself, wielding the

WHO MURDERED THE McLEOD'S.

The Raleigh Sentinel has information which nel, as well as the character of said Graham, point to him as the guilty party. It is hoped that he may be speedily arrested and brought to a legal trial and punishment for the infamous

Gov. Holden has issued a proclamation offer ing a reward of five hundred dollars for the arrest of each of the perpetrators of a number of derer or murderers of the McLeods, together with such evidence as will lead to their conviction. We hope his efforts to secure the arrest of all the guilty parties refered to will prove successful and they will be brought to speedy justice by trial and conviction in the courts.

By the terms of the article, no person is placed in the Legislature, indess that seat be identical with an "office under the State." No other exists in that article, that can have that effect. In placing a construction in the courts.

THE EDINBURGH REVIEW for April has been on our table for several days, but we have omitted to notice it until now. This has always seen our favorite of all the British Quarterlys and is so still. The present number is a very good one. The following is the table of contents: The Vicerovalty of Lord Lawrence, Juana la Loca, M. de Parieu on Taxation, Eastlake and Gibson, Non-restraint in the Treatment of the Insane, Smith's Tour in Portugal, Benan's St. Paul, The Epic of Arthur, Ballot not Secret Voting, Earl Russel's Speecher

THE NORTH BRITISH for April is also at Godwin and Earl Harold, The Early Author- first clause of the article, as stated above, memship of Shakespeare, The Will and Free-will, bers of Congress are spoken of, as pracisely as Jane Austin, Parties and Politics of Modern distinct from efficers of the United States as Russia, The Home Policy of the Session, Contemporary Literature.

For either of these Reviews address The New York.

The Rev. Dr. Phillips, of Davidson Colthe Annual Address before the State Agricultural Society at Raleigh next Fall. The selection is an excellent one, and all who attead may expect a rich treat.

candidate for the Senate in the District.composed of the counties of Anson and Union. and Mai. W. E. Smith is the nominee for them, there was a fixed and established in

IS A CITIZEN OF THE STATE, OTHERWISE QUAL- al system of IFIED, PROMISITED FROM HOLDING A SEAT IN OUR STATE LEGISLATURE, BY REASON OF ble cles THE POURTEENTH AMENDMENT?

In the Old North State of the 20th instant, you In the Old North State of the 20th instant, you have very elaborately argued the question propounded above, and flatter yourself, that it must hereafter be accepted as finally settled thereby. Entertaining a different opinion, at the solicitation of friends, I accept the tender of your columns, for the insertion of views heatily prepared, but which are nevertheless southy of consideration.

A large part of your argument is directed to the examination of an article which appeared in the Wilmington Sar of the 13th of February, 1869. In that the writer investigates the questure; but, on the other hand, whenever mem-bers of Congress, or of the Legislature are refer red to, those terms in full are used to designate them, and that their seats or places are never treated as synonymous with offices. Our former Constitution, as well as that of the United States, were framed by an order of men who well unerstood the true force and meaning of the words sed by them; and those instruments have never een condemned for inaccuracy, a want of pre-

an office, they most surely would not have insected as separate and distinct sections 25, 27, 27, 28, 29, and 30, in which they expressly provide that "no treasurer," "no officer of the army or navy of this or any other State," "no member of the Constitution and laws of the United the Constitution of the State of North are composited on the State of North are severed as wear in the Constitution of the State of North are severed that "no treasurer," "no Judge of Admiralty," "no Secretary of this State," "Altorney General," "a small response of the Scate or House of Representatives," "no secretary of this State," "Altorney General," and that he will faithfully discharge his state and the Constitution and laws of the State of Mose of Admiralty," "no Secretary of this State," "Altorney General," and that he will faithfully discharge his state and the Constitution of the State of House of Representatives," "This you designate improperly "an oath of Gine," But have a seat in the Senate, "House of Court of the Senate or House of Representatives," "This you designate improperly "an oath of Gine," But have a seat in the Senate, "House of Court of the Senate or House of Representatives," "This you designate improperly "an oath of Gine," Suppose the Courts that all oaths would have been superfluons and ide, if in their strength and substantial body politic of the State, are so intimidated by the salubrious character of the same and their constitution for the State, are so intimidated by the salubrious of the same and their constitution of the State, are so intimidated by the salubrious of the same and their constitution of the State, are so intimidated by the salubrious of the same and their constitution of the State, are so intimidated by the salubrious of the same and the will faithful discharge his by the salubrious of the same and their constitution of the State, are so intimidated by the salubrious of the same and the constitution of the State, are so intimidated by the salubrious of the same and the constitution of those who control the polifics of the State, should not their influence to abute that excitement.—
But past experience has shown that more political sections and distinct sections 26, 27, would have been superfluous and idle, if in their estimation a seat in the Legislature were an ofice. Section 35 alone would have been all sufscient to preclude such persons from holding

we offices at the came time.

That no such opinion was entertained by those ramers, is more clearly and explicitly expressed

What exposition of their views, could the authors of the Constitution, have more plainly and Sec. 4, Act. 6. Why not administer the same forcibly given, than is expressed in that section. plain distinction is made between members of the Senate and House of Commons, on the one hand and officers on the other, in the same sentence; and taking a seat, is distinguished from whilst all, the members as well as officers are required to take an oath to the State, the officers only are required to take an oath of office. If they had deemed the terms synonymous, uncountered to take an oath of office. quired to take an oath to the State, the officers only are required to take an oath of office. If they had deemed the terms synonymous, undoubtedly section 12 would have been written more briefly, as follows:

That every person, appointed to any effice, be shall take on oath of office. And this brief form would have been all sufficient and in the com-Similar conclusions are deducible from th ficance That regites, "that no person,"

A member of Congress, or as An officer of the United State, or as

A member of any State Legislature, or as As an Executive officer of any State, or a A Judicial officer of any State, to support the Constitution of the United States and shall have engaged in insurrection or rebel-

lian against the same, or given aid or comfort to the enemies thereof, shall be 7 office, civil or military under the U.S., or nder any State."
It is manifest that each of the phrases in this

rticle, bears a different sense from the one preceding or following it with the word "or" intermeans the same offence, as "comfort given." This is well known to every lawyer, even but slightly versed in criminal proceedings. It is incredi-ble therefore, that a "member of Congres," shall he held the same as an "officer of the States,"-the terms being disjoined by "or," to roes far to satisfy it, that Daniel Graham, the distinguish them; and instead of mentioning "converted Ku Klux" we made the false affida-vits recently published in the Standard, is the nurderer of the McLeods. The facts and circumstances of the case, as detailed by the Senti- method used. Immediately follows "An Exceutive Officer, and A Judicial Officer." This form would have naturally occurred, in the train of thought and the classification adopted.

In the second division of the article as above made, Senators and Representatives are treated as if entirely distinct from Civil Officers, either under the State or United States-or they would not have been separately mentioned, if a single term could include them both. 'A manifett di tinction is made and preserved in both divisions murders and other outrages, including the mur- of the Amendment, and to suppose that these yarious designations are only idle, unusual and unnecessary repetitions, is to attribute to its au-thors either ignorance or incompetency. By the terms of the article, no person is pro-

tion upon the language used in it, we should bear in mind that it was not written carelessly, but was most carefully and eautionsly prepared and every word and phrase in it with the effec thereof, most studiously weighed. Its authors were aware that it would be subjected to the severest criticism, and its provisions be measured by indicial scales. Able lawyers were engaged in its preparation, and they well knew, that by the well established laws of construction, any doubt in the meaning and force of the terms used would be solved in favor of the right of the citizen; that the common usage in constitutional uments, distinguishing representatives of the documents, distinguishing representatives of the people from affice holders, would serve as a rule to expound its meaning; that precedents and decisions long since made and acquiseced in, would be authoritatively cited and relied upon; and that their own disjunctive style in treating of such representatives and speaking of members

hand, containing several historical articles of of Congress and of the State Legislature, as separate from officers of the States or United lows: The Church Policy of Constantine, Earl erful rule for its own interpretation. In the these latter are from members of the State Legislature; and as these again are from Executive and Judicial officers; and they from each other. No synonymous designations are used; and s Leonard Scott Publishing Co., 140, Fulton St., distinctly are these several phrases severed from each other, that it seems irrational to believe that any two were used to mean the same thing. Those who framed this article knew this well and they were also apprised that as a positive ege, has accepted an invitation to deliver law of construction with all courts, "in cases of doubt between the authority and an individual, the benefit of the doubt ought to be given to the individual, not to the authority; and that doubt of the ancient Campus Martins. They are simply and truly, but representatives of the people (Lieber's Hermeneutics, 172.) And they further who remain at home; sometimes called depute the A ther knew that when any great and fundamen-Gen. A. J. Dargan is the Conservative tated, when citizens were to be disfranchised by the wholesale, and the great body of the people were to be deprived of their "inalienable right of choosing whom they would select to represent construction prescribing, that "where-fundamen- laws.

ble clearness to induce a court of justice to suppose a design to effect such objects." &c., as announced by the Supreme Court of the United States and reported in 2d Craneh, 358. Knowing all this, if is were really any part of the design of the KIVth Amendment, to exclude certain parties from seats in Lepthhitise bodies, the framers thereof adopted the very worst method possible, to make themselves understood, or to accomplish their design. They wrote their law so obscurrely and placed it, Caligula like, so high above the ken of ordinary and especially judicial minds, that the intended effect is entirely inadtainable. And here we may remark, that the secret purposes and designs of the political partizans who planned the article, in omitting seats in Legislative assemblies, and yet including even constables, is not to be divised by the rules of common reason, and can only be fathin the Wilmington Star of the 13th of February in the Wilmington Star of the 13th of February 1869. In that the writer investigates the question at considerable length, and measures the meaning of the word "sole" by Constitutional standards. He shows that the term, as used in the Constitution of the United States, in our former Constitution of 1776, and in the XIVth mer Constitution of 1776, and in the XIVth Again our Supreme Court, has recently in unequivocal terms decided, that "members of the violature are not officers," and that too on contract the constitution of the resident sun. This opinion, you consider as of no force, as only an "obtar dictam." It is however not to be con-ceived that our highest Court in so important a matter, would have expessed themselves, unne cessarily, so decidedly, without feeling well as-sured that no doubt could be entertained upon the subject. Bouvier you cite on the contrary, as a reliable authority, who simply classifies ofbeen condemned for inaccuracy, a want of precision or superfluous repetition. Your construction, however, would reflect upon them in these
several particulars, and convict them outright
of the silliest purcilites and especially of unlimited tautology:

In the Constitution of 1776, it was at once provided in Sec. 25, "That no person in the State
shall hold more than one lucrative office at any
one time." If the framers of that instrument
one time." If the framers of that instrument
believed that a seal in the Legislature were such
an office, they most surely would not have inincluded in the constitution of the constitutions.

This general council hath been held immediate
rially under the several names of Michel Synoth,
for Great Council, Michel Gemote or great sacrting,
and more frequently Wittena Gemote, or the
meeting of the wise men. In ancient times these
assemblies were frequent "to treat of the Govcomment of God's people, how they should keep
who is lawfully byvested with an office," shows
that he had no very local idea upon the sublect. Our Supreme Cours as a convenient, rule
of the framers of that instrument
of the framers of that framers of the land, and would attain
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on, which requires every one before registration, to take an oath to support the Constitution had gone farther and required every such person should swear that he would faithfully discharge his duty as a member of society, would such citizens because of such oath become office holders? And here you omit to notice the dif-ference between this oath and that required of of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an eath to the State; and all officers shall also take an eath of office."

ference between this oath and that required of officers by the same Constitution. The member is required to swear that he will discharge his duty, not as an officer, but simply as a member of the Senate or House of Representatives—
of office." of the Senate or House of Representatives— whereas the officer is required to swear, "that he will faithfully discharge the duties of his office." persistently make distinctions, if no real differences exist? These differences are clearly manfested and steadily maintained in our own Constitutions, and in that of the United States, and entering upon the execution of an office—and it is inconceivable that they should so univer-

legal parlance and contemplation "the State?"

This definition from Blackstone is sed between them. Insurrection and rebellion officers under the State, whilst they most fully and sent no difficulty. He wrote to the Corinthians a different offences, and "aid" given is by no ansthe same offence, as "comfort given." This whole and omninotent power of the people, exwell known to every lawyer, even but slightly cept as restrained by certain constitutional liming.

inution, and discussion by the people, for a sta-ted time. Upon the day appointed, all the peo-ple assembled in the Campus Martins ontside multitude upon the subject of their meeting. A son, bribery or other high crimes and misde herald next, in a loud voice, proclaimed the promeanors."

the tribes had voted, the tablets were counted must apply to the House of Representatives,"—
and if the U. R. tickets exceeded the A's in and by a parity of reasoning, it will be concenumber, the announcement was made that the ded that the same principle applies to the memlaw was passed. It was then engraven upon tabers of the Legislatures of the several States. law was passed. It was then engraven upon ta-bles of brass, which were deposited in the Treas-ury, and copies thereof fixed up in public places for general information.

for general information.

Laws thus adopted by the whole people would possess but little efficacy if nothing more were done. It was necessary that some persons should be invested with authority to expound them in cases of difficulty, and others to see that they were administered and obeyed. These persons, thus chosen, those old Roman democrata in their parties to see to the contraction of t in their native longue, styled "officers," because they were the do-ers, in Anglo-Saxon, of the laws of the people. The Legislative Department in that form of government could not, in any sense be looked upon as officers.

In our resultific the mode of law making differences

In our republic the mode of law making dif-fers but very little from the democratic. The difference chiefly being in the numbers that as-semble in our Campus Martins. With us all the people cannot assemble, but to accomplish the the same end each tribe or century, called comthe people cannot assemble, but the same end each tribe or century, called county or district, selects one or more from its midst who is or are deputed to go in behalf of the rest to the Campus Martius, there as their representatives, in full, to see the modern presiding officers.

Again, in confirmation of this view of the well are the people cannot assemble, but the same end each tribe or century, called county simple member of the Senate, or that body as were also recently. Dewese and Whittemore from the House of Representatives, as members and not as officers.

Again, in confirmation of this view of the well are the same end each tribe or century, called county simple member of the Senate, or that body as were also recently. prayer and speech listen to the heraid, (in Anglestion, I am happy to be note to cite the well glo-Saxon the reading clerk,) as he proclaims the law proposed, attend patiently to the arguments pro and con, often rendered "ad nauseem," and finally to render his vote A. or N. in behalf of the tribe or century whom he represents. If the A's prevail, the law is deposited in the office.

The 32d article of our former Constitution and all presents of certain religious views. of the Secretary of State, and after considerable delay, of which the old Romans would have been ashamed, copies are sent forth for the edi-

fication of the people.

These republican legislators are no more "de ers" of the law than their democratic prototypes following opinion was delivered by JUDGE GASwho remain at home; sometimes called deputes, as in France, sometimes delegates, as in Virginia, oftener as simple representatives. But by whatever name known, they are but substitutes for and proxies of the people, and no more rule of deputies, engaged in making the very same State. It imprestionably has no application to on his way, chucking to himself, "you can't dament laws."—Petersburg Index.

ection of some proposed law has been submitted to the direct vote of the people at large in their respective towns and counties. This has recentoccurred in France with the Plebiscitum, upon which several millions of votes were cast,— Do the people become officers or office-holders by simply voting aye or no, upon the passage of laws? If not, why should the performance of the very same duty, confer the dignity of an of-

the very same duty, confer the dignity of an office, upon an ordinary law maker?

The character of Legislative bodies will be better understood by a slight examination as to their antiqua origin, their ness and objects.—
From our mother country we have derived our notions, our institutions and our laws, and the British Parliament has furnished the model for Commoner of England, an office holder under the Crown, would be deemed an affront; and no ment of William Bloom, and the decision of our laws, would be deemed an affront; and no

old, and probably older than William the Con-que or and so far from being offices under the Crawn, the Barons in the olden times were assembled by the King, to hold a joint consultation as to the public affairs of the kingdom. "It is certain, that long before the introduction of the Norman language into England, all matters of importance were debated and settled in the great councils of the realm, a practice which seems to have been universal among the North-

ern nations.
This reneral council hath been held immemo

office"—but you should remember that all oaths tual and substantial body politic of the State, are not oaths of office. Suppose the Constitution and all its acts and deeds are recognized as such. the same collective action, and it is equally as binding up-Why so on the members themselves as upon the public at large. The virtue lies, not in the act of any one member, but in the decision of the whole body, as expressed in the aggregated mass, or "General Assembly." If a member can be an officer in any sense whatever, his office or official functions are of an anomalous and inconceivable kind. He can do nothing at all without the codred and sixty-nine other officers. He is a Ra-

time, was the idea in the writer's mind, and in than any other member of society. All officers the re-invigoration of our Courts, If all stand its use, there was no intention to enlarge upon the nature and character of an office, pocalamations, commands or certificates, none of pected to withstand, unsupported, these fierce as the nature and character of an office.

p oclamations, commands or certificates, none of pected to withstand, unsupported, these fierce asTo our ears and minds, words from foreign which do any members possess; nor are they sailants. It is no time for posillanimity or distongues never acquire precision and definiteness endowed with any other badge or insignia of an may, if we would recover our national rights table. force would be acknowled and difficulty, State. That these legislative corporations or and dollars fine, should not appall the class of as one who does something for or on account of councils are within the purview of the Constitution before spirits needed in such a time. George another. In the Angle-Saxon, or our Mother tion, "the States" themselves, is manifest from the third, presented his gibbers, his guillotine tongue, if we were to use the native word, a the language of that instrument; that No State and confiscation to the minds of our forefathers, tongue, if we were to use the native word, a the language of that instrument; that No State "do-er" as the translation of the latin, we should more readily comprehend its meaning; or law impairing the obligation of contracts; No State and confiscation to the minds of our forefathers, to terrify them into submission to his imperious will, but in utter disregard of his threats a Spring rates. State shall lay any duty of tonnage, enter into any imposts or duties; No State the remark in a whisper, "there means by an "office und," the Enterty What is in agreement or compact with another State; coin agreement or compact with a state of the The Legislative Department, standing in the only referable to the legislative department, and place and as Representative of the people, con- establish that, in the contemplation of the Con- fully resist the encroachments of the tyrant, up-

universally received as conject, and it is glossly struction upon a phrase in Scripture similar to the "bratum fulmen" of such boisterous despoil-inconsistent with such supremacy, to hold that the one under consideration and he simplifies a ers. Must we not dare to assert our Constituinconsistent with such supremacy, to hold that the one under consideration and be simplified at these law makers are at one and the same time matter, with which intelligent minds should present officers under the State, whilst they most fully and sent no difficulty. He wrote to the Corinthians are put under under the State itself, wielding the "But when he saith, all things are put under we regain them? When then shall we be free?

Thus far the matter has been examined in If we recur to first principles and examine in-to the root of the matter, the mystery attending the "reason of the thing." The question, howit will be removed.

In a simple democracy, all the people join, and engage in electing officers and making laws. Ancient Rome furnishes us with an appropriate Whenever, with them, a law was Blount, a Senator from the State of Tennessee, was immeached before the Senate of the United was impeached before the Senate of the United States for high crimes and misdemeanors under the 4th section of article 6, which reads as fol

"The President, Vice President and all ciril the city. The presiding magistrate, sitting in his Curule chair upon the tribune, opened the officers of the United States shall be removed from services with prayer, and then addressed the

In relation to this matter, Judge Story, in his posed law, in its very words as dictated by a In relation to this matter, Judge Story, in his scribe. Arguments followed, pro and con, by commentaries on the Constitution of the United speakers on the opposing sides, and when the States, in vol. 2, ch. 10, § 791, writes as follows: commentaries on the Constitution of the United discussion ended the people of the respective "A question arose upon an impeachment betribes gathered together, and in proper order, advanced to the Pons, or low narrow platform, and each received two tablets, one of which was deposited in a cheet or ballot box. When all

This decision of the Senate most consideratel This decision of the Senate most considerately made, after hearing elaborate arguments by counsel on both sides, and rendered calmly and impartially, unbiased by party considerations, must be accepted by all courts as binding upon them. The judgment of the High Court of Impactment, the highest tribunal of the country, and insults before it will control upon a question directly before it will contr all other courts and should be recognized by Congress and all State Legislatures. It is a ju-dicial decision that members of Congress and other Legislative bodies are not civil officers-

n constitutional parlance.

The action of Congress since that time, ha been in accordance with that decision. No mem-ber of either house has been treated as an officer, and no one has ever demanded that he should be tried upon impeachment and be convicted by the High Court before he could be legally removed from or deprived of his office. William Blount himself was expelled from his sent, as a simple member of the Senate, by a resolution of that body as were also recently, Dewese and

rohibited all persons of certain religious views com "holding any office or place of trust or profit in the civil department within this State."

In the Convention of 1835 for amending the

onstitution, in relation to this prohibition the "If there be difficulties in ascertaining what

gree abridges the elective franchise. Every citizen, however heretical his religious opinions, has tutes for and proxies of the people, and no more zen, however heretical his religious opinions, has vote. It is needless to say that having voted they all assembledtogether by the sides of their the laws, or who administer to the service of the he took what was thus offered him and went bottle. Only

sed the religious principles of an individthe military strength of the State. As is clear to and I suppose will be admitted by every lega gentleman, that the prohibitions in this article co-cretude no one from scate in the General Assembly Whenever the Constitution means to exe any man from a seat in the Legislature, it so in express terms. Thus in the 26th sec-it declares that no Receiver of Public Mos

the Crown, would be deemed an affront; and no Commoner can hold his seat and take an office under the King without the consent of his constituents.

Senate of the Cined States, upon the impeachment of William Blount, and the decision of our ment of William Blount, and the decision of our formation of Mr. Jacob Henry, a Jew, and a representative affinents. persons, therefore, whom this articles proscribes are not only qualified to choose the law-makers and to hold military appointments, but may themselves become the law-makers of the laud."

(Debates in Convention of 1835, page 286.

I then appears, that whether we consult the instruments themselves; or the essential characteristics of an office, or its origin, its functions, or its relation to the State as contemplated in the Constitution; or to the solemn sentence of the High Court of Impeachment; or to the later sentence of our own Supreme Court, there is really no room to doubt or cavil about the matter. Both the National and State Constitutions.

contain clauses under which the question should and would have arisen, if it had been considered debateable; but instead of that for nearly sev-

judgments. That, moreover, even the Courts are so intimidated by the legislative tyrants, as to have become but their echos, and no reliance and all its acts and deeds are recognized as such.

It is composed of many members, each of whom asparate and apart from the aggregated mass, possess no more power or virtue, than any other individual in the community. The members are but limbs or twigs of the political tree, or as but limbs or twigs of the political tree, or as a column as a such as a such can decide. Luther as Borden is cited to sustain such fears—but should have no such effect. possess no more power or virtue, individual in the community. The members are but limbs or twigs of the political tree, or as separate stones which together compose a column. If an act were drawn in perfect form, and be signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the Logislature, and then deposited with the Secretary and the signed by each and every member of the logislature, and then deposited with the Secretary and the signed by each and every member of the logislature, and then deposited with the Secretary and the signed by each and every member of the logislature, and then deposited with the Secretary and the signed by each and every member of the logislature, and then deposited with the Secretary and the logislature, and the logislature are signed by each and every member of the logislature. be signed by each and every member of the lor it was the last time and control of State, and then deposited with the Secretary of State, it would be null and void, and without the slightest force as a law. Yet if only a majority of the same persons unite in the last time and that the Circuit Court had no power to try and decide, whether the Tom. Dorr government or the old charter government was the duly constituted asserting the state of Rhode Island. the did charter government was the daily consti-tuted government of the State of Rhode Island. That by the Constitution, itself, the decision of the question as a political one, was referred to Congress and not to the Court. No question that can arise under the XIVth Amendment, or the laws made in pursuance thereof will everrank as a political one—for these penalties, fines and imprisonment, get all their efficacy from the criminal calendar of the Courts. But if you are correct as to the lawlessness of our level. and the nervousness of our Judges, this correct as to the lawlessness of our alone, instead of repelling into obscurity, our ablest and most serviceable men, should call "term of office" for "term of service," and which shaw, with an immense number of tails, and in ablest and most serviceable men, should call them forth on every side, to contend manfully cision of the present question. The term, as to out them he is powerless, and ranks no higher for the partification of our council chambers, and money; emit bins of credis, &c., &c., are phrases were every where found who pleaged their lives, their fortunes and most sacred honor, to man-A Senator or Representative in Congress, or an place and as Representative of the people, con-Elector of President and Vice President, or hold stitutes "the S preme Power in a State commonad-stitution, the State and its Legislature, are syindeed, must be the sons of such gallant sires, St. I'aul deemed it necessary to place a con- thus to be intimidated into supine inactivity, by Certainly, not until the despotic master may graciously emancipate his willing and submissive slaves. TROTT

MEETING IN DAVIE COUNTY.

At a meeting of the Conservative party of Davie County, held in the Court House at Mocksville, on Saturday, June 4th, 1870, on motion of Dr. W. R. Sharpe, Mr. H. B. Howard was called to the Chair and A. A. Harbin requested to act as Secretary of the

The Chairman explained the object meeting to be to make nominations of candidates for the various offices to be filled this

On motion of Maj. W. B. Clement, each Township was instructed to call together its citizens here present, and select one delegate to represent said Township in this meeting. and that said delegates compose a committee to recommend names as candidates for the various offices. The following delegates composed said committe, to wit : M'ksville Township, Maj. W. B. Clement Jas. A. Crump G. F. Howell Jerusalem Farmington . Dr. W. R. Sharpe Fulton Clarkesville Henry C. Holman

D. Ijames. Calahan The committee having retired, Mai. W. M. Robbins, candidate for the Senate from Rowan and Davie, being present, was called upon to address the meeting proceeded to address the meeting in his usual forcible manner, urging the citizens to unanimity in the cause and to stand by the nominees of

The committee, through their Chairman, Dr. W. R. Sharpe, reported the following names as candidates for the various offices: For the Commons-James A. Kelly. Sheriff-Sam'l A. Kelly

" County Commissioners—Jas. M. John-son, Wm. H. Perry, P. H. Cain, John C. Foard and H. B. Howard For Register of Deeds-Eph. Gaither.

For Register of Deeds—Eph. Gaither.

" Coroner—B. Ijames.

" Surveyor—D. Ijames.

" County Treasurer—Mathew Fulford.

On motion of M. B. Chaffin the nominations were made unanimous by the House.

On motion, the proceedings were ordered to be sent to Salisbury papers for publication.

The meeting then adjourned.
H. B. HOWARD, Ch'n. A. A. HARBIN, Sec'y.

The Early Bird Catches the Wormolored voter came to the city from the country at the late election, and voted at sunrise. He had walked so far, however, that he was tired out, and after getting the weighty sub-ject of voting off his mind, he laid himself down in the vicinity of the polls and fell

When the sleeper awoke he was acc with a proposition of reward if he would not

NEW ADVERTISEMENTS.

Worms! Vermifuge!! Worms! OF THE MANY TROUBLES TO WHICH

OF THE MANY TROUBLES TO WHICH Children are subject, especially in the spring season, there are none, perhaps, so generally productive of distressing and even dangerous disorders, as WORMS.

In many cases, they may not be the immediate cause of the attack, yet when they do exist, they never fail to aggravate it. It is wise, then, whenever any of the ordinary symptoms are observed, to lose no time in resorting to

SILL'S INFALLIBLE VERMIFUGE which, besides being not unpleasant to take, is perfectly safe, and will certainly and promptly expel Worms of any kind, if they exist.

Carefully put up, with full directions, at 25 cents a bottle. Only at

E. SILL'S Drug Store, Salisbury, N. C.

SPARKLING CATAWBA SPRINGS.

CATAWBA COUNTY, N. C. THIS celebrated watering place, formerly called North Carolina White Sulphur Springs, will be open for visitors on Wedday, the 1st day of June.

Being situated in the Northwestern part of the State, in a section remarkable for its delightful climate, beauty and healthiness, these, together with the virtue of the waters, make it one of the most desirable Watering

Springs are the White and Bite Su'phur, and Chalyebeate, or Iron, and they possess all the finest qualities of those waters, and are sover-eign remedies for all Penale diseases, diseases of long standing, diseases of the liver, bow-els, stomach, kidneys, Pulmonary diseaser, Eruptions of the skin. Scrofula, Weakness,

Our rooms, in both cotages and other buildings, are large and pleasant; cottages containing from two to six rooms each, suit able for large or small families. Many rooms having been already applied for, arrangements will be made to accommodate a large number of visitors, and it is to be hoped that our Southern people will patronize the Sparkling Catawba, which ought to be the pride of North Carolina, as well as the South. for no watering place can offer greater in-du-ements for either health or pleasure.

The Bar will be supplied with choice liquors and segars. Good Ten pin Alleys.— Billiard Tables, one of which will be of the nost approved style.

GOOD BATH HOUSES. for Pool, Plunge or Shower Baths, and Sulphur Baths, hot or cold.

A GOOD BAND OF MUSIC. six or more performers, has been engaged for the season, and a good Physician perma-nently located for the benefit of invalids, who

will have good attention. The Sperkling Catawba this season will be under the management of Mr. JOHN L. EUBANK, (who, for the last three years, has been manager at the Healing Springs in Virginia)—assisted by Mrs. M. A. WREN. and visitors may rely upon finding a good

vers will be ready to take passengers to the Springs; a distance of six miles, over a beautiful, well shaded road.

A good LAUNDRY, connected with the Springs and washing done at reasonable

For four weeks. \$48. Per Week, \$15 .-Per Day, \$3. Children under ten years of age and colored servants half price. No charge for infants, or children under two years of age. Reasonable deductions made for large families who spend the season.

Tickets at reduced rates, or return tickets. can be had on the different Railroads to the Sparkling Catewba.

J. GOLDEN WYATT & CO.. Sparkling Catawba Springs, Catawba ec., N. C., June 10, 1870.

GOODS GOING DOWN!

GOODS GOING DOWN!!

V. WALLACE. GRANITE ROW. SALISBURY, N. C. HAS JUST ARRIVED FROM THE

North with a full and well selected Stock which he offers to the public at prices lower than any house in the market, having pur-chased them during the decline in the North-

All I desire is a call, and I am confident that you will not leave my store without being pleased, not only with the Goods, but with the LOW PRICES. My stock consists in part of

Ladies' Dress Goods.

Trimmings of all kinds, GENTLEMEN'S FURNISHING GOODS HATS, CAPS, BOOTS & SHOES,

and a full line of

GROCERIES

and a great many other articles not here enu-Come and eramine my stock of Goods

before purchasing elsewhere.
V. WALLACE,
No. 3. Granite Row, Salisbury, N. C. June 10, 1870. 23 3m

VALUABLE REAL ESTATE FOR SALE.

IN PURSUANCE OF IN PURSUANCE OF
a Decree of the Superior Court of Rowan County, made at Fall Term 1869, in the case of John
Hughes, Adm'r. of John W. Ellis, and others
against J. G. Fleming and David Fleming,
Ex'rs. of N. N. Fleming, and Burton Craige
and A. M. Nesbitt, I will offer for sale, at Public Auction, at the Court House door, in the
town of Salisbury, on Tuesday, the 5th day of
July next, at 12 o'clock, M., the following property, viz:

perty, viz: The two Brick Offices on Council Street, opposite the Court House, known as Nos, 1 and 2, Council Row, now occupied by Mrs. Carneross, and Messrs. Boyden & Bailey. Terms cash.

JOHN S. HENDERSON, June 10,-23:4t

Diarrhosa Cordial. SIMPLE, SAFE, PLEASANT, AND A

Sure Remedy for this very distressing affection. It procures immediate relief, and if used in the early stages of the disease, a few doses will as certainly arrest it, as it is taken. Put up, with full directions, and sold at 25 and

At E. SILL'S Drog Store, Salisbury.