

Jan. 1: 7 Patten

# THE STAR AND NORTH CAROLINA GAZETTE.

VOL. XXIX.

RALEIGH, N. C. WEDNESDAY, OCTOBER 31, 1838.

NO. 45.

**THOMAS J. LEMAY,**  
EDITOR AND PROPRIETOR.

**TERMS.**  
Subscription, three dollars per annum—on half in advance.  
Persons residing without the State will be required to pay the whole amount of the year's subscription in advance.  
**RATES OF ADVERTISING.**  
For every square (not exceeding 16 lines this size type) first insertion, one dollar; each subsequent insertion, twenty-five cents.  
The advertisements of Clerks and Sheriffs will be charged 25 per cent. higher, and a deduction of 50 per cent. will be made from the regular prices for advertisements by the year.  
Letters to the Editor must be post-paid.

**State of North Carolina.**  
**Wake County.**  
Superior Court of Law—Spring Term, 1838.

**Ann Neighbors vs William Neighbors—Petition for Divorce.**  
It appearing to the satisfaction of the Court, that the Defendant, William Neighbors, cannot be found, and proclamation having been made at the Court House door, for the party to appear and answer according to Act of Assembly in such cases made and provided it is therefore ordered that publication be made for three months, in the Raleigh Register and Star, newspapers printed in the City of Raleigh, that unless the said William Neighbors appear at the next Term of said Court to be held on the first Monday after the fourth Monday of September next, and plead, answer or demur to the Plaintiff's petition, it will be heard ex parte, and judgment pro confesso entered against him.

H. B. HAYES, C. S. C.  
(Price ad. \$7 50) 35 Jan

**WILLIAM NEAL & CO.**  
MANUFACTURERS OF  
**LOOKING GLASSES,**  
NO. 27,  
North Fifth Street, Philadelphia, back of Merchants' Hall.

The only establishment in the City devoted exclusively to this business.  
COUNTRY Merchants are supplied at Manufacturers' prices, and their Glasses insured from breaking in any part of the Union, without extra charge.  
Those who may have orders for large Glasses, would do well to inform us by letter, previous to their coming on, of the size of the plate, and the kind of frame they may want, (whether of Gilt, Malogony or Marble,) that the article may be manufactured expressly for the occasion.  
Merchants should give their orders for Looking Glasses the first thing on their arrival, to ensure them well supplied.  
September 1, 1838. 40 9c

**DR. W. W. MARSHALL'S**  
**Ointment for the Eruptive Piles.**  
This valuable remedy, which has been several years before the public in virtue of its efficacy, has been well tested, and in numerous instances, in the most aggravated forms of the disease, is not a solitary case has it been known to fail in effecting a cure. Many very respectable persons have borne testimony to its efficacy; among whom is the Rev. Wm. A. Smith, of the M. E. Church, and Editor of the Conference Journal, who, from his own experience, confidently recommends it to the public as "A SAFE, EFFECTUAL, AND EFFICIENT REMEDY."  
It may be had at the Store of R. TUCKER, Agent, Raleigh, N. C.

**VALUABLE LAND FOR SALE NEAR RALEIGH.**

The undersigned offers for sale a very valuable tract of land, lying five miles west of Raleigh, containing about 800 acres, the greater part of which is cleared, well timbered, well watered, and a portion of it equal in fertility to any in the county. It has on it a dwelling and other buildings, with springs of excellent water convenient. The situation is remarkably healthy and beautiful, and would make a very desirable residence to a person wishing to locate near the City. A further description is deemed unnecessary, as persons desiring to purchase will no doubt first examine it. A great bargain may be had, if early application be made.

JANE WILLIAMS.  
Raleigh, Sept. 26, 1838. 40 1f

**Books again! Gore Books!**  
**TURNER & HUGHES.**

Publishers and Booksellers, have often reminded the good citizens of North Carolina of the very extensive stock of BOOKS kept on hand, and being sold at weekly auctions; but they seem to have forgotten the fact, in order to refresh their memories, they deem it necessary occasionally to lay before them a catalogue of a very small portion of recent arrivals. Read the following—then call on No. 1, cheaply, and avail yourselves of the opportunity of purchasing at the lowest prices.

Life of Arthur Lee, by Richard Henry Lee, 2 vols. The Life of Thomas Jefferson, with parts of his correspondence, by Gen. Tucker, 2 vols. Works of Joseph Addison in 8 vols. Travels in Europe, by Wilber Fisk, D. D. 1 vol. The Works of Charles Lamb, with his life and letters, by F. N. Pafford, 2 vols. Webster's Speeches, 2 vols. Life of Mar. P. F. de la Harpe, 1 vol. Stearns's Works, 1 vol. Life of Henry Walter Scott, by J. G. Lockhart, 2 vols. A. L. A. Life of Scott, 1 vol. Scott's History of Scotland, 2 vols. Rollin's Ancient History, Plutarch's Lives & vols. Stewart's works in 7 vols. History of the Political System of Europe and its Colonies, from the discovery of America to the independence of the American Continent, from the German of A. H. Heeren, 2 vols. Martin's History of North Carolina, History of the Horse, 1 vol. Melmoth's Revolution in England in 1688, 1 vol. Wrenall's Memoirs, 1 vol. Gubbins's History of Rome, 4 vols. Embassy to the Eastern Courts of Cochinchina, Siam and Muscat, in the U. S. Ship of War Peacock, by Edmund Roberts, 1 vol. Memoir of Commodore Barney, 1 vol. Upham's Mental Philosophy, 2 vols. Bacon's works, 10 vols. Barnett's History of his own time, 6 vols. Lady Blessington's works complete in 6 vols. Tucker's Light of Nature & vols. Complete works of Voltaire, 70 vols. Pope's works, 10 vols. Swift's works, 19 vols. British Essayist, 5 vols.

All of which will be sold on the most accommodating terms.  
**TURNER & HUGHES.**  
July 1, 1838. 23

**Commission Business AT HENDERSON.**

The subscriber having personally located at Henderson Depot, on the Raleigh and Gaston Railroad, two miles south of Chalk Level, will attend to the receiving, forwarding, and selling all kinds of produce that may be consigned to him, and will pay for the produce that may be consigned to his care, at his office at Henderson, liberal advances on its reception when required. He will also attend to the forwarding of merchandise that may leave the Railroad at Henderson.

From his extensive acquaintance in both the country and Northern markets, he flatters himself that his advantages in business will not be transcended. His particular and undivided attention may be relied on.

**D. E. YOUNG.**  
SPENCER MOORE, Hillsboro'.  
RICHARD I. SMITH, Milton.  
STEPHEN M. DICKENS, Roxboro'.  
Henderson, Granville Co. N. C. July 20, 1838.  
58 1f  
Raleigh Register till forbid.  
D. E. Y.

**Application will be made to the next General Assembly for an Act to emancipate Bob, commonly called and known by the name of 'Bob Newsum,' the property of William Hall of the City of Raleigh.**  
Sept. 29, 1838. 41 1f

The Rev. Sidney Weller writes to the Editor of the Halifax Advocate as follows:

Five years ago last April I purchased a small rooted Morus Multicaulis plant for one dollar at Baltimore after having read a description of this kind of Mulberry in the American Farmer; and having concluded, from such description given by Gideon B. Smith, then editor of that periodical, that the new plant, lately introduced from the Chinese Empire, and said to have been one of the greatest sources of its vast wealth, was the very thing to crown with complete success, the Silk enterprise in the United States. I tried it and from its ease of propagation largeness of leaf, and other vastly superior properties, more and more evinced, I have never ceased to entertain this opinion and have thus had a powerful motive to persevere in its propagation, and to try to awaken others to view the great importance of the Multicaulis to the prosperity of our State and country. Mr. Spencer of Louisville (whose lot of trees I am now selling, having been purchased by him expressly to retain their advantage in the South,) urged me at first to try (in appearance against hope) to circulate the Multicaulis in this State, alledging as a motive, that if from a Mulberry Orchard in the North 500 dollars annually was made clear by an acre, how much more even in the South, could be done, if the people could only be awake up to the importance of the matter; since our climate and soil were much better fitted for the Mulberry and Silk culture. In the spirit of this advice, and the desire to benefit the South I sold the Multicaulis ten per cent less than it sold for in the Northern nurseries. And now, I would digress to say, the stock I advertise in your paper, is at much lower rate than more Northernly; for instance, cuttings I am credibly informed, now sell at Richmond, Baltimore and Philadelphia at 3 cents a bud. And let me say here that this last I believe considerable stock for sale in this state, will be taken very soon, and those wishing to secure a supply of it should do so speedily. Two days since a gentleman came on purpose from Petersburg to engage 2000 dollars worth, bating percentage for large trade, and on departure asked if writing in a few days, he might probably secure 2000 dollars worth more on the same terms. The reply was "if not all engaged." And almost every week I have about a dozen letters, mostly in application for the Multicaulis and vines. But to return to my own past experience with the New Chinese. According to a rough calculation, I have sold up to the close of my sales last spring upwards of 2000 dollars worth. And my own stock engaged (it is still growing and increasing in value or measurement by the foot and will do so till hard frost) will probably bring me in the neighbourhood of 8000 dollars; although at half the price the article is now selling for at Mr. Spencer's low Southern rates. So you see, I calculate to realize, bating comparatively trifling expenses of cultivation and the like, about \$10,000 at close of this season, not to name stock kept on hand for future raising; and all this from the investment of a dollar caused by the knowledge obtained through an Agricultural Periodical. But I have become tedious and must defer other matter to another time for your print.

Respectfully, Yours, &c.  
**SIDNEY WELLER.**

**SOMETHING NEW.**—The "patriot," of Quincy, Massachusetts, states that the Methodist chapel in that place, a new and beautiful edifice, was recently dedicated to Almighty God, and that what added to the interest of the meeting was the number of ministers who were present and assisted in the services. The first prayer was offered by the Rev. Mr. Miner, a Baptist; the Rev. Mr. Poole, a Methodist, read the first anthem; the Rev. Mr. Wolcott, an Episcopalian, read the Scriptures; the Rev. Mr. Spalding, a Methodist, made the dedicatory prayer; a hymn was then read by the Rev. Mr. Spalding, a Universalist, which was sung in fine style; when that indefatigable friend of the sailor, the Rev. E. T. Taylor, a Methodist, delivered, what, if the judgment of the Patriot is to be relied on, must have been a very original and eloquent sermon:—

"Its effect reminded me of the lyre of Timotheus, acting on the mind of the son of Philip—producing alternately a smile and a tear. Now, the eloquent speaker, by a quiet comparison or a happy remark, would excite a smile, and anon he dwelt on divine holiness; on the poverty of human nature; on the expiring sinner and the dying saint; on the resurrection morn; the judgment day; and as the hearer listened in breathless attention,—

"Joyless with downcast look he sat,  
Revolving in his altered soul

The various turns of fate below;  
And now and then a sigh he stole,  
And tears began to flow."  
The choir then sang an anthem, read by the Rev. Mr. Banfield, of the society denominated *Christians*, after which a prayer was offered by the Rev. Mr. Cornell, a Congregationalist. The Rev. Mr. McCreeding, a Methodist, read the doxology; after the singing of which, the benediction was pronounced, says the Patriot, "by that venerable father of the Gospel, the Rev. Mr. Whitney of the Unitarian Church.—*Christian Statesman.*

From the Appalachicola (Florida) Gazette.

By the following extract of a letter from Col. White, of Florida, dated Liverpool, 2d July, it will be seen that, though absent, he is laboring with us, and for us. It will give his numerous friends here sincere pleasure to learn that he may shortly be expected among them:—

"I have been actively engaged, however, in promoting the great object I first proposed five years ago, to wit, a direct trade from Europe with the Southern ports. Do not start when I say I commenced this for the first time, as no one has ever set up such a claim for me, and is now set down as an idea first originating in south Carolina.—The first summer I visited Europe I sought the acquaintance of all those houses that desired to enter the competition for American trade, and before leaving England I induced them to send nine vessels to the Gulf of Mexico. In a letter that was then published, I stated that the Southern people lost 20 per cent. upon their productions by the unnatural trade then carried on in double shipments, double freights, double insurances, commissions, port charges, and double storages, by carrying every thing to New York for transshipment to Europe. More can be done by such explanations to promote this object than all the conventions will effect in half a century. The subject is to be taken up here with practical commercial men and capitalists. I have just returned from Glasgow, in Scotland, a city that has increased faster in fifty years than any in the world in the same time, and which is now nearly equal to Liverpool or Manchester for commerce and manufactures. They consume in the town 100,000 bales of cotton, and are as anxious as we are for direct trade. I have endeavored to induce the merchants at Havre; Antwerp, Amsterdam, London, Liverpool, and Glasgow, to send out agents this winter to Florida to invest money in houses, to establish branch houses, and to import and export directly to and from the Gulf of Mexico. My success has been beyond my most sanguine expectations. The results will be manifest in our having salt ten cents cheaper in the bushel, and nearly every other article in proportion. We shall have cities built up, ships owned, and commerce in its legitimate, not coastwise sense.

"I have been in communication with persons in office in London on the subject of their timber law. There is every prospect of a change in this respect, and if that takes place, and the duty is removed upon foreign timber, it will be more advantageous to Florida than the mines of Mexico."

**THE PIRATE AND THE DOVE.**

The following interesting fact is related by Audubon in his Ornithological Biography. In speaking of the Zenaida dove he says—"A man who was once a pirate assured me that several times, while at certain wells dug in the burning, shelly sands of a well known key, which must be here nameless, the soft and melancholy cry of the doves awoke in his breast feelings which had long slumbered, melted his heart to repentance, and caused him to linger at the spot in a state of mind which he only who compares the wretchedness of guilt within him with the happiness of former innocence, can truly feel. He said he never left the place without increased fears of futurity, associated as he was, although I believe by force, with a band of the most desperate villains that ever annoyed the navigation of the Florida coast. So deeply moved was he by notes of the bird, and especially by those of a dove, the only soothing sounds he ever heard during his life of horrors, that through these plaintive notes and them alone, he was induced to escape from his vessel, abandon his turbulent companions, and return to a family deploring his absence. After paying a parting visit to those wells, and listening once more to the cooings of the Zenaida dove, he poured his soul in supplication for mercy, and once more became what one has said to be 'the noblest work of God,' an honest man. His escape was effected amidst difficulties and dangers; but no danger seemed to him to be comparable with the danger of one living in the violation of human and divine laws; and now he lives in peace in the midst of his friends.

**Mason's and Dixon's Line.**—This line is very frequently referred to, in debate and conversation. A correspondent requests us to give him the

history and location of it, and to comply, we borrow the following explanation from the Salem Gazette:—

This boundary is so termed from the names of Charles Mason and Jeremiah Dixon—the two gentlemen who were appointed to run unfinished lines in 1761, between Pennsylvania and Maryland, on the territories subjected to the heirs of Penn and Lord Baltimore. A temporary line had been run in 1739, but had not given satisfaction to the disputing parties, although it resulted from an agreement in 1739 between themselves. A decree had been made in 1618, by King James, delineating the boundaries between the lands given by charter to the first Lord Baltimore, and those adjudged to his majesty (afterwards to William Penn) which divided the tract of land between Delaware Bay and the Eastern sea on one side, and the Chesapeake Bay on the other, by a line equally intersecting it, drawn from Cape Henlopen, to the 4th degree of North latitude. A decree in chancery rendered the King's decree imperative. But the situation of Henlopen became long a subject of serious, protracted, and expensive litigation, particularly after the death of Penn, in 1718, and of Lord Baltimore in 1714; till John and Richard and Tomas Penn, (who had become the sole proprietors of the American passions of their father William) and Cecilus, Lord Baltimore, grandson of Charles, and great grandson of Cecilus, the original patentee, entered into an agreement on the 10th of May, 1727. To this agreement a chart was appended, which ascertained the site of Cape Henlopen, and delineated a division by an East and West line, running westward from that Cape, to the exact middle of the peninsula. Lord Baltimore became dissatisfied with this agreement, and endeavored to invalidate it. Chancery suits kingly decrees, and proprietary arrangements followed, which eventually produced the appointment of commissioners to run the temporary line. This was effected in 1739. But the cause in chancery being decided in 1739, new commissioners were appointed, who could not, however, agree, and the question remained open till 1761, when the line was run by Messrs. Mason and Dixon.

**LOCO FOCO ELECTION FRAUDS.**

The Loco Foco in New Jersey as well as those in Pennsylvania resorted to all sorts of frauds to receive their tickets both before and during the election: One of the most barefaced is the following transaction. A correspondence was published in the Hunterdon Democrat, a Loco Foco paper, a few days previous to the election, purporting to have taken place between Mr. Biddle and Mr. Brewster of Milford. Mr. Biddle is made to say in his letter, which is dated June 27, 1838, that, "The directors of the United States Bank have thought it advisable you should be furnished with sufficient money to carry the election, and secretly buy votes." The letter urges Brewster to activity, in the cause, and to spare neither pains nor expenses, and authorizes him to draw on the Bank for \$500 for his expenses.—Brewster, believing the letter to be genuine, addressed a letter to Mr. Biddle, accepting the offer of the bank, and promising to perform the required services with zeal. Mr. Biddle, in reply exposed the forgery, he knew nothing of Brewster nor of the letter.

This forged letter was circulated in a handbill for some weeks before the election all over the State, and without doubt had its effects on the election, just before the election.

Brewster published the correspondence in the Hunterdon Democrat, insisting that the first letter was genuine, and that he only replied to it to draw Biddle into a trap. The man is evidently chagrined at the loss of his \$500 and having been made a fool into the bargain.

The trick, however, was well got up and the publication of the forged letter served the purposes of the party just as well, and gained them as many votes, as if it had been genuine. The leader of their party knows well enough that argument is a useless instrument in their hands, but if they can convince honest voters that the monster is trying to buy them up and use them to defeat the Administration, their patriotism is aroused, and they come in hundreds to the polls. The expression of similar frauds will account for the large Loco Foco majorities in many counties both in Pennsylvania and New Jersey.—*N. Y. Express.*

The influence of woman is excellent wherever it is exerted. It is no flattery to call the other sex "the fairest and best portion of creation." The late election in Philadelphia city is said to have been one of the most quiet and orderly ever held—and as a reason for this it is stated that numbers of females came out to look at the "lords of creation" exercising their prerogative. Their presence quelled every thing like riot or disorder. Men could not wrangle and disgrace themselves under the very eyes of their wives and daughters.—*Alex. Gaz.*

**COMMUNICATION.**

**FOR THE STAR.**  
**QUALIFICATION OF MEMBERS OF THE LEGISLATURE.**

**Mr. Editor.**—Every intelligent observer of human government must now be sensible, that the great degree of liberty enjoyed by the republics of the present day, is mainly attributable to written constitutions. These lay the foundations of free institutions, and fix the landmarks of power. Conformity thereto gives the present, and will ensure the future, enjoyment of freedom. Departure therefrom destroys the present, and will annihilate all future, prospects of liberty:—Not that any constitution is perfect, but even the worst amongst us, unviolated, contains enough of the vital elements of national freedom to secure its blessings. It is true that some portions of most constitutions might well be left out, without marring the utility of the residue; but this, however obvious, can never excuse its neglect or its violation; for then each citizen might find a useless portion to be rejected, as interest or passion might prompt. The only safeguard which true lovers of liberty can acknowledge as efficient to preserve the intended blessings of a constitution, is, to adhere, under all circumstances, to each and every part of it; holding every word, syllable and letter as a sentinel of freedom, not to be displaced, without the danger of leaving defenceless some point at which the important citadel, in an evil hour, may be invaded.

A question of constitutional qualification of members of the legislature has, recently, been the theme of much discussion. It is, whether the officer of the State, commonly called the County Attorney, may be chosen a member of either branch of the General Assembly. That question arises under the 4th section of the 4th article of the amendment of the constitution, which is in the following words:—

"No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this state or any her state or government, shall hold or exercise any other office, or place of trust or profit under the State, or be eligible to seat in either house of the General Assembly: Provided that nothing herein contained shall extend to officers in the militia or justices of the peace."

I propose to discuss the question. Before I begin, however, it may be useful to possess my readers of some information which may better enable them to view the question in a more extended light.

Before the adoption of this section, as a part of our constitutional law, the evil of permitting persons to hold, at the same time, several offices or places of trust or profit under the State, or to hold offices or places of trust or profit under the State, and at the same time offices or places of a similar nature, under the United States, had become so apparent that the authority of the legislature was often invoked to prevent it in some degree. The jealousy of our fathers, on this matter, was almost coeval with the adoption of the federal constitution. By an act passed in 1790, it is declared that "no person in this State shall hold at one and the same time, any office of trust, profit or emolument under the authority of the United States, and any office or authority either civil, military judiciary or otherwise under the authority of this State."

In the year 1792, a penalty of two hundred pounds, imposed on all persons, who, holding an office or appointment from the authority of the State, shall act in any office or appointment from the Congress of the United States, or any department thereof, without resigning his State appointment. In 1796 & 1811, further acts were passed by the legislature, enjoining a progressive increase of the jealousy of 1790. These acts are now embodied in one, to be found in Rev. Stat. Vol. 1. ch. 80, pages 441 & 442.

By many, the aforesaid acts of the legislature have been deemed to be unconstitutional, so far as they introduced new qualifications of members of the General Assembly and created causes of exclusion not known to the then existing constitution. That charter had defined the qualifications of members and had created many cases of exclusion. And it is a general rule in the interpretation of such instruments, that when they undertake to specify particular causes of exclusion, the legislature cannot add others. By sections 25, 26, 27, 28, 29, 30, & 31, persons holding certain enumerated offices are excluded from being members of the legislature; and it was not deemed competent for any authority, less than that which made the constitution, to carry the subject of exclusion further than that instrument did. Hence it was that the effective operation of the before recited acts was very restricted, and, indeed, became almost dead letters on our statute book. That article of the constitution, which forbade the holding of "more than one lucrative office at any one time" failed to reach a very large number of offices or places intended to be embraced by the acts referred to. For there are many offices, places and appointments which were not deemed to be lucrative; and it was

early settled that membership of our legislative bodies was not, in the meaning of the constitution, a lucrative office. It was held to be a place of trust.

Among the officers designated in the original constitution, as excluded from seats in the legislature, the county attorney is not named. He was, therefore, not excluded by the old constitution. He was not embraced in the legislative enactment before recited, for they relate to offices under two distinct governments; and, for the reasons already rendered, he was not excluded by the clause, forbidding the holding, at the same time, of two lucrative offices. The revised act heretofore cited not only embodies the old act upon the subject, but incorporates the language of the 4th section of the 4th article of the amended constitution; and, in order the penalty of two hundred dollars, substance, declares that no person, unshalt hold two offices or places of trust under the State; nor shall any one, holding one office or place of trust or profit under the State, hold a seat in the General Assembly. It is not, however, by this or any other act of the legislature that I propose to discuss the question, but by the words of the constitution, as it has been in force since the first of January, 1836.

To simplify the section, as far as it applies to the subject proposed for discussion, it will read thus: "no person who shall hold an office or place of trust or profit under the State, shall hold any other office or place of trust or profit or be eligible to a seat in either house of the general assembly."

I propose the following points:—

1. Is the office or place of "county attorney" an office or place of trust or profit under the State?
2. What is the meaning of the term "eligible to a seat?"
3. When does membership of the general assembly begin and end?

First. Is the office or place of "county attorney" or "county solicitor," as he is often called in the act relating to him, an office or place of trust or profit under the State?

The language here used in the constitution forbids all argument on the meaning of "office;" for if it be not an office, it is a place; and, if not an office or place of profit, it is certainly one of trust. Our legislature, however, has uniformly designated the appointment as an office, and the holders as officers. See act of 1777, 1816, 1822. And having fees annexed to it, it is an office of profit. Is it held under the State? It is true the office is filled by the county court, but it is filled on behalf of the State. The creation of the office proves this. "The several Courts of Pleas and Quarter Sessions, a majority of the justices being present, shall appoint an attorney, properly qualified, to act for and in behalf of the State in the respective counties, who shall hold his office during the term of four years, and shall and may prosecute all matters cognizable in the Court of Pleas and Quarter Sessions, wherein he shall be appointed, for and in behalf of the State."—As soon as he is chosen by the County Court, he is an officer of the State, charged with the prosecution, on behalf of the State, of all that portion of the criminal law assigned to the jurisdiction of the county courts. His duties are enjoined, and his fees, for their performances, are fixed by a public, general law, and he becomes a constituent part of the court, in the administration of criminal justice. To the grand jury, his counsel is the "State's counsel." To the petit jury he is the conductor of State trials; and to the court, its legal adviser in State matters. The character of his office differs from that of solicitors and attorney general in nothing, save the number of courts assigned to each. For, the extent of jurisdiction is incident to the court, and not to his office. If the jurisdiction is increased or diminished, as is frequently the case, his office remains the same.

The county court has no cognizance of offences the punishment whereof extends to life, limb, or member; but if the jurisdiction of that court were made coequal with that of the Superior Court, and the crimes of murder and rape should become "matters cognizable" therein, he would prosecute them as he now does petit larceny and batteries. If this revolution in our criminal law should ever take place, his duties would be augmented, and those of the Attorney and Solicitor General would be diminished; but this change would effect no change in the nature of the office. He now acts for the State in matters cognizable in the county court. The Solicitors and Attorney General act for the State in matters cognizable in the Superior Court. He is as much a State officer as they, and the mode of his appointment determines the nature neither of his or any other office. The sheriffs and clerks are now elected by the people; yet their offices are the same as when appointed by the Courts—they are now, and always have been, officers under the State. The Clerk and Master in Equity receives his appointment from a single Judge, yet his is an office under the State, because of the nature of his duties. A trustee of the University holds a place of trust, so does a

Philbrick

Philbrick