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MONDAY, APRIL 3, 1893.

A CONSTITUTIONAL QUESTION While in extra session to receive and consider presidential appointments, the Senate is also profitably engaged in co that body of the gentlemen named by the governors of Wyoming. Montana and Washington to be senators from those states to fill the full terms, or, as some the states to fill the full terms the states to fill the full terms, or, as some the states to fill the full terms, or, as some the states to fill the full terms, or, as some the states to fill the full terms the states to fill the society of juveniles wrote a play in the state of th contend, till the next meeting of the legislatures of their respective States.

In each of these states, it will be re membered, the legislatures failed to elect a senator and the governor filled the vacancy by appointment. The Senate committee on Privileges and Elections, of which Senator Vance is chairman, reported unfavorably on the admission of tend the performance, bringing at such appointees to the Senate. The discussion that followed has been very interesting. It turns mainly on the meaning of the words in the Constitution conferring on the governors the power of appointing senators when there are vacancies caused "by resignation or otherwise " Senator Mitchell of Oregon thus stated his position:

"The executive of a State has no constitutional power to choose a senator for a State, no not for even the briefest possible period of time; that belongs alone and exclusively under the Constialone and exclusively under the Constitution to the legislature. The executive, however, is, by a certain carefully prescribed, clearly defined, limited constitutional grant, clothed with the prerogative which he alone can exercise, as I shall confidently contend, only after a Senator has been thus chosen by the proper constitutional authority—the legislature—and a vacancy in that Senator's term so chosen subsequently happens by resignation or otherwise,' by which he can, in the event such vacancy or vacancies happen 'during the recess of the was on. cancies happen 'during the recess of the legislature,' not choose a senator, not even fill the vacancy, but make "tempo- Is this rary appointments until the next meeting of the legislature, which shall then fill such vacancy.'

In other words, the Constitution does not contemplate or provide for the failure of a legislature to do its mandatory duty, any more than that of a governor to do his, otherwise, as Senator Mitchell began talking about the way in which points out, the Constitution would have Father Time had treated them. The provided that, in case the governor of a state failed to act, then the duty would devolve on some other state officer. The while his bosom heaved with manly legislature having neglected to elect a senator no power is lodged in a governor to fill the vacancy, it not coming "Darling" agreed that he had done well. wise." As to the force of this last word her. She led the way to a curtained about through "resignation or othertaken in connection with the context no one has spoken with greater clearness. have I been idle, John "drew the curtain no one has spoken with greater clearness aside. than Senator Hill of Georgia:

"Now, the word 'otherwise' there, as the Senator well knows, under the legal decisions, has a meaning; it has a very playwright had prepared for them. definite and well-settled meaning; and that is this: A vacancy that happens otherwise is one that is similar to those enumerated. For instance, a vacancy may happen by death, resignation, or otherwise. Otherwise, how? In some similar method upon the incumbent. The vacancy occurs by death upon the incumbent; the vacancy occurs by resignation, the set of the incumbent. ignation-the act of the incumbent; and occurs in any other wise the word means 'any vacancy occurring otherwise;' that is in a similar manner upon the incumbent; that is, if the incumbent shall be expelled; that is, if the incumbent should not take his seat after he has been elected. The word otherwise there evidently means a vacancy happer ing in a similar manner by casualty those specified."

Thus, a few years ago, when Senator Jones, of Florid: showed a lack of sense if not of sanity by endeavoring to force his attentions on a lady of great wealth and refused to return to the Capital to attend to his senatorial duties, it was seriously urged that a vacancy had been created "by the act of the incumbent," and that it was the duty of the governor of Florida to fill it. The case was without precedent, however, and no action was taken till Senator Jones's term expired, when the legislature of Florida elected his successor

The position taken by Senator Vance and the other members of the committee on Privileges and Elections, that the failure of the legislature to elect a Se ator does not create a vacancy in the meaning of the Constitution, would seem to be well taken. Is it not incumbent on the governor of a State where such a failure exists, to call the legislature in special session for the one purpose of do ing their duty as required by the manda-

tory words of the Constitution ?-. . . If vacancies happen by resigna-tion or otherwise during the recess of the gislature of any State, the executive thereof may make temporary appoint-ments until the next meeting of the Leg-islature, which shall then fill such vacan-

The Test

From the Washington News. "What I am looking for especially in my appointees is compentency," said President Cleveland. "I shall recognize

no faction to the exclusion of other fac-tions. Every candidate for office will receive proper consideration."

The President made these remarks to Senator Roach.

A Lively Bird.

From the Marion Free Lance. Mr. Joe Bird went to Asheville Tues-Mr. Joe Bird returned from Asheville

Mr. Joe Bird went to Old Fort Friday. Mr. Joe Bird spent Sunday at home. Beauty Bright Cigarettes are the only straight cuts sold for 5 cents per box.

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TIME -

sent invitations to their parents to atadmission fee with them. The night of the play found a bi crowd in the theater, which, on this occasion, was not a theater but a large barn. The curtain was rung up, or, rather, parted in the middle, and the audience watched the development of the plot with the deepest

THE main characters in the little folks' drama were husband and wife. For a ew months life was nothing more than a sweet dream to the loving couple. But bye and bye a cloud came over the sky of their happiness, growing out of the the husband could earn very little. There were frequent bickerings around the hearthstone and finally the husband, coming to the conclusion that matters were not getting better, went to the far

In this scene the wife, looking consider ably older, was seated in her room alone Not many minutes elapsed before the nusband, who had left his fireside years before, rushed into the room and clasped the wife in his arms. After the osculatory act had been gone through with. the little players scated themselves and husband, whose name we shall consid-John, took from each of his pockets hand pride as he remarked "Darling, during these long years I have not been idle; see

THE audience craned their necks to take in the sight which the mind of the child There on a couch reposed 10 children, all apparently sleeping composedly, utterly oblivious to everything about them. The outburst of laughter from the audience over the ridiculousness of the sit ation came near raising the roof off the barn, and really broke up the show It was the greatest hit ever made in the town, but was never repeated.

THE amount of money represented by the new Easter bonnets in Asheville yes terday would keep me in victuals and othes for pretty nearly a lifetime, should think.

THE man of business who takes the ime to jump on his town in a public speech, accuse it of anything and every thing, attempt to show its people where n they are off their base, and then failutterly to offer any remedy whatever, is, to my mind, doing that which 'twere better to leave undone. 'Tis by meeting eme gencies and overcoming them that men prove themselves great-not by spending their time in picking flaws.



the appetite, improves digestion, and restores health and vigor; all the organs of the body are roused of the body are roused to healthy action by Dr. Pierce's Golden Medical Discovery. More than all, the liver—and that's the key to the whole system. You have pure blood or poisonous blood, just as your liver chooses. The blood controls the

liver chooses. The blood controls the blood controls the blood, the "Discovery" controls the blood, the "Discovery" controls the liver.

You can escape just about half the ills that flesh is heir to, by being ready for them. Brace the system up with this medicine, which prevents as well as cures. For all discusses caused by a disordered liver or impure blood—dyspepsis, biliousness, the most staboorn skin, scalp and scrofulous affections, the "Discovery" is the only remedy so cartain and effective that it can be guaranteed. If it doesn't benefit or cure, you have your money back.

You pay only for the good you get.

SCHEDULE.

West Asheville and Sulphu Springs Railway. 'VE DEPOT FOR SUL- LEAVE SULPHUR PHUR SPRINGS. SPRINGS. 8 a m 8.30 a m

10 a m 10.30 a m 11 a m 12 m 12.30 p a 2.30 pm 2 p m 4.30 pm

*Note this schedule is from depot; take car at postoffice 15 minutes earlier.

†Except Sundays when car will leave Sulphur Springs at 10 a m resuming the regular schedule again by leaving depot at 11 a. m. Cars between postoffice and depo

A OPEN LETTER TO FRED HULL

\$3.00

KANE KREAK, 1893, the 30 March, Sir:-I seen the pictur you drawed of Mister Tattler, I seen 2, how dew you I HEARD a story draw so much alike? If you Can draw the other day that me as much alike as that thar, Come is really too good out & spend Sundy with me your bored to keep, and I am shant cost you nuthin, likewise Hanks going to tell it. The Minnle Spring ar runnin to waist, you incidents really oc- Can drink all you want, the more water curred, and in a city you drink the less rume yule hav fer not, I should say, a vittles. My son Sollomon he draws pic-

not, I should say, a thousand miles from Asheville—how long ago does not matter. A number of boys and girls, real small folks. formed, without the knowledge and like wise the consent of their parents, a dramatic society, for the purpose, we will say, from their mothers, whose activity in church work had caused the little ones to try to do something for the cause. One of the most prec cious members of the society of juveniles wrote a play in which such members as were histrionical to indicate a hould appear. The parts were

selves to the task of memorizing their lines. Rehearsals began, and were held in out-of the way places, where there would be no chance of discovery by the papas and mammas of the enthusiastic little disciples of Thespis.

Finally everything was ready for the production and the young artists were in fine feather over the prospect. They sent invitations to their parents to at-



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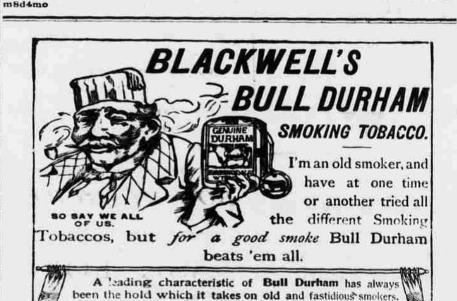
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