

ASHEVILLE DAILY CITIZEN

THIS DAILY CITIZEN, Democratic, is published every afternoon (except Sunday) at the following rates—strictly cash: ONE YEAR, \$3.00; SIX MONTHS, \$2.00; THREE MONTHS, \$1.00; ONE MONTH, 50c; ONE WEEK, 15c.

A NICE POINT OF LAW

(Continued from first page)

A NICE POINT.

The question which Judge Merrimon discusses in THE CITIZEN today is contained in this section of the State Constitution: "All vacancies occurring in the offices provided for by this article of the constitution [the judicial offices] shall be filled by the appointment of the Governor unless otherwise provided for, and the appointees shall hold their offices until the next regular election for members of the General Assembly, when elections shall be held to fill such offices."

Section 25 has nothing to do with anything but vacancies. It is altogether probable that the convention of 1875 intended to provide in section 25 for the election of a judge to the full term of eight years, in Cloud v. Wilson, 72 N. C. 155, the Supreme court were unanimously of opinion that section 31 of the constitution of 1868, conferred authority to fill vacancies only, and that under no circumstances could a new term of office be created under it either by appointment or by election. Judge Read, in his dissenting opinion in that case says: "That would be an enormity for which I remember no precedent, either to appoint or elect an officer not only for the unexpired term, but for one full term succeeding term. A statute in Congress is almost a risk years; but it does not fill that three years, and three years of the succeeding term. So here, when two judges are elected in 1874, to fill vacancies in terms which expire in 1878, their terms of office in 1878. They all vacancies and not terms."

begins. There will be left of his term three years. Would the judge have power to fill this vacancy for three years? or only until the next regular election for members of the general assembly? I am of opinion the judge's appointee could hold the office only until the next regular election or members of the General Assembly, when an election would be held to fill the office—not for four years, but for the unexpired term. And it is by no means certain that this view is in conflict with the decision of the Supreme court in Cloud v. Wilson, supra. In that case the court construed the words "next regular election" to mean until the next regular election for the office in which a vacancy had occurred, but here the language is "until an election can be regularly held," and it can scarcely be doubted that an election might be regularly held to fill a vacancy in the office of the Clerk of the Superior court, at the next regular election after the vacancy occurred. Why should not the people be permitted to elect to fill a vacancy as well as a full term? They elect to fill vacancies occurring in the Legislature and the lower house of Congress. And why should a term of office be destroyed and new term of office be created every time the office of judge becomes vacant? Why should a different rule be applied to the offices of Justice of the Supreme court and Judges of the Superior court from the rule which governs in other elective offices? It is certain that in all cases where elections have been held to fill the places held by the Governor's appointees it was universally understood that such elections were to fill vacancies and not full terms.

Liluokalani's

The Ex-Queen's diet is mainly sour grapes these days. How different if she traded at JAMES WOLFE'S stalls Nos 8 and 9, in the Market Building! Beef, Mutton, Pork, Poultry, all kinds, with special care as to cleanliness, and with polite attention to all.

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The gardener and the baker will do the rest
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JUST IN NORTH CAROLINA.

1. Shrier of Wilmington, dealer in clothing and furnishing goods, made an assignment Thursday.

The Heald says a man named C. M. Roper, 25 years old, was killed on the Western North Carolina railroad track about three miles below Morganton Tuesday afternoon by the west bound freight. Roper was drunk, and he was sitting on the end of a cross-tie.

Charlotte Observer: Concord has now in operation 35,000 spindles and 1,400 looms. She has 1,000 people employed in her cotton mills and at least 2,500 people depend upon her for a living. She pays out \$24,000 annually for labor in the factories. She pays annually about \$500,000 for cotton to feed these mills. The capital stock of these mills runs up to \$686,000. And she has another large mill under consideration.

AT THE GRAND.

Speaking of the Ovide Mus a composer, the San Francisco Chronicle says: "Musin stands beyond any comparison with any violinist who has played in this city. He stands abreast of the few who in all times have surpassed all other performers on this wonderful little instrument. His technique, of course, is of the very highest perfection, but behind that is that indescribable something that we call genius. He draws from the strings of his notes in all their fulness and beauty of tone, and they come with that intangible quality of sympathy which carries every sound direct to the soul of the listener. Annie Louise Tanner-Muslin's staccato singing is wonderfully clear, and in light graceful passages her voice is like a bird. It has a wide range. The audience was delighted with her, and recalled her again and again."

Loche Craig for Shanghai.

From the Bryson City Times. We believe a man more worthy of the honor is not to be found, his appointment would give Democratic satisfaction, which would not, for a moment, be confined to the 9th (his) district. We, without hesitation, endorse Mr. Craig and all THE CITIZEN has said about him. We know whereof we speak.

Up Among the Leaders

From the Bryson City Times. THE ASHEVILLE CITIZEN, always first when news is news.

The World's Fair At Respect.

The largest and handsomest monthly magazine of the season is The Engineering Magazine for January, with its 348 pages. It is devoted to a retrospect of the World's Fair, embracing 380 illustrations by notable artists, and the best collection of pictures of the Fair that has been published. The architectural, mechanical, electrical, mining and transportation features of the great Exposition are equally treated by such writers as Henry Van Brunt, Robert H. Thurston, Elihu Thompson, Lester W. Raymond, Colonel Henry G. Proff, and others of like prominence, while Andrew Carnegie discusses the value of the World's Fair to the American people, and General Alfred T. Gosborn commends it with the Centennial Exhibition of 1876. This number is, in short, specially designed to indicate the practical value of the World's Columbian Exposition to the science and industry of the time, and deserves to be bound for permanent preservation in the library of every one who is interested in modern industrial progress. Published from the Times Building, New York. Price 25 cents.

The World's Columbian exposition has been closed, but the Houston Narcotic Cure Institute for the treatment of the liquor, opium and morphine habits is a permanent institution in Asheville, the company owning the State of North Carolina. They are meeting with success in all cases where the person desires a cure for the curse of drink. This cure is doing a great work in New England, far more successful than anything of its kind in existence. For information, testimonials, etc., address the company at 53 West College street, Asheville, N. C. I. D. Brevard, president; D. T. Millard M. D., physician in charge.

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1894. Harper's Weekly Combination Offer!

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City Ordinance.

Mayor's Office, Asheville, N. C., July 7, 1893. Be it ordained by the Mayor and Aldermen of the city of Asheville: Sec. 1. That it shall be unlawful for any person to sell, or to offer for sale, any green corn, herbs, tomatoes (except in cans), cucumbers, snap beans, green peas, radishes, turnips, or any other vegetable, except in Asheville within a radius of one-half mile of the court house or the West End market except in the city market houses, as subject to the rules and orders now in reference thereto. Provided that this ordinance shall not apply to anyone selling the above vegetables in the city market houses, as subject to the rules and orders now in reference thereto. Sec. 2. That anyone violating this ordinance shall be fined Ten Dollars for each violation. The above ordinance was ordered to be published for one week and to go in force at the expiration of that time. P. M. L. R. T. W. PATTON, Mayor, dec3011f

BOARDING.

BY MONTH, WEEK OR DAY. WITH OR WITHOUT LODGING. Mrs. L. Kowaki, 14 PHELIP STREET, ASHEVILLE, N. C.

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