

THE ASHEVILLE DAILY CITIZEN

TERMS OF THE JUDGES. RALPH, N. C., MAY 11, 1894. Hon. Elias C. Kirk, Governor of North Carolina.

DEAR SIR:—The communication from our Associates and the Judges of the Superior Court which has been forwarded by your excellency to us, relieves us of embarrassment in complying with your request, since it is in the nature of a submission of the controversy in reference to their terms of office without a formal action.

The purchase by Representative Brookshire of a \$6,000 property near Asheville is another tribute to the climate and scenery of a kind that we have come used to, but which is worth noting nevertheless.

The women of Lexington, Ky., who are discharging their family physician's duty favor the candidacy of Breckenridge, are getting dangerously near the silly line, and boycotting merchants for the same cause.

It was probably out of a kind heart that Mr. Studebaker of South Bend, Indiana, gave a lot of Coxsways a few party last week, but the act was a mistake nevertheless.

Mrs. Maybrick, who was convicted, if we remember correctly, of attempting to poison her husband, not of murdering him in that way, and sent to jail for life, is denied a new trial by Home Secretary Aspinwall and will probably end her days in confinement.

We believe it will be a matter for congratulation by nearly every body in the State that the Supreme Court judges have been able to take what was undoubtedly the popular and, as it seemed, common sense, as well as legal view of the question of the length of terms of judges elected to fill a vacancy.

Mr. Richard Croker, late chief of Tammany society of New York, has retired from the management of that superiorly organized political organization. The act is variously interpreted. The Sun, which is about the only check and balance of Tammany now in New York, commends Mr. Croker and congratulates itself that it long ago found out that he was possessed of great talents.

The Citizen knows nothing of the truth of these charges or, rather, insinuations. We have little sympathy with the methods of Tammany, and less for the kind of Democracy it presents. But Croker, so far as can be observed at this distance, behaves himself like a good citizen, and today is an innocent man in the eyes of the law.

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pose of the Legislature to construe section 25, of article 4, of the Constitution, was to ensure the election of Justices and Judges of the Superior and Superior Courts for full terms only at regularly recurring intervals of eight years.

While we are inclined, according to our interpretation of the terms employed in that section, to so construe their actual meaning as to harmonize with our view of the legislative construction, we prefer to concede that the very able argument of the Attorney General has raised a doubt in our minds as to the meaning of the words, considered from the point of view of the legislative construction.

It is not improper to add that it is considered a safe and sound rule of construction that when the duration of a term of office which is filled by popular election is in doubt or uncertainty, the interpretation is to be followed which limits it to the shortest time and requires to the people at the earliest period the power and authority to re-elect it.

Very respectfully, Jas. P. Shepherd, Chief Justice, A. C. Ayer, Associate Justice, A. Barwell, Associate Justice, Bamboo Pottery.

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