THE ASHEVILLE DAILY CITIZEN

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SATURDAY, MAY 12, 1894.

The purchase by Representative Brook shire of a \$6,000 property near Asheville is another tribute to the climate and seenery of a kind that we have become used to, but which is worth not ing nevertheless. Men who have arrived at years of discretion do not, except neder strong incentives, move into a country and among people new to them, to live even a part of each year. The incentive in this case is a desire to share in the benefits of the finest all-the year fround climate and the most entrancing security the world affords-which is put ting it modestle.

The women of Lexington, Kr., who are discharging their family physicians if they havor the candidacy or Berekin rudge, are getting dangerously near that sally line; and boycotting merchants for the same cause, it indulged in in accordance with an agreement to that effect, become a conspiracy panishable by Lew. What each one of these women ought to do is to stand her lord and master, technicaffy, un in a corner and read him a lesson that will cause him to vote for alc cency-which does not spell Breckingalge these days anywhere, unless in Kento, ky, and we hope not there.

It was probably out or a kind heart that Mr. Studebaker of South Bend, in diana, gave a lot of Covevites a lowin party last week, but the net was a mus take nevertheless. The news will be country and will encourage other bands always lends to conflict even amonest of tramps to attempt to live off communaties which they will riset in traveling provides how any vacancy, either in the through the land on the way to Wast ington. To aid men out or work and genuinely auxious to get work is one thing; to encourage what is practically pillaging by organical bands of men who would not take work if it were it fered is some amother and a harmuni

Mrs. Maybrield, who was convicted. we remember correctly, of attempting is poison are husband, not of murdering high in that way, and sent to vill for life, is denic Lic new trial by Home Seereturn Asspirth and will probably and bei days in confinement. There will always be a doubt, whether she really intended to ofminister poison to her husband. but there can be no doubt at all that she did not have a tair trial. The reason't reopen the case is all the more difficult to understand in that the present Attor. nev tieneral of lingland, the celebrated arist Sir Charles Russell, has said that the new evidence ought to be heard.

We believe it will be a menter for congranularmo by nearly every body, in the State that the Supreme court stalges lieve been able to take what was an doubtedly the popular and, as it seemed. minion sense, as well as legal view of the question of the length of terms of orders elected to till a via they. They Mckey was elected a judge of the and that, where the Governor appoints that to in the bar budge to fill a country, the election to llawing such appointment is to the person elected to the nill term. Lour justa is of the Supreme court are have entirely eliminated the personal. a decision against well interest and a move of a board view medicings both

CROKER.

Mr. Kichard Croker, late chief of Tann many society of New York, has retired from the management of that supported organized political organication. The act is variously interpreted. The Sun, advocate of Tanamany now in Now York, commends Mr. Croker and a m out that he was possessed of gre t salt and the judges of election ralents. But several other organs of years, and that his retirement comes because he fears that exposures are about to be made of the illegal means by which called to the attention of the pu he has come into a large fortune

Rumors and institutions included ing in volume especially, during the last lew weeks. They now almost amount from unfavorable legislation at Albany

The Cremex knows nothing of the truth of these charges or, rather, insir- with our views. nations. We have little sympathy with cussing various claus s of the Constitu the methods of Tammany, and less for tution, and the construction that ha the kind of Democracy it presents. But Croker, so far as can be observed at this

These considerations lend additional distance, behaves himself like a good citi-strength, if indeed any were necessary to zen, and today is an innocent man in the our conclusion that it was the plain pur eyes of the law. It is true he has probably exerted a tremendous influence on the municipal affairs of New York city, and not always for good; but the same can also be said of Platt, the Republican boss, only in less degree. Hence what we had in mind to say is that the New York papers that are following Croker so relentlessly with their twice and thrice so relentlessly with their twice and tree what the definition of the whole system. All Blood, Skin, and Scalp Discusses, from a common blotch or eruption to the work of the whole system. can also be said of Platt, the Republican so relentlessly with their twice and thrice remedy. so relentlessly with their twice and thrice told insinuations, without proving anything, are tiring the public and creating something very like sympathy for him. In other words, these moulders of public opinion, having insinuated for some months if not years that they had a case against Croker, should now bring forward their evidence if they have any and convict him before a judge and jury. It ought to be easy, for if the charges are founded on truth the facts necessary to founded on truth the facts necessary to convict must be in possession of a great

TERMS OF THE JUDGES.

Rangigit, N. C., May 11, 1894 DEAR SIR:-The communication from our Associates and the Judges of the Superior court which has been forwarded mature deliberation, we skem it unner 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 o their terms of other without a forma

The importance to be actached to the opinion of this coorgreatly enhanced by the fact that the oncroverted question, which we are alled upon to decide, though not one in quetees from its consucration. It is a tree should be fairly and properly admin-istered, but that its administration should command the confidence of every housest, enlightened and law abiling cit

We are confronted at the threshhold of the investigation by the fact that the legal advisor of your excellence has at your request submitted a well consid-cred and strong argument upon the one side, while some others of the ablest and most learned members of the legal pro-tession have favored us with powerful presentations of the opposing view. When the scales are so nearly evenly balmeed, we deem it our daty to settle the preponderance by easting the legislative enew, which is of peculiar weight in this case, into the scale where it belongs. An other consideration which influences as once upon this view is the fact that after conceapon this view is the fact that after implying eff of the rules devised to aid us in ascertaining the meaning of a consti-uitional provision, it must be admitted and the science of law is less exact in its application to construction to be placed since such is the imperfection of hamao language that law unders eiter hal to coress their meaning in inequivoca-terns, and the interpretation of doubt

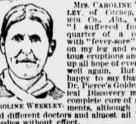
the most learned prists.
The act of 1876 7 Code section 273 offices of justices of the Supreme court or judges of the Superior court, among others, small be tilled, when it used there than (to days belong a general eletion. If it did not impear ex externing that the word "vacuusy" was used a the sense of an unexpired term, the reportation of the some word in the very next section, which preceded the provision Section 42 Ch. 275 laws 1876 7 an owed when both were as emacted code Section 2737 tends to sh that it was the legislative purposed was the view of the law which August 1878 a fustice of the S ort for a term of eight years, the in ce Buffer was appointed on the 113 bruary, 1881, to fill the vacant by his resignation, and the lagis arn resigned, and Justice Merrimon w

affected by threalers on but the indges would have closed; but for his death agon for a uni term in 1852, eight year It thus appears that the General Assen 1877, just after it took effect on the 189 or Limitery of that years and both Juswhich is about the only thick and thin when the question has arisen, apon the ect, while the executive officers, who gratulates itself that it long ago bound blanks and assist a ascertaining the re

vassers in the county have never far New York opinion take occasion to point on that Crosci retires rich that he had no visible means of support for some finite in of the term of his prediction. The more recent cases in which a speci term has been mentioned in the commis-sions of subsold officers, have never been mix, nor have they been properly a sidered executive constructions, since we cannot conceive how the tenure, which Croker have been current in New York depends upon the meaning of the constitution, and have been grow ablum, can be affected one way or the other by the action of your excellent incorporating the length of a term in to an accusation that Mr. Creder's commission. While we rest our opinion wealth has been made by blackmarling upon the duty and property of a therm that secured them pairs of or compact immunity from police "intersence" and to call attention to other clauses in th constitution and other legislation in rectly bearing upon and harmon

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pose of the Legislature to construe sec-tion 25, of article 4, of the Constitution, was to ensure the election of Justices and Judges of the Supreme and Superior courts for full terms only at regularly recurring intervals of eight years. Such being the view we have adopted after cussion of the meaning of the language used in section 25, article 1, of the Cor.

titution While we are inclined, according to our interpretation of the terms employed in that section, to so construct heir actual meaning as to harmonic with our view be actached to the opinion of this coor-dinate department of the government is fer to concede that the very able argu-ment of the Attorney General has raised a doubt in our monds as to the meaning of the words, considered from the action of other branches of the Government. Conceding then that the particular lanwhich we have any direct interest, may conceding then that the particular lanneverthcless naturally suggest to the guage leaves the intention of the framers
public the possibility that it relates so of the Constitution uncertain, we prefer
closely to our own positions as to make to rest our opinion upon the idea that the first importance, not only that as tice should be larry and properly administration. Let us administration of the legislative construction, with the universal acquisecence in it by the use tice should be larry and properly administration. provisions of the Constitution and bring them in accord with the section relating more specifically to the question before

> considered a sate and sound rule of construction, that when "the duration of a term of other which is tilled by popular election is in doubt or uncertainty, the interpretation is to be followed which limits it to the shortest time, and re-turns to the people at the earliest period the power and authority to retal it Very respectfully,

Lis F. Shepherd. Chief Instice.
A. C. Avery,
Associate Justice. Associate Justice.

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