OPINION
OF
Chief Justice Pearson.

IN THE CASE OF

State on Relation of C. C. Clark and Others vs. E. R. Stanley and Others.

"The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers whose offices are established by this Constitution, or which shall be created by law, and whose appointments are not otherwise provided for, and no such officer shall be appointed or elected by the General Assembly."—Art. iii, section 10, of the Constitution.

The words—"where appointments are not otherwise provided for,"—evidently means: provided for by the Constitution, and the words: "No such officer shall be appointed or elected by the General Assembly," are superadded as an express veto upon the power of the General Assembly, to appoint or to elect any officer, whether the office is established by the Constitution or shall be created by an act of the General Assembly.

This construction was not contested on the argument, and the case was put by the counsel of the plaintiffs on the ground that the Act of April, 1871, which authorizes the President of the Senate and the Speaker of the House of Representatives to appoint proxies and directors for the State in all corporations in which the State is a stockholder, does not create an office.

On the part of the defendants, it was insisted: That the Act of April, 1871, does create an office, and that the General Assembly appointed officers to fill this new office in violation of Art. iii, Sec. 10, of the Constitution.

A public office is an agency for the State and the person whose duty it is to perform this agency is a public officer. This, we consider to be the true definition of a public officer in its original broad sense. The essence of it is, the duty of performing an agency, that is, of doing some act or acts or series of acts, for the State.

Public officers are usually required to take an oath and usually a salary or fees are annexed to the office, in which case it is an office "coupled with an interest." But the oath and the salary or fees, are mere incidents, and constitute no part of the office: Where no salary or fees are annexed to the office, it is a naked office—honorary,—and is supposed to be accepted, merely for the public good. This definition also excludes the idea, that a public office must have continuance. It can make no difference, whether there be but one act or a series of acts to be done—whether the office expires as soon as the one act is done, or is to be held for years or during good behavior. This incident, however, need not be considered for here there is continuance: the duty is imposed upon the President of the Senate, and the Speaker of the House of Representatives, for all time to come.

To illustrate our definition: The Executive Department is an agency for the State, and the Governor and others whose duty it is to discharge this agency, are public officers.

The Judicial Department is an agency for the State, and the Judges are public officers.

The Legislative Department is an agency for the State, and the members of the Senate and of the House of Representatives, are public officers.

If it be objected, Worthy vs. Barrett, 63 N. C., 199, speaks of members of Congress and members of the General Assembly as not being public officers; the reply is: The language used in that case has reference to the wording of the 14th Article of the Amendments to the Constitution of United States, in which the "Senators and Representatives in Congress and Members of the State Legislature" are nominated, because of being prominent objects—easily pointed out by specific terms; but in regard to the other objects, they could not be pointed out, or nominated by terms so specific and recourse was had to the more general term, "executive and judicial officers," so the inference that "members of Congress and members of the General Assembly" are excluded from the original and broad sense of "public officers" is by no means logical. But suppose, in some way, either in that above indicated or by inadvertence in cases not calling for a precise definition: "Members of Congress and members of the General Assembly" have been taken out of the definition of "public officers," and are to be styled "public servants." A distinction without a difference, that does not affect an argument, and we may allow this anomalous exception, without at all impairing the force of the conclusion drawn from the legal meaning of a "public officer." The distinction between Worthy vs. Barrett is this: here, we are treating the terms "public offices and public officers," in the broad, original legal sense in which these terms are used in the Constitution of the State. There we were treating the terms in the restricted sense, in which they are used in the 14th Article of the Amendments of the Constitution of the United States.

The instances given are offices coupled with an interest. The management of the University is an agency for the State, and the Trustees upon whom is imposed the duty of discharging this agency, are public officers. This office is naked and merely honorary.

Suppose it be enacted by the General Assembly: "There shall be some fit person, whose duty it shall be, to see, that all persons against whom there is probable cause for the charge of felony, are forthwith arrested, and in case any person shall flee from justice, to offer a reward for his apprehension."

Sec. 2. It is further enacted "that John Smith discharge the duties aforesaid." This is an agency for the State; a public office; it makes no difference whether it be styled "office of General of Police," or has no name, or whether there be an oath or not, or salary or not, it is to all intents and purposes a public officer. The Constitutionality of the act might be questioned, because to make this new office, a duty or function of the Executive Department is taken away; in other words, the material out of which this new office is manufactured is taken from the Governor; and in the second place, because the General Assembly has filled this new office by its own appointment, contrary to the express provision of the Constitution—"no such officer shall be appointed or elected by the General Assembly."

Again:—suppose an act:—Whereas, experience has proved, that the Governor has made an ill use of the power of appointment, it is enacted: there shall be two fit persons to be styled "appointors general," whose duty it shall be to appoint all public officers and to fill all vacancies.

Sec. 2. It is further enacted,—"the President of the Senate and the Speaker of the House of Representatives, shall be the appointors general." This act is clearly unconstitutional; for, in the first place, in order to create this new office, it takes from the Governor, a duty or function vested in him by the Constitution; and in the second place, the General Assembly fills the office by its own appointment, contrary to the express veto of that instrument.

This is the case under consideration. True, it is on a larger scale and covers more ground; but although differing in degree it is the same in principle. A new office is created, it is not so in name, but is in effect the office of "appointors for officers in all corporations in which the State is a stockholder,"—and in order to create the office a duty or function of his office is taken from the Executive, and the appointment of these "appointors for corporations" is made by the General Assembly.

If it be said, there is this distinction:—The "appointors general" in the supposed act, are to appoint all State officers, whereas, the "appointors for corporations" are confined to State proxies and directors and these are not officers of the State, but of a corporation in which the State is a stockholder. The reply is:—This is a distinction without a difference,—even should it be conceded, that the proxies and directors are not public officers—into which question we will not enter, for our concern is with the office of "appointors for corporations" and not with the persons they may appoint to these offices. To the suggestion, the act of April, 1871, does not purport to create an office or to fill it, the reply is: such, obviously, is the legal effect of the act. When analyzed, it will be found to contain two provisions: there shall be an agency for the State to make the appointment of all State proxies and State directors in corporations. This creates a public office; and it can make no difference that it is called the office of appointors of State officers for corporations, or has no name given to it; in the second place, the officers who are to discharge this duty are appointed by the General Assembly.

We declare our opinion to be, that the statute is unconstitutional, and that the relators are not entitled to the offices claimed. We put our opinion upon familiar principles and plain analogies of the law which are intelligible to every one. The many cases cited on the learned argument with which we were favored, are not referred to, because a full discussion of them would tend rather to obscure than to elucidate the subject.

We will only refer to Hoke vs. Henderson, 4 Devereux, p. 12; that mine from which so much rich ore has been dug. In the able and elaborate opinion of Chief Justice Ruffin, we find an instance of a public officer clearly in point, which fully confirms our conclusion. It sustains the distinction between a naked honorary office like the one which we have been discussing and an office coupled with an interest. It sustains our conclusion, that the duty of *appointing to an office, constitutes of itself*, a public officer, and there is the further coincidence of indefinite continuance by conferring the new office upon the incumbents of offices already established. On page 21 he says: "The distinction in principle between agencies of the two kinds is obvious, the other one is for the public use exclusively, often neither lucrative nor, honorary, but onerous.—The other is for the public service conjointly with a benefit to the officers. The distinction which I am endeavoring to express, may be fully exemplified by the difference between the public agency in appointing, and that exercised in discharging the duties of a Clerk. By the law the Judges of the Superior Courts, and the Justices of the County Courts, were authorized to appoint the Clerks of their respective Courts; that power is *an office* in the extended sense of that word, which originally signifies duty generally, but it is not a lucrative or valuable office, it was a duty to be performed exclusively for the public convenience, and with reference to it alone, without any benefit immediate or remote to the Judges or Justices as individuals. "The Courts in this respect are not exercising a *judicial* function, not serving for emoluments, but were mere ministers of the law, and naked agents of the body politic, to effect an end purely public." "But when the Country has through those agents appointed a Clerk, though he is also a servant of the public, yet he is something more than a naked, uninterested political agent."

2. Another ground was taken for the defendants: It is the one on which his Honor in the Court below put his opinion. By the act of 24th March, 1870, the Governor is authorized to appoint proxies and directors for the State in corporations in which the State was a stockholder, prior to the adoption of the present Constitution. This act was assented to, as an amendment of the charter by the corporators of the Atlantic & N. C. Railroad Company, at a general meeting in June 1870; and it is insisted that the act of April 1871, which authorizes the President of the Senate and the Speaker of the House of Representatives, to appoint proxies and directors for the State, in all corporations in which the State is a stockholder and repeals all laws in conflict therewith and forbids the Governor to make such appointments, is unconstitutional in this: It violates the charter of the company and varies the contract without the assent of the corporators. Reply: It may be the company has a right to complain of this change in the charter, but it is an act of the State, and as both the defendants and the plaintiffs profess to be acting under the authority of the State, neither can be heard to make the objection. Rejoinder: The defendants' title is not involved; the title of the relators is alone in question; and they cannot make a good title under an act which involves the charter of the company. Surrejoinder: By Article VIII, section 1 of the Constitution: "corporations may be formed under general laws," &c;—"all general laws and special acts passed pursuant to this section may be altered from time to time or repealed;"—true this does not apply to corporations chartered before the adoption of the Constitution, but the Atlantic and N. C. Railroad Company by accepting the amendment of their charter by act of March, 1870, placed itself, in that respect, upon the footing of a corporation chartered after the adoption of the Constitution; and the power of the General Assembly to alter the charter from time to time, or to repeal the amendments, attaches to this corporation.

This is an interesting question, into which we will not enter, as its determination is not necessary for the purpose of our decision, and in regard to it, the corporation has not been heard.

The judgment of the Court below is affirmed with costs.

PEARSON.

Vermont is said to possess an island the soil of which is richly charged with gold. This auriferous bit of insular territory having been leased for a term of years by a single individual who is not at all likely to permit any one to trespass upon his valuable premises. The lessee, who is an enterprising individual, proposes to divide his golden island into numerous small tracts, and let them out to those who desire to try their fortunes in the lottery of mining without leaving the confines of civilization.—*Philadelphia Inquirer.*

—A watch fitted with a second-hand need n ot necesarily be a second-hand watch.

The Weekly Carolina Era.

☞ All Letters relating to Subscriptions or Advertisements, must be addressed to WM. M. BROWN, Business Manager.

All Registered Letters can be sent at our risk.

Subscribers receiving their papers with a cross ✗ mark, may know that the time for which they subscribed is nearly out, and unless they renew, after receiving two papers, with a cross mark, their papers will be discontinued.

J. C. LOGAN HARRIS, Editor.

THURSDAY, FEBRUARY 22, 1872.

Local, State and General Items.

COMFORT FOR KU KLUX AND DEMOCRATS.—The opinion of Chief Justice Pearson, to be found on our first page.

MEN.—A cynical lady, rather inclined to flirt, says most men are like a cold—very easily caught, but very difficult to get rid of.

BANKRUPTCY.—*The Tobacco Plant* says the Bank of Cape Fear has gone into Bankruptcy, Rev. N. H. D. Wilson, of Greensboro, has been elected assignee.

PRESERVED.—The Confederate rams Chicora and Charleston, which were sunk to prevent capture by the Federal forces on their occupation of Charleston, have been raised and found to be in very good preservation.

GOOD JUROR.—A man recently drawn as a juror at White River bottom, Ind., came from the country to state that he hadn't been to the city before for thirty years, and did not know who had been President since Andrew Jackson.

SUICIDE.—A Tennessean committed suicide by keeping the muzzle of his rifle at his head and the breech in the fire until the piece was discharged by the heat. One would prefer hanging to such suspense as he must have endured.

AGE.—Judge Cloud will be sixty-eight years old on the 1st of April next.—*Winston Sentinel.*

—Surely not. The Judge is a single man; and we are informed is as gallant as any young buck just out of his teens. *The Sentinel* broke a rigid rule of etiquette in publishing the age of the Judge. However, we don't believe he is sixty-eight.

LIBERAL REPUBLICANS.—We learn that the "Liberal Republicans" of North Carolina, are comtemplating a call for a general meeting during the Spring, for the purposes of consultation and organization.—*Salisbury Watchman.*

—If there are Republicans in North Carolina who desire to be known as "Liberal Republicans," in contradistinction to other Republicans, we hope they will make themselves known.

FORSYTHE COUNTY--REPUBLICAN MEETING.—A meeting of the Union Republican party of Forsythe county will be held at the Court House in Winston on Saturday, the 9th day of March, 1872, to appoint delegates to the State Convention of the Republican party, to be held in Raleigh on the 17th day of April, 1872, to nominate a true Republican and Union man for Governor, and also to appoint delegates to the District Convention, to nominate a Republican candidate for Congress.

YADKIN COUNTY—MASS MEETING.—We are authorized to announce that a Grand Mass Meeting of the Republicans of Yadkin County, will be held in the Court House at Yadkinville on Monday, the 4th day of March, 1872, when and where delegates to the State and District Conventions will be appointed, and a thorough organization of the party, throughout the county, effected.

All persons who favor or desire the success of Republican principles and of the Republican party are urgently requested to attend.

REPUBLICAN SOCIABLE.—*The Wilmington Journal* publishes a list of persons who were present at the first Sociable of the Southern States Republican Association, which came off at the Masonic Temple in Washington, D. C., a few days ago, and says:—

We looked for the names of some colored loyalists but found none—no, not one!

—According to the logic of *The Journal*, if Democrats should have a Sociable, no pains will be spared to secure the presence of Albert Williams, Stephen Worth, and Tom Green.

WAR.—It is rumored that in the event of war it is Grant's intention to put the negroes in the front of the battle—so as to keep them from running and make breast-works of their dead carcasses.—*Hillsboro' Recorder.*

—Wrong. The fifty thousand ku klux who compose a majority of the Democratic party of this State, are to be put in front of the battle. In order to keep them from running, disguises will be furnished, that they may wear their favorite uniform, and maintain their reputation for brave men. It is thought the klan will furnish enough men to clean out England and Spain before breakfast.

THE FIRST GUN FIRED!—*The Wilmington Post* says the political cauldron begins to bubble boisterously; the democratic waters are troubled and in violent commotion. The dismemberment of the democratic party has began already at the capitol of the State. A democratic Senator repudiates his colleagues. When the bill fixing the Senatorial Districts came up for consideration in the Senate, a prominent Democratic Senator arose in his seat and placing his hat upon his head, in perfect contempt, he said: "*Mr. President, I leave this Senate Chamber, never to return, but before I leave it, I denounce you all as a damned unworthy and corrupt body and set of men,*" and so with his hat on his head, he stalked out of the Senate Chamber. Another Senator, foremost in their ranks, has declared, that the bill fixing the Senatorial districts deprives the people of their just representation and irrevocably defeats the democratic party next fall. Another, Merrimon, (with a voice like the squeaking of a file,) squeaks out: "Let's fix the law so that a Republican can never again be elected." "Honest confessions are good for the soul." Our democratic neighbors can put this "fine cut" in their pipes and smoke it.

NOTICE TO HOUSEKEEPERS.—Those who wish valuable information will do well to enclose 3 cent stamp to W. J. EDWARDS, P. O. Box 356, Raleigh, N. C. The article he has for sale is worth $10 to any household. Any person wishing to make money during their leisure hours will do well to address him immediately.

HON. O. H. DOCKERY.—Of this gentleman *The Wilmington Post* says:

We were pleased to meet with our friend and former representative Col. O. H. Dockery on Friday. Col. Dockery is, as he has always been, honest and open in the expressions of his opinions. He as an honest Republican avows his determination to be governed by the time honored principle of Republicanism, "Majorities shall rule." Col. Dockery is a gentleman, and, though he like other members of Congress, may have his preferences, we are proud to say that no instance can be shown where Col. Dockery yielded his time-honored principle in promoting unworthy men for party purposes. Like his great prototype, Henry Clay, he would rather be right than be President. Such is Col. Dockery.

NEW TELEGRAPH LINE.—*The Wilmington Post* says a telegraph line will soon be established on the Wilmington, Charlotte and Rutherford Railroad from Wilmington to Charlotte. We hope the citizens of Fayetteville will see fit to connect with it at Lumberton, and get into communication with the outer world. So busy and thrifty a place as the town of Fayetteville ought not to remain outside any longer. The interests of Fayetteville and Wilmington are inseparable.

Raleigh Markets.

Wholesale Prices.
BY
POOL & MORING.
Grocers and Commission Merchants,
Corner Wilmington and Martin Sts.

COTTON—per lb.,	20¾
CORN—per bushel,	$ 90
OATS—per hundred,	80
FLOUR—North Carolina Family,	8 50
FLOUR—Baltimore Family,	10
BACON—per lb.,	8½
SALT—per sack,	2 85
BAGGING—	16
COTTON YARN—	1 60
CORN MEAL—per bushel,	95

Retail Prices.
BY
MARCOM & ALFORD
Grocers and Commission Merchants,
Hargett Street.

BACON—Baltimore smoked,	10 @ 11
" —unsmoked,	9½ @ 10
" —strips,	12½ @ 00
" —shoulders,	8 @ 9
" —N. C. Hams,	15 @ 17
BUTTER—per lb.	20 @ 25
BEESWAX—per lb.,	25 @ 30
BEEF—on hoof,	6 @ 7
" per quarter,	5 @ 8
COFFEE—per lb.,	@ 30
CHEESE—per lb.,	20 @ 25
COTTON YARN—per bale.	65 @ 90
CORN—per bushel,	90 @ 95
CHICKENS—per piece	25 @ 00
EGGS—per dozen,	20 @ 25
FLOUR—per bbl.,	8 00 @11 00
FODDER—per 100 lbs.,	1 40 @1 50
HAY—per 100 lbs.,	75 @1 00
HIDES—green, per lb.,	6 @ 7
" —dry, per lb.,	12 @ 15
HERRINGS, N. C.—per bbl.,	7 50 @8 00
LEATHER—per lb.,	30 @ 40
LARD—per lb.,	15 @
MOLASSES—per gallon.	33 @ 50
" Golden Syrup,	1 00
MEAL—per bushel,	1 00 @1 10
OATS—per bushel,	75 @ 90
" —per 100 lbs.,	00 @1 00
PORK—	6 @ 8
POTATOES—irish, per bush.,	75 @2 50
" sweet, per bush.,	80 @1 00
SUGAR—crushed,	20 @ 00
" —extra C.,	16 @ 16¾
" —P. R.,	15 @ 00
" —common,	12½ @ 00
SALT—per sack,	2 75 @3 00
TALLOW—per lb.,	7 @ 10
VINEGAR—per gallon,	40 @ 50

Cotton Markets.
BY
GEORGE T. STRONACH,
Dealer in Cotton and Naval Stores,
Market and Martin Streets.

Receipts at Raleigh, - - - 50 bales.

QUOTATIONS:

Ordinary,	19½
Good ordinary	20½
Low middling,	21

Newbern Corn Market,
REPORTED BY
WILLIAM H. OLIVER,
Corn and Commission Merchants,
NEWBERN, N. C., FEB. 6, 1872.

Market quiet, Receipts large, Sales at 62@63 cents per bushel of 56 pounds.

Railroad freight to Goldsboro 5c., to Wilmington 10c., to Raleigh 10c., to Charlotte 18c. per bushel.

W. T. ADAMS. T. R. ADAMS.

W. T. ADAMS & SON,
Manufacturers and Dealers in
STEAM ENGINES,

SAW AND GRIST MILLS,
Plows, Harrows, Cultivators, Hoisting Machines,
and all kind of
CASTINGS.

All work neatly and promptly executed, by skillful workmen, on the most reasonable terms.

The senior partner has had over 40 years experience in the business, and feels justified in saying that he can give entire satisfaction.

WANTED—100,000 pounds old Cast Iron, for which the highest market price will be paid, in cash or exchange for work.

Works one Square West of Court House.

Raleigh, January 23, 1872. 33—w3m.

$200 REWARD!

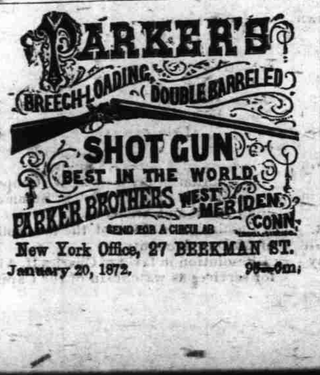
WHEREAS, S. S. Cannon, County Commissioner, stands charged with forgery in several cases, and has fled the County, the Board of Commissioners of said county hereby offer a Reward of Two Hundred Dollars, for the apprehension and delivery of said Cannon to the Sheriff of Chowan County, at Edenton, or one hundred dollars for his capture and delivery in any jail so that he may be claimed by proper authorities. By order of Board Commissioners.

O. F. GILBERT, Clerk, &c.,
Chowan County.

Edenton, N. C., Jan. 10, 1872. 92-30d.

DESCRIPTION:

S. S. Cannon is about 28 years of age, quite black, 5 feet 10 inches high, slim built, thin visage, eyes large and rather protruded, the whites having a brownish cast, smiles when spoken to or speaking, talks and dresses well, stand and walks erect, and writes a good hand. He is well known in Charleston, Raleigh, and Portsmouth.



New York Office, 27 BEEKMAN ST.
January 20, 1872. 95—6m.

Legal Advertisement.

In pursuance of An Act of the General Assembly, ratified the 23rd day of January, 1872, I have caused to be published the following certified copy of "An Act to alter the Constitution of North Carolina."

E. J. WARREN,
President of the Senate.

January 24, 1872.

AN ACT to alter the Constitution of North Carolina.

SEC. 1. The General Assembly of North Carolina do enact (three-fifths of all the members of each House concurring),

That the Constitution of this State be altered as follows, to wit:

Amend section six, of the first article, by striking out the first clause thereof, down to and including the word "but;" this being the clause relating to the State debt.

Amend section two of the second article by striking out the word "annually," and inserting in lieu thereof, the word "biennially;" being in reference to the sessions of the General Assembly.

Amend section five of the second article, by striking out all that precedes the words, "the said Senate districts," and by striking out the phrase "as aforesaid or" in said section; the parts so stricken out having reference to the State census.

Add a new section to the second article to be styled "section 30," and to read as follows: "The members of the General Assembly shall each receive three hundred dollars as a compensation for their services during their term, subject to such regulations in regard to time of payment and reduction for non-attendance as may be prescribed by law; but they may have an additional allowance when they are called together in special session, and mileage shall be ten cents per mile for each session."

Amend section one of the third article by striking out the words "four years," where they occur first in said section, and inserting, in lieu thereof, the words "two years," being in reference to the terms of executive officers.

Strike out the words "Superintendent of Public Works," wherever they occur in the Constitution, thus abolishing that office.

Amend section six of the third article, by striking out the word "annually," and inserting, in lieu thereof, the word "biennially," so as to conform to the provision respecting the sessions of the General Assembly.

Strike out sections two and three of the fourth article, being the provisions which refer to the appointment and duties of the Code Commissioners.

Alter section four of the fourth article, so that said section shall read as follows:—"The judicial power of the State shall be vested in a Court for the trial of impeachments, a Supreme Court, Superior Courts, such inferior Courts as may be established by law, and Courts of Justices of the Peace."

Alter section eight of the fourth article, so that said section shall read as follows:—"The Supreme Court shall consist of a Chief Justice and two Associate Justices; *Provided*, That this shall not apply to the justices during their present term of office, unless by death, resignation, or otherwise, the number of Associate Justices shall be reduced to two."

Alter section twelve of the fourth article so that said section shall read as follows: "The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and in each district a Superior Court shall be held at least twice in each year, to continue for such time in each county respectively as may be prescribed by law. The General Assembly shall lay off said districts in due time, so that the said nine judges may be chosen and begin their official term at the first general election for members of the General Assembly which shall occur after the ratification of this section." The General Assembly may reduce or increase the number of Districts to take effect at the end of each judicial term.

Strike out section thirteen of the fourth article, which fixes the present judical districts.

Amend section fourteen of the fourth article by striking out all after the word "office," and inserting, in lieu of the part so stricken out, the following: "The General Assembly shall prescribe a proper system of rotation for the judges of the Superior Courts, so that no judge may ride the same district twice in succession, and the judges may also exchange districts with each other, as may be provided by law."

Strike out section fifteen of the fourth article, and insert in lieu thereof, the following: The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other Courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best, provide also a proper system of appeals, and regulate by law when necessary the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this constitution."

Strike out sections sixteen, seventeen, nineteen, twenty-five and thirty-three of the fourth article.

Amend section twenty-six of the fourth article by striking out all that part which begins with, and follows the word "but" in said section, and, in lieu of the part so stricken out, inserting the following:—

"The judicial officers and the clerks of any courts which may be established by law, shall be chosen by the vote of the qualified electors, and for such term as may be prescribed by law. The voters of each precinct, established as is elsewhere provided for in this constitution, shall elect two justices of the peace for such term as may be fixed by law, whose jurisdiction shall extend throughout their respective counties. The General Assembly may provide for the election of more than two justices of the peace in those precincts which contain cities or towns, or in which other special reasons render it expedient. The chief magistrates of cities and incorporated towns shall have the judicial powers of justices of the peace."

Amend section thirty of the fourth article by striking out the word "townships" and inserting, in lieu thereof, the word "precincts;" also in the last sentence of the same section, strike out the words "the commissioners of the county may appoint to such office for the unexpired term," and in lieu thereof insert "an appointment to fill such vacancy for the unexpired term shall be made as may be prescribed by law."

Amend sections one and seven of the fifth article, by striking out the words "commissioners of the several counties" where they occur in said sections, and in lieu thereof inserting the words, "county authorities established and authorized by law."

Strike out section four of the fifth article, relating to taxation to pay the State debt and interest.

Amend section six of the fifth article by inserting after the word "instrument" in said section the words "or any other personal property."

Insert the word "and" before the word "surveyor" in section one of the 7th article, and strike out the words "and five commissioners" in said section; also add to said section the following: "The General Assembly shall provide for a system of county government for the several counties of the State."

Amend section two of the seventh article, by striking out the word "commissioners" and in lieu thereof inserting the words "county authorities established and authorized by law;" and in the same section strike out the words, "the Register of Deeds shall be *ex officio* clerk of the board of commissioners."

Strike out section three of the seventh article, and in lieu thereof insert the following: "The county authorities established and authorized by law shall see that the respective counties are divided into a suitable number of sub-divisions, as convenient and compact in shape as possible, and marked out by definite boundaries, which may be altered when necessary. Said sub-divisions shall be known by the name of precincts. They shall have no corporate powers. The township governments are abolished. The boundaries of the precincts shall be the same as those which heretofore defined the townships until they shall be altered."

Strike out sections four, five, six, ten and eleven of the seventh article, which relate to the township system.

Amend sections eight and nine of the seventh article, by striking out the words "or townships" where they occur in said sections.

Strike out section three of the ninth article, and in lieu thereof insert the following: "The General Assembly shall make suitable provision by law for the management and regulation of the public schools, and for perfecting the system of free public instruction."

Strike out section five of the ninth article, and in lieu thereof, insert the following: "The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments heretofore in any wise granted to, or conferred upon, the Board of Trustees of said University; and the General Assembly may make such provisions, laws and regulations, from time to time, as may be necessary and expedient, for the maintenance and management of said University."

Strike out sections thirteen, fourteen and fifteen of the ninth article, relating to the University of North Carolina. Amend section ten of the eleventh article by striking out the words "at the charge of the State," and in lieu thereof, insert the words "by the State; and those who do not own property over and above the homestead and personal property exemption prescribed by this Constitution, or being minors, whose parents do not own property over and above the same, shall be cared for at the charge of the State."

Alter section seven of the fourteenth article so that said section shall read as follows: "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 under any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly; *Provided*, That nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or Commissioners for Special Purposes."

Add another section to the fourteenth article to be styled "section 8," and to read as follows: "County officers, justices of the peace and other officers whose offices are abolished or changed in any way by the alteration of the constitution, shall continue to exercise their functions until any provisions necessary to be made by law in order to give full effect to the alterations, so far as relates to said officers shall have been made."

Re-number the sections in those articles from which any section has been stricken without the insertion of another in its stead; and give to any new section that number which by this method would have been given to the section for which it is substituted, and the alterations shall be embodied into the constitution, and the several sections numbered consecutively.

Ratified the 19th day of January, A. D., 1872.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
Raleigh, Jan. 22d, 1872.

I, Henry J. Menninger, Secretary of State, hereby certify that the foregoing is a true copy *of the original act* on file in this office.

H. J. MENNINGER,
Secretary of State.

jan. 25.—w6m.

New Advertisements.

$39,000 REWARD!

EXECUTIVE DEPARTMENT,
RALEIGH, NORTH CAROLINA,
February 16th, 1872.

Whereas, the General Assembly of North Carolina did on the 8th day of February, A. D., 1872, pass the following act, to wit:

AN ACT concerning the Robeson County Outlaws.

Sec. 1. The General Assembly of North Carolina do enact: That in addition to the reward already offered for the arrest of certain outlaws and murderers in the County of Robeson, His Excellency, Gov. TOD R. CALDWELL, is hereby authorized and empowered by public proclamation to offer as an additional reward to those authorized by act of the General Assembly, ratified the 13th day of February, A. D., 1871, ten thousand dollars for the arrest and delivery, dead or alive, for the body of Henry Berry Lowery to the proper authorities of the State, and a reward of five thousand dollars each for the arrest and delivery, dead or alive, of the bodies of Boss Strong, Stephen Lowery, Thomas Lowery, George Applewhite and Andrew Strong to prope. authorities of the State.

Sec. 2. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D., 1872.

Now, therefore I, Tod R. Caldwell, Governor of the State of North Carolina, by virtue of the authority in me vested by said act above recited, do issue this my proclamation offering the following rewards in addition to those heretofore offered, to be paid in currency to the party or parties who shall apprehend and deliver, dead or alive, any of the outlaws hereinafter named, to the Sheriff of Robeson county, viz:

For Henry Berry Lowery, Ten Thousand dollars.

For Boss Strong, Stephen Lowery, Thomas Lowery, George Applewhite and Andrew Strong, Five Thousand Dollars each.

Done at the city of Raleigh, on the 16th day of February, A. D., 1872, and in the 96th year of American Independence.

TOD R. CALDWELL,
Governor.

By the Governor:
J. B. NEATHERY,
Private Secretary. 108:tw1m.

Robesonian and *Wilmington Post* copy one month and forward bills to Executive office.

STATE OF NORTH CAROLINA,
GRANVILLE COUNTY.
SUPERIOR COURT.

Norman Long, Administrator of Rufus T. Heflin Deceased,
against
Daniel W. Rencher and Emma, his wife, Lewis Heflin and others.—Petition to make real estate assets &c.

This cause coming on to be heard, and it appearing to the satisfaction of the Court that Rufus Heflin, Francis Heflin, Thomas Heflin, Ella Heflin, Pattie —— and her husband, whose name is unknown to the Plaintiff, and non residents of this State, and supposed to be a resident of the State of Texas. On motion of Willis H. Jenkins, Attorney for the Plaintiff, it is therefore ordered, that publication be made for six weeks in THE CAROLINA ERA, a paper published in the city of Raleigh, N. C., notifying the said defendants of the filing of the complaint in this proceeding, that the same is for sale of real estate to pay debts, and that they make appearance at the office of the Clerk of the Superior Court, for Granville county in Oxford, on or before the 30th day of March next, and answer, plead or demur as they may see fit, and that upon failure to appear, the prayer of the Petitioner will be granted and an order of sale made according to law.

C. BETTS, Clerk,
Sup'r Court of Granville Co.

Feb. 12, 1872. 36—w6w.

STATE OF NORTH CAROLINA,
PITT COUNTY.
In Superior Court.

James A. Thigpen, adm'r. of McPortus, *against* John Portus, Phoebe Portus, Wm. H. Tytus and J. H. B. Tytus, heirs-at-law, defendants.—Petition to sell Land for the payment of Debts.

It appearing to the Court, that Phoebe Portus, Wm. H. Tytus and J. H. B. Tytus, three of the defendants in this case, are non residents of this State; it is therefore ordered that publication be made for six successive weeks in *The Carolina Era*, a newspaper published in the City of Raleigh, notifying the said defendants of the filing of this petition, and that unless they appear before the Clerk of the Superior Court of said County, at his office in Greenville, in six weeks from the date of this publication, and plead, answer or demur to the said petition, the same will be heard *ex parte* as to them, and judgment granted according to the petition.

Given under my hand and seal of said Court, at office in Greenville, this January 2d, 1872. — W. L. CHERRY, C. S. C.

A. H. MANSFIELD, D. C. 31—w6w.

THE AMERICAN WASHER!
PRICE, $5.50.
The American Washer Saves Money, Time, and Drudgery.

The Fatigue of Washing Day no Longer Dreaded, but Economy, Efficiency, and Clean Clothing, Sure.

In calling public attention to this little machine, a few of the invaluable qualities, (not possessed by any other washing machine yet invented,) are here enumerated.

It is the smallest, most compact, most portable, most simple in construction, most easily operated. A child ten years old, with a few hours practice, can thoroughly comprehend and effectually use it. There is no adjusting, no screws to annoy, no delay in adapting! It is always ready for use! It is a perfect little wonder! It is a miniature giant, doing more work and of a better quality, than the most elaborate and costly. One half of the labor is fully saved by its use, and the clothes will last one-half longer than by the old plan of the rub board. It will wash the largest blanket. Three shirts at a time, washing thoroughly! In a word, the ablution of any fabric, from a Quilt to a Lace Curtain or Cambric Handkerchief, are equally within the capacity of this LITTLE GEM! It can be fastened to any tub and taken off at will.

No matter how deep rooted a prejudice may exist against Washing Machines, the moment this little machine is seen to perform its wonders, all doubts of its cleansing efficacy and utility are banished, and the doubter and detractor at once become the fast friends of the machine.

We have testimonials without end, setting forth its numerous advantages over all others, and from hundreds who have thrown aside the unwieldy, useless machines, which have signally failed to accomplish the object promised in prominent and loud sounding advertisements.

It is as perfect for washing as a wringer is for wringing. The price another paramount inducement to purchasers, has been placed so low that it is within the reach of every housekeeper, and there is no article of domestic economy that will repay the small investment so soon.

$5.50.

All that is asked for this GREAT LABOR SAVER, is a fair trial. We guarantee each machine to do its work perfectly.

SOLE AGENTS FOR THE UNITED STATES,
A. H. FRANCISCUS & CO.,
513 Market St., Philad'a. Pa.
The largest and cheapest WOODEN WARE HOUSE in the United States.
Oct. 5, 1871. 18—w6m.

NOTICE.

EXECUTIVE DEPARTMENT
STATE OF NORTH CAROLINA,
Raleigh, Feb. 15th, 1872.

WHEREAS, It has been reported to me that the present Board of Directors for the State Prison are offering for sale brick and other materials belonging to the State, which were procured for the purpose of erecting said Prison; and whereas, by a recent decision of the Supreme Court of North Carolina, it is manifest that said Board of Directors were appointed contrary to and in violation of the Constitution of said State. I do, therefore, hereby forbid said Directors, or either of them, to dispose of any property of the State, and I also warn any purchaser or purchasers against removing any of said property or material from the place where it now may be, or to take the same or any of it into his or their possession. Any one interfering with said property without lawful authority will be deemed trespassers and held responsible as such. Given under my hand on the day and year above written.

TOD R. CALDWELL,
Governor.

Feb 15-4w.

TRUSTEES' SALE OF
VALUABLE REAL ESTATE
IN WESTERN NORTH CAROLINA.

By virtue of a Deed of Trust to the undersigned, duly executed by Geo. W. Swepson and wife Virginia B. Swepson, on the 6th day of July, 1870, we will proceed to sell at Asheville, the county of Buncombe, on the 14th day of March, 1872, to the highest bidder, the following Real Estate, to wit:

One undivided half interest in the lot in Asheville, known as the Eagle Hotel property, with the buildings and appurtenances, the said lot containg twelve acres. This House is very favorably situated and contains over fifty rooms, some of which are large and commodious.

Also, at the same time and place the following Tracts of Land in the county of Cherokee:

I. The well known farm formerly owned by Gid Morris, and on both sides of Valley River, consisting of several contiguous tracts, containing 1,600 acres more or less, 600 acres of which will be found first class bottom land; those contracts were conveyed to Geo. W. Swepson by Gid Morris and D. W. Morris.

II. The Charles Moore farm, also on Valley River, and near the above Morris farm, containing about 600 acres, chiefly bottom land.

III. The David Hennesea places on the same River, consisting of three contiguous tracts, containing in all about 682 acres; very fine farming land, mostly bottom.

IV. Two other tracts on the same River, containing 363 acres, formerly owned by E. V. Sharpe, and known as the Piercy lands.

V. An individual half interest in sixteen adjoining tracts on the same River, held