

SALISBURY, MONDAY, OCT. 4.

WILL THE LEGISLATURE HOLD OVER?

We observe a communication in the Standard, written by some one styling himself "Spartacus," in which an ingenious but unsound argument is made in maintenance of the position that the members of the present Legislature are entitled to hold their seats till August 1872.

We propose to notice briefly the points on which the question turns, and give the grounds for our own opinion that there is no real merit in this claim of right to hold over till August 1872, but that the present Assembly can only hold till August of next year.

That there is a pretext for quibbling and cavilling on this subject we admit; and we further declare, what we have been assured by well-informed Radicals themselves, that certain tricky members of the Constitutional Convention did seek to frame those provisions of the Constitution, which relate to the Term of the present Assembly, in such a manner as to warrant its claiming to hold for four years; but those members of the Convention, who were engaged in this plot, felt afraid to reveal their purpose to the Convention, and employed ingenious ruses to divert attention away from the precise wording of those Sections of the Constitution.

Hampered by the necessity of proceeding thus covertly, they could not succeed in securing such satisfactory provisions as they would have wished; but they at least prevailed far enough to throw a shade of ambiguity around this point in the Constitution,—sufficient, as they hoped, to authorise a Radical majority in the Assembly to set up, and act upon, this claim, with some show of plausibility.

The incentive to this deceitful manœuvre, on the part of those tricksters, was that they expected to secure a Radical Assembly at the election in April 1868, but they feared a failure in this in August 1870; and therefore they sought to prolong the Term, and avoid another election as long as possible.

This account of the plot we have upon the authority of a well-posted Radical and Carpet-bagger, whose name we do not wish to give, unless we are compelled, although we never understood his communication to us as confidential.

We mention the facts merely to show what tricks, and what deception, are practised by Radical partisans to keep their party in power.

But we are happy to believe that those plotters were not skillful enough in the science of legal construction to accomplish their object; so that although they did succeed in muddling the subject enough to beget the question about the Term of this Assembly, they left in the Constitution some plain provisions utterly inconsistent with the idea that this Legislature can hold beyond August of next year.

The entire language of the Constitution touching this question will be found in Article II, and in the following Sections of that Article, to wit:

Sec. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Sec. 6. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, &c.

Sec. 27. The terms of office of Senators and members of the House of Representatives shall commence at the time of their election; and the term of office of those elected at the first election under this Constitution shall terminate at the same time as if they had been elected at the first ensuing regular election.

Sec. 29. The election for members of the General Assembly shall be held for their respective districts, and counties, at the places where they are now held, or may be directed to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter.

But the General Assembly may change the time of holding the elections. The first election shall be held when the vote shall be taken on the ratification of this Constitution by the voters of the State, and the General Assembly then elected shall meet on the fifteenth day after the approval thereof by the Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day thereafter; and the members then elected shall hold their seats until their successors are elected at a regular election.

In these Sections, the first main point is that the Term of members of the Assembly is "biennial," commencing at the time of their election.—But as the period of the general elections is fixed in the month of August every 2d year, and as the election for members of the present Legislature is directed to take place when the Constitution should be

submitted, that is, in April, it was necessary to make some provision to avoid what would otherwise have been an Interregnum extending, as we think, from April to August 1870; for the present Legislature, if strictly "biennial" in its Term, would expire on the 23rd of April, 1870, and no other could be chosen till the first Thursday in August, 1870, thus leaving us without a Legislature for over three months—a condition not so very frightful to our people, perhaps, but one, nevertheless, which the Convention wished to avoid.

To guard against this, the clause was added providing that the Term of the present Assembly should "terminate at the same time as if they had been elected at the first ensuing regular election."

Now by this language,—the first ensuing regular election,—we hold that the Convention could only have meant "the time when the first election would regularly have been held"—to wit, in August, 1868, had it not been deemed necessary to order a special, irregular, election in April, instead thereof. This is all, it can be made to mean, when construed, as it must be, not by itself, but in connection and in consistency with the Section (29) almost immediately following it.

Section 29 provides that "the election for members of the General Assembly shall be held * * * on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter."

Our readers can now see the basis of the Radical quibble about the length of the Term of the present Assembly. Those pettifoggling cavillers say that the election in August 1870, is "the first ensuing regular election," alluded to in Section 27; and as that Section provides that the members of the present Assembly shall hold "as if elected at the time of the first ensuing regular election," they are entitled to hold as if elected in August, 1870, which would extend their Term to August 1872.

Now this ingenious specimen of special pleading—for a purpose—is most easily refuted by a common-sense view of the matter, and by a well-established rule for construing all legal instruments, which is, to construe all their provisions together and in such a way as to give some meaning, if possible, to each part.

"Spartacus" and his fellow-quibblers on this subject set this good old rule utterly at naught. They stretch, to an unnecessary extent, the somewhat equivocal words in Section 27, and in doing this they treat as completely nugatory the explicit provision in section 29, which says an "election for members shall be held in August 1870." They shun the reasonable, and manifestly intended, meaning which we have above given to the words of Section 27, by which those words are made perfectly consistent with section 29.

They draw from those words a mere inference, and with this inferential cudgel they undertake to beat down the plain, mandatory provision of Section 29, that an "election shall be held" next year!

We submit that according to sound principles of legal construction, as well as common sense, this direct command, to hold an election in August, 1870, cannot possibly be overborne by a mere deduction supposed to result from the language of Section 27, which language, as we have shown, is capable of receiving a fair interpretation, giving it a very important meaning and effect, without at all conflicting with the requirement to hold an election next year.

For, according to our view, Section 27 does prolong the Term of the present Assembly during the odd three months from April to August, 1870, which very legitimate purpose we may fairly say it was intended to serve, and this only; and whatever seeming want of preciseness may exist, in the verbiage used to confine its operation to the period prior to August, 1870, unquestionably arose by the Convention, when framing this Section, very naturally contemplating, August, 1868, as the time for a regular election, as by analogy of the rule they adopted it would have been, though no election took place then in actual fact, because superseded by the special election in April.

STATE NEWS.

RING MASTER.—Gen. Littlefield, the Ring Master, is still exhibiting our Governor and Treasurer in Wall street, for the purpose of Baling up the Bonds. The sight of two such financial heroes is enough to depress anything.

QUERY.—Was the advent of the Treasurer of North Carolina into Wall street. New York, the cause of the tremendous agitation in the gold market? By the way, we understand our Governor refused to see several gentlemen who called on him last week in the great metropolis, to make inquiries concerning the old N. C. bonds.

The Rutherford Star says that Messrs. T. C. Bradley and Vance Roads, captured two horses near Columbus, Polk county, in the possession of Jake Case alias James Smith and another man who escaped, name unknown. The horses are supposed to have been stolen in Anderson county, Tennessee.

ATTEMPT AT MURDER AND ROBBERY.—We are again called upon to record a most diabolical attempt at murder, committed by some infamous negro.

In this case nothing but the coolness and self-possession of the intended victim saved him from a bloody death.

The facts so far as we have been able to ascertain, are as follows:—About 3 o'clock, on last Saturday night, Mr. O. M. Mayo, living at the residence of Mr. G. Jones, some seven or eight miles from Tarboro, was awakened by some noise in the dining room, adjacent to the room in which he was sleeping.

Proceeding to the open door connecting the two rooms he discovered a negro in the very act of entering his own apartment, and suspecting foul play, turned to get his pistol lying near by.

As he did so, he was immediately assaulted by the negro, who was armed with a murderous iron bar, and received a stunning blow upon the forehead. He grappled with the villain and succeeded in wresting the bar from his hand, not, however, without receiving in the scuffle several more severe blows on the head.

Finishing he had failed in his murderous attempt the negro immediately turned and fled, and notwithstanding the utmost efforts of the citizens, he has not yet been apprehended. The room in which the desperate affair took place bears many bloody marks of the horrible assault, and shows with what determination Mr. Mayo fought for his life.

The object of the scoundrel is supposed to have been robbery or revenge, but everything connected with it is involved in mystery, as Mr. Mayo was not able, to identify the would be murderer.

At latest accounts Mr. M. was suffering severely from the effects of the numerous wounds but we are glad to learn his condition is not considered dangerous.

The N. C. State Fair will be held in Raleigh, commencing and Tuesday, October 19th, and continue Wednesday, Thursday and Friday, 20th, 21st and 22nd.

The Fair of the Central Agricultural Society will be held at Henderson, on the R. & Gaston Railroad, on the 12th, 13th, 14th and 15th of October.

The Fair of the Cape Fear Agricultural Association will be held at Wilmington, on the 16th, 17th, 18th and 19th of November.

Our exchanges, especially in Virginia will please notice the above, as some misapprehension exists, we are informed, in regard to the dates of the Fairs in this State.—Sentinel.

THE CROPS ABOUT WELDON.—The News says many planters contend that not more than half a crop will be made, while others claim a larger proportion, but from all the information we can obtain, both from personal observation and from a continuous mingling with the farming community, we do not think that in this county the crop has been injured much, if any, over a third as some sections have suffered comparatively little.

In Northampton the damage will not fall short of one half. The heavy rain of Sunday evening did much injury in washing out the cotton, thus damaging it.

The Morning Star says that Henry Edmondson alias Henry Chase, who was arrested in Columbus county, tried, convicted and sentenced to the penitentiary for ten years, is a master thief, having stolen at least fifty horses.

The Railroad meeting which was to have come off at Snow Hill, last Saturday, may have occurred—if it did, we find no mention of it in any of our Eastern exchanges, nor have we any intelligence from it from any source. We hope it is not a failure.

HABIT IS EVERYTHING.—A city man, accustomed to lodge on one of the noisiest streets, recently visited a country friend. Two much quiet destroyed his rest at night. His friend felt for his distress and said he would try and relieve it.

WASHINGTON.

WASHINGTON, Sept. 30.—Senator Spencer and Col. Stokes of Ala., visited Grant to-day. They represent the interview as highly satisfactory and complimentary to the people of the South and their intentions. Grant hopes to visit the South this winter.

Revenue to-day \$698,000. The President is urged to appoint D. C. Humphries of Ala., to succeed Judge Swayne of the Supreme Court.

The President has recognized Peter Stouba as Swiss Consul for Tennessee, to reside at Knoxville. Delano decides that a wholesale Druggist, selling less than half a pint of spirits, or more than five gallons alcohol, must take both wholesale and retail license.

Washington, Oct. 1.—Advices from the city of Mexico, to Sept. 1st, received. Congress had assembled. Juarez made a congratulatory address on the condition of the Republic.

Washington, Oct. 1.—Commander Lane reports from Lisbon that he reached that port in twenty-one days. His vessel the Junjata is a success as a sailing vessel. The Junjata found the Sabine in Lisbon. There had been no trouble whatever on the Sabine.

MISSOURI. ST. LOUIS, Sept. 30.—There was a collision on the Iron Mountain R. R., to-day, by which the engineer was killed.

The Indians attacked a detachment of the fifth cavalry from Fort McPherson. Nothing is known of their fate, except that a sergeant, separated from his command was pursued twenty-five miles.

PENNSYLVANIA. PHILADELPHIA, Oct. 1.—In a political row to-day two Republicans were killed.

CONNECTICUT. NORWALK, Oct. 1.—The National Bank of Norwalk has been robbed. The Bank loses \$30,000; private parties lose immensely, amount not known.

THE DEAF AND DUMB AND BLIND INSTITUTE.

We have hitherto omitted, unintentionally, to call special attention to the card announcing the beginning of the next session of the State Institution for the education of the Deaf and Dumb and Blind. The session begins on the 4th of October and already pupils are coming in.

The purposes of this institution is of the noblest and most praiseworthy character. It takes the poor unfortunate class of human beings, who are cut off by physical defect from most of the sources of knowledge, and by a diligent but certain effort, places them in communication with their species, and overcoming, to a great extent, the misfortune which would keep them in isolation for life.

We would not only call attention of parents and guardians, who have children of this unfortunate class, under their charge, to the advantages of this Institution, and the moral obligation that rests upon them to give such children a chance to avail of these advantages; but we think it the duty of every Christian, every philanthropist and every citizen in the State to use his influence in his respective county or neighborhood, to have all children of the class for which this Institution was organized, sent to it.

The President, Willie J. Palmer, Esq., and the subordinate officers, are fitted by mental and moral qualifications for the positions they hold to educate and care for those sent to the Institution, and it is a cruel kindness, a misdirected affection, which influences parents to keep their deaf and dumb or blind children at home and thus deprive them of the advantages that will so much enhance their happiness in after life.

Mrs. Leigh, Lord Byron's sister, was a woman of plain, unattractive appearance. She was married when Byron was nineteen, and those who knew them well say that she was like a mother to him. She was aware of his numerous faults, and hoped that his marriage would reform him. She had no taste for poetry.

TEN MINUTES FOR DINNER. All American travelers know the rush and the bolt. In England it is as bad, perhaps worse than in America. In France the clerk of the refreshment saloon waits on you in the train, takes your order, and when you get to the depot, a good dinner is waiting which you have time to eat; or, you can have lunch in the train and leave your plates, knife and fork at the next station.

a flour barrel. This basket has a flat top, with a rim round it, and a door in the side, which, opening, shows shelves within, with hot soup, meat, vegetables, perhaps desert, a bottle of wine, bread, etc. A depression in the top of the basket holds the drinking glass, and all the passenger has to do is to take out his plates one at a time, and eat at his leisure.

New Advertisements.

GEORGE H. DAWES, (SUCCESSOR TO G. W. BLUFORD,) DEALER IN HIDES, LEATHER & SHOE FINDINGS, No. 31 E. side Market Square, NORFOLK, VA.

HIGHEST CASH PRICES PAID FOR GREEN AND DRY HIDES, WOOL, BEESWAX, FURS AND EGGS, Send for circular. oct1-50-6m

HOWARD HOUSE, HOWARD AND BALTIMORE STREETS, BALTIMORE, N. P. SEWELL.

ROSADALIS. GREAT RENOVATOR. BLOOD PURIFIER. ROSADALIS ALMANAC. Dr. Clements, Rivers & Co. 61 Exchange Place, BALTIMORE, MD.

TEN GENUINE RECEIPTS. WARRANTED TO BE NO TRICK!

- No. 1 and 2. For making the best Cologne and hair oil, at a cost of 25 CENTS PER GALLON. No. 3. For making the best tooth powder at a cost of 30 cts per pound. No. 4. For making Genuine Sealing Wax—any color, at a cost of 15 cents per pound and how to seal 50 bottles in one minute. No. 5. For making Water and Fire proof paint, or cement, for roofs and walls—at a cost of 10 cts per gallon. No. 6. For making Erasive soap at a cost of 20 cents per pound. No. 7. For cutting glass in any shape, even in notches WITHOUT A DIAMOND—cost of instrument 10 cts, can be made anywhere. No. 8. How to cure toothache in one minute without Extraction or pain. No. 9. How to remove warts and corns without pain or soreness. No. 10. How to light a candle or fire a gun with a drop of water or a piece of ice.

BURTON CRAIG. KERR CRAIG. CRAIG & CRAIG, ATTORNEYS AT LAW, NO. 6 COUNCIL ST., OPPOSITE COURT HOUSE.

PRACTICE in the Superior Courts of Rowan and adjoining counties, in the Supreme Court at Raleigh, and in the United States Circuit and District Courts for the District of North Carolina. aug20-32-1w&ly

WM. M. ROBBINS, ATTORNEY AT LAW, SALISBURY, N. C., PRACTICES in the Courts of Rowan, Davie, Davidson, and Cabarrus, and in the Federal Courts of the State.

Office at his residence on Council St., opposite the Episcopal Church, and one square west of the Court House. aug20-32-1w&ly

WANTED! A SITUATION as Tanner or manager of a Tannery, by a Practical Tanner thoroughly acquainted with all branches of the business would superintend the building of a Tannery—Can furnish the best of references as to character qualifications &c. Address E. M. PRICE, Baltimore Md. 759-St.

TIME TABLE NORTH CAROLINA RAILROAD. MAIL—GOING EAST.

Table with columns: ARRIVE, STATIONS, LEAVE. Rows include Charlotte, Concord, Salisbury, Greensboro, Co. Shops, Raleigh.

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Table with columns: FAST THROUGH FREIGHT—GOING EAST. Rows include Charlotte, Concord, Salisbury, Greensboro, Co. Shops, Raleigh.

Table with columns: FAST THROUGH FREIGHT—GOING WEST. Rows include Raleigh, Co. Shops, Greensboro, Salisbury, Concord, Charlotte.