

**THE SOUTHERN BANNER
AND
CONSERVATIVE.**

FOSTER & LEWIS, : : : : : EDITORS
Holly Springs, Miss., Oct. 8.

WHIG CANDIDTES

FOR THE SENATE,
ALEXANDER B. LANE.

FOR THE HOUSE OF REPRESENTATIVES,
**A. B. BRADFORD, | H. O. ALLEN,
WM. ARTHUR, | G. H. WYATT,**

We have to apologize to our readers, this week for putting them off with a half sheet-- We are preparing to furnish the Northern part of counties with election tickets, and other job work pressing upon us at the same time, we hope will be a sufficient apology.

ATTENTION CANDIDATES!

From this time until the election, we shall keep constantly on hand Election Tickets, of every kind, which can be had

COL. BINGAMAN,

Arrived in town last evening,—he speaks to-day at Waterford, and on to-morrow will address the citizens of Holly Springs. He will remain in the Northern portion of the State, until the election. The Colonel is in the spirits and excellent health.

We shall publish in our next his appointments for North Mississippi.

TILGMAN M. TUCKER, we understand from the papers below, has yielded the contest to Judge Shattuck, and employed H. S. Foot as substitute, "Gld Talabola," has failed so often in a contest with the eloquent Shattuck, that we think it is time to give up.

The Democratic candidates have not yet placed their principles before the people in a tangible form; come out gentlemen "in print," or we shall begin to think you either intend to dodge, or have nothing to come with.

The WHIG CANDIDATES, are earnestly engaged in the contest—we have no fears whatever, for Marshall County;—We are O. K. Col. Bradford and Mr. Arthur will address the people of Waterford to-day. Thus far they have shed Laurels that must tell in November.

We are the last man to make a...

the facts. I am not disposed to make any reply to the abuse and misrepresentations of the Honorable Judge Huling.

I am, sir,

Respectfully,

A. G. McNUTT.

Editor of the Banner.

VICKSBURG, 28th Dec. 1839.

Dear Sir: I observe from your circular, one of which you enclosed me, before the election in November last, you are of opinion that all elections by the constitution are fixed to the first Monday in November, the time expressly fixed by the constitution for the election of members of the State legislature, that of Judges of the Circuit court, &c. I have not concurred with you in the construction you here put on the constitution. I have regarded the schedule to the constitution, as only intended to put the government into operation under the new form, and then in its operation to have ceased, &c. I have no reasons why any terms of district or county officers should all commence and end at a specific period or time; there is some, as relates to the Supreme Judges or other general officers of the whole State. My district, the 8th judicial district, was laid off by the act of 1836, which directs a Judge and District Attorney to be elected on the 4th July, and to be commissioned by the time prescribed by the constitution. What is that time? It is four years—I cannot otherwise understand it. My term expires 4th July, 1840, under that election. It is true I was again elected Nov. 1837, but I have never yet taken a commission under that election, because I considered it a nullity. If I be correct in my construction of the constitution, and you fail to issue your writ of election, for an election to be held in the 8th judicial district, on the 4th July, 1840, there will be no officer in that district. Great doubts will exist whether I be the officer under the election of November, 1837, and unless I am controlled by the decision of the Supreme court to the contrary, I should be compelled, with my present views, to say, that my last election was void, there being at the time of said election, no vacancy. To obviate all this difficulty, I would respectfully submit to you, to devise some way to get the Supreme court to decide this question, and file a judicial construction by that court of the constitution, &c. I am aware the court have only appellate jurisdiction, but I suppose that court would consider the question open to the legislature by resolution, requesting the court to do so, to prevent confusion and delays in the lower courts. I would suggest to you, and request of you, that in your message, or a special message, after a suitable preamble, you would request the legislature

and I have been governed subject in filling those ordering the elections to

In all cases of election commission is merely the election, and functions of election and before the commission, are clearly legal. Coulter was elected Judge of the district without opposition for the entire term of a court before the commission. If the bar is settled by a solemn decision of the court of Errors and Appeals by taking exceptions to the acts at the next term of the court and appealing from his decision, was elected in December of the vacancy occasioned by the death of Quitman. I directed that an election for chancellor be held, and Buckner was elected, and was of opinion that his term should not run until December, 1840, and I was of the same opinion until he died. All writers on government are in the truth of the axiom that a constitution can be dissolved, and would lead to a dissolution of the government, or defeat the purpose of the constitution. The construction you have put on the constitution, would cause the election to be held weekly instead of biennially. The government would be dissolved. I respectfully request that you will acknowledge the receipt of your message.

I am, sir, yours

Hon. F. W. HULING.

HOLLY SPRINGS,

Dear Sir: I have just received your message holding the court by interposing the Judge of the 9th district to the 8th. I have written you earlier of the situation as to the court of the 8th district. I have also written you that my first election was on the 4th July, 1836, was for the term of four years from that date, and at the expiration of that term, in November, 1837, I then was re-elected. My election was authorized, and my term was void. You have since submitted me with a commission from November, 1837, so that my former opinion: but you are right in our construction of the constitution, I am so situated, that I prefer not to hold the office longer than the 5th of July, 1840, years from my first election. Many may possibly have been elected in the election of 1837, to avoid the office: some may think that