The Old North State

SALISBURY, FRIDAY, APRIL 16, 1869

LOCAL AND STATE ITEMS

NEW ADVERTISEMENTS.—His Excellency, Gov. Holden—A proclamation.

Crawford & Heilig—General Hardware Store.

Jay, Cook & Co—National Life Insurance Company.

J. M. Knox & Co.—New Spring and Summer Goods.

Andrew Murphy, Assignee—Sale of notes and accounts.

Caution—P. Lorillard, New York.

L. E. Johnson, C. S. C.—Legal advertisement.

Dr. Edward Sill—Several remedies.

J. J. Mott & G. W. Swepson—Notice to Stockholders.

DON'T FAIL to read the advertisements in this weeks paper. Knox & Co. have, as we know, many pretty things, but Crawford & Heilig have the only exclusively hardware store in the place, and it is in all respects what such a wholesale and retail establishment should be. The other.

PERSONAL.—We had the pleasure of a call on yesterday, from our Senator, Maj. Robbins, who has just returned from the scene of his arduous labors. He is looking very well—not at all worsted by the gladiatorial conflicts through which he has passed.

COL. WM. F. HENDERSON, the new Assessor of Internal Revenue for this District, will take charge of the office today. Mr. Helper will turn over to him all the papers of the office, and hereafter persons having business with the Assessor must see Col. Henderson, who will continue to occupy the office occupied by Mr. Helper.

Mr. Helper retires with the good wishes of our citizens generally, to whom he has shown himself a friend during his administration of the office.

UNSEASONABLE WEATHER.—On Sunday and Sunday night the weather was unusually cold with a heavy wind from the North and East, but as it was cloudy most of the time no damage was done by frost. On Monday "it c'eared away" and became somewhat mild during the day, but "clouded up" again at night, and early on Tuesday morning we had a brief fall of snow. All day on Tuesday it continued cold and on Wednesday and Thursday morning there was considerable frost and some ice. It is feared that the fruit crop has been badly injured, if not entirely destroyed, in this part of the State, and if so it is a great misfortune.

MAGGIEL'S PILLS.—We see that our contemporary of the *Living Present*, is advertising these pills. If he has not been paid in advance he never will be paid at all, and we do not believe that he has been paid in advance. The proprietors of Maggiel's pills swindled us once, and attempted to swindle us again within the last three months. The last time they found that a burnt child avoids fire.

PERIODICALS.

The London Quarterly Review for January is on our table. The publication of this number has been considerably delayed in consequence of a "Strike" which took place among the journeyman printers in the publication office in January last. The high character and great value of the British Reviews is too well known to require any eulogy at our hands. They are certainly not surpassed, if equalled, by any similar publications in the world, and to educated and thinking Americans they possess more interest than any other foreign Periodical publications, in fact than all others.

The present number of the London Quarterly is one of peculiar interest as the table of contents will show, which is as follows:—Lord Campbell's Lives of Lord Lyndhurst and Lord Brougham. Realities of Irish Life, Earthquakes, Mr. Gladstone's Apologia, The Ultra Ritualists, Lord Liverpool and his Times, Efficiency of the British Navy, Dean Milman and St. Paul's, Animals and Plants, Politics as a Profession.

Terms $4 a year. Address the Leonard Scott Publishing Company, 140 Fulton St., New York.

Peters' Musical Monthly for April is also at hand. It is a very handsome Magazine—contains much attractive reading matter besides a variety of very choice music. We do not consider ourself fully competent to judge of the merits of such a publication, but this seems to us to be a work of considerable excellence.

Price $3.00 per annum. Address J. L. Peters, publisher, 198 Broadway, New York.

THE HOMESTEAD.

AN ACT TO LAY OFF THE HOMESTEAD AND PERSONAL PROPERTY EXEMPTION.

The General Assembly of North Carolina do enact, as follows:

Section 1. Homestead, when and how exempted.—Wherever the real estate of any resident in this State shall be levied on by virtue of any execution, or any other final process, obtained on any debt, such portion thereof as may be occupied by the owner as an actual homestead, and which he may then elect to regard as such, including the dwelling and buildings thereon, shall be exempt from such levy, except under an execution or other final process issued for the collection of a debt contracted

1. For the purchase of said homestead.
2. For such work and labor done for the owner of the homestead, as may constitute a laborer's lein.
3. For such labor done on the premises as may constitute a mechanic's lein.
4. For taxes accruing on said homestead.

Sec. 2. Sheriff to summon Appraisers.—Before levying upon any homestead thus owned and occupied, the sheriff or other officer charged with such levy shall summon three discreet persons, qualified to act as jurors, to whom he shall administer the following oath: "I, A. B., do solemnly swear [or affirm] that I have no interest, near or remote, in the homestead exemption of C. D., and that I will faithfully perform the duties of appraiser, [or assessor, as the case may be,] in valuing and laying off the same. So help me God."

Sec. 3. Duty of appraisers.—The said appraisers shall thereupon proceed to value the homestead, with its dwelling and buildings thereon, and lay off to said owner such portion as he may select, or any agent, attorney, or other person, in his behalf, not exceeding in value one thousand dollars, and to fix and describe the same by metes and bonds.

Sec. 4. Appraisers to make return.—They shall then make and sign in the presence of the officer, a return of their proceedings, setting forth the property exempted, which shall be returned by the officer to the clerk of the court for the county in which the homestead is situated, and filed with the judgment roll in the action, and a minute of the same entered on the judgment docket.

Sec. 5. The levy to be made on excess.—The levy may be made upon the excess of the homestead, not laid off according to the provisions of this act, and that the officer shall make substantially the following return upon (as the case may be,) who set off to X. Y. the homestead exempt by law. Levy made upon the excess."

Sec. 6. Appraisers to elect.—In case no election is made by the owner, his agent or attorney, or any one acting in his behalf, of the homestead to be laid off as exempt, the appraisers shall make such election for him, including always the dwelling and buildings used therewith.

Sec. 7. That whenever any resident of this State may desire to take the benefit of the homestead and personal property exemption as guaranteed by article X of the Constitution of this State, such resident (or his agent or attorney) shall apply to any Justice of the Peace of the county in which he resides, and said justice of the Peace shall appoint as assessors three disinterested persons qualified to act as jurors residing in said county, who shall, on notice by order of said justice, meet at the applicant's residence, and after taking the oath prescribed in section two of this act for appraisers, before some official authorized to administer an oath, lay off and allot to the applicant a homestead, with metes and bonds, according to the applicant's direction, not to exceed one thousand dollars in value, and make and sign a descriptive account of the same and return it to the office of the Register of Deeds.

Sec. 8. That said assessors shall set apart the personal property of said applicant, to be by him selected, articles of personality not exceeding in value the sum of five hundred dollars, and make and sign a descriptive list thereof, and return the same to the Register of Deeds.

Sec. 9. That it shall be the duty of the Register of Deeds to endorse on each of said returns the date when received for registration, and to cause the same to be registered without unnecessary delay. The said register shall receive for registering the said returns the same fees that may be allowed him by law for other similar or equivalent services, which fees shall be paid by said resident applicant, or his agent or attorney, upon the reception of said returns by the Register.

Sec. 10. That if any person entitled to a homestead and personal property exemption, die without having had the same set apart, his widow, if he leave one, then his child and children under the age of twenty-one years, if he leave such, may proceed to have said homestead and personal property exemption laid off to her, him or them, according to provisions of sections seven and eight of this act.

Sec. 11. That when any person entitled to a homestead and personal property exemption, shall file his or her petition before a justice of the peace, to have the same laid off and set apart under the provisions of sections seven, eight, nine and ten of this act, the said justice shall make advertisement at the court house door of the county in which the petition is filed, notifying all creditors of said applicant of the time and place when and where the said petition will be heard; and the same shall not be heard, nor any decree made in the cause in less than six months nor more than twelve, from the day of making advertisement as above required.

Sec. 12. Appraisal of personal property.—Whenever the personal property of any resident of this State, shall be levied upon by virtue of any execution or other final process issued for the collection of any debt, and the owner, or any agent, or attorney in his behalf, shall demand that the same, or any part thereof, shall be exempted from sale under such execution, the sheriff or other officer, making such levy, shall summon three appraisers as heretofore provided, who, having been first duly sworn, shall appraise and lay off to the judgment debtor, such articles of personal property as he, or any in his behalf select, to the value of five hundred dollars, which articles shall be exempt from said levy,

Sec. 13. Return of the same.—Return shall be made of such appraisal and setting off of personal property, in the same manner as is required in section four of this act, upon the laying off of a homestead exemption.

Sec. 14. Who to be appraisers.—The persons summoned to appraise the personal property exemption shall take the same oath and be entitled to the same fees as the appraisers of the homestead, and when both exemptions are time.

Sec. 15. Tracts not contiguous, included.—Different tracts or parcels of land not contiguous, may be included in the same homestead, when a homestead of contiguous lands is not of the value of one thousand dollars

Sec. 16. Costs, how charged.—The cost and expenses of appraising and laying off the homestead or personal property exemption, when the same is made under execution, shall be charged and included in the officers' bill of fees upon such execution or other final process; and when made upon the petition of the owner they shall be paid by such owner and the latter cost shall be a lien on said homestead.

Sec. 17. Liability of officer.—Any officer making a levy, who shall refuse or neglect to summon and qualify appraisers as heretofore provided for or who shall fail to make due return of their proceedings, or who shall levy upon the homestead set off by said appraisers or assessors (as the case may be) except as herein provided, shall be liable to indictment for a misdemeanor, and he and his sureties shall be liable to the owner of said homestead for all costs and damages in a civil action.

Sec 18.—Liability of Appraiser.—Any officer or appraiser or assessor (as the case may be) who shall wilfully or corruptly conspire with any judgment debtor, or other appraiser, or assessor (as the case may be) to undervalue the homestead or personal property exemption of such debter, or shall assign false metes and bounds, or make or procure to be made a false and fraudulent return thereof, shall be liable to indictment for a misdemeanor, and shall be answerable to the judgment creditor for all costs and damage in a civil action.

Sec. 19. Any officer or appraiser or assessor who shall willfully or corruptly conspire with any judgment creditor, or other appraiser, or assessor, to overvalue the homestead or personal property exemption of any debtor or applicant, or shall assign false metes and boundaries, or make, or procure to be made false and fraudulent return thereof, shall be liable to indictment for a misdemeanor and shall be answerable to the party injured for all costs and damage in a civil action.

Sec. 20. Judgment creditor dissatisfied.—If the judgment creditor for whom the levy is made, or judgment debtor, or person entitled to homestead exemption, shall be dissatisfied with the valuation and allotment of the appraisers or assessors (as the case may be) he may, within ten days thereafter, or any other judgment creditor, within six months, and before sale under execution of the excess, notify the clerk of the township thereof, and file with him a transcript of the return of the appraisers or assessors, as the case may be, and thereupon the clerk shall notify the other trustees of the township to meet him, at a time specified, within ten days, on the premises, to re-assess and allot said homestead.—At the time specified the trustees shall meet on the premises and having first taken the oath prescribed for appraisers they shall view and examine the homestead laid off, and make their report as required in section 24 of this act.

Sec. 21.—Who disqualified to act as Appraisers.—If any trustee, or any person summoned as an appraiser, shall be related by blood or marriage, to the party to be affected by the judgment creditor, or shall entertain prejudices of the party against the liberal exemptions, and another person qualified to act as juror shall be summoned and qualified in his place.

Sec. 22. When the homestead or personal property exemptions is made or reallotted on the petition of the person entitled thereto, the township trustees shall make their report as required in section 20 of this act, to the register of deeds, specifying what changes, if any, they have made in the former valuation and allotment, who shall register the same, as required in section 9, and when said homestead and personal property exemption is made, or re-allotted, under execution by a judgment creditor, the township trustees shall make said return to the clerk of the Superior Court, who shall file the same and make a minute thereof on the judgment roll and the execution docket.

Sec. 23.—Cost of re-assessment, how paid.—If the board of trustees shall confirm the former appraisal, or shall increase the exemption allowed the judgment debtor, the levy shall stand only upon the excess remaining, and the judgment debtor shall pay all costs of the re-allotment. If they reduce the amount allowed the judgment debtor, the cost shall follow the execution and the levy shall cover the excess then remaining.

Sec. 24. How vacated.—Any appraisal or allotment by the trustees of a township may be set aside, on application of any party interested, for fraud, complicity, or other irregularity. The proceedings shall be upon petition, as in other special proceedings, and the applicant shall give bond to the opposing party for costs and damages.

Sec. 25. Fees.—The following fees and no other shall be charged in this proceeding:—Each appraiser for laying off homestead or personal property exemptions, or both, one dollar; officer for summoning and qualifying appraisers and delivering returns to clerk, one dollar; clerk of Superior Court, for filling return and entering minute on execution docket, 25 cents; for making transcript for township clerk when required to do so, 50 cents; township clerk for summoning trustees, 50 cents; township clerk for transmitting return, 25 cents.

Sec. 26. Acts repealed.—All acts or clauses of acts in conflict with this act, or providing other means for the laying off of a homestead or personal property exemption, are hereby repealed.

Sec. 27. Forms.—The following forms shall be substantially followed in proceedings under this act:

[No. 1]

I. APPRAISERS RETURN.

1. When the homestead is valued at less than one thousand dollars, and personal property also appraised.

"The undersigned, having been duly summoned, and sworn to act as appraisers of the homestead and personal property exemption of A. B., of —— township, —— county, by C. D., Sheriff (or Constable or Deputy) of said county, do hereby make the following return: We have viewed and appraised the homestead of the said A. B., and the dwellings and buildings thereon, owned and occupied by said A. B. as a homestead, to be $1,000, (or any less sum) and that the entire tract, bounded by the lands of —— and —— is therefore exempted from sale under execution according to law.—At the same time and place we viewed and appraised, at the values annexed, the following articles of personal property selected by said A. B. (Here specify the articles and their value to be selected by the debtor or his agent,) which we declare to be a fair valuation, and that the said articles are exempt under said execution. We hereby certify that we are not related by blood or marriage to the judgment debtor or the judgment creditor in this execution, and have no interest near or remote in the above exemptions. Given under our hands and seals this —— day of —— 18—.

O. K. [L. S.]
L. M. [L. S.]
R. S. [L. S.]

The above return was made and subscribed in my presence, day and date above given.

C. D., (Sheriff or Constable.)

(No. 2.)

II. PETITION FOR HOMESTEADS BEFORE A JUSTICE OF THE PEACE.

In the matter of } Before —— J. P.
A B } —— county.

A. B. respectfully shows that he, she or they, (as the case may be) is (or are) entitled to a homestead exempt from execution in property described as follows, (here describe the property) the true value of which he (she or they, as the case may be) believe to be $1000 including the dwelling and buildings thereon. He (she or they) further show that he (she or they, as the case may be) is (or are) entitled to a personal property exemption from executions, to the value of (here state the value) consisting of the following property (here specify) he, (she or they, as the case may be) therefore prays your worship to appoint three disinterested persons qualified to act as jurors or assessors to view the premises, allot and set apart, to your petitioner his homestead and personal property exemption, and report according to law.

[No. 3]

III. PERSONAL PROPERTY ALONE APPRISED

The undersigned having been duly summoned and sworn to act as appraisers of the personal property of A. B. of —— township, —— county, and to lay off the exemption given by law thereto, by C. C. [sheriff or other officer) of said county, do hereby make and subscribe the following return:

We viewed and appraised at the values annexed, the following articles of personal property selected by the said A. B., to-wit:—which we declare to be a fair valuation, and that said articles are exempt under execution.

We hereby certify, each for himself, that we are not related by blood or marriage, to the judgment debtor or judgment creditor in this execution and have no interest near or remote in the above exemption. Given under our hands and seals this —— day of —— 18—.

O. K. [L. S.]
L. M. [L. S.]
R. S. [L. S.]

The above return was made and subscribed in my presence, day and date above given.

C. D., (Sheriff or Constable.)

[No.

IV. *Certificate of exemption to be endorsed on return by Sheriff.*

The within named E. G. H., and J. B., were summoned and qualified according to law as appraisers of the —— exemption of the said A. B. under an execution in favor of X. Y., this —— day of —— 18—.

C. D., [Sheriff.]

V. *Minute Examiner's Docket.*

X. Y. }
vs.
A. B. }

Executions issued —— 18—. Homestead appraised and set off and return made —— 18—.

Sec. 28. When to take Effect.—This act shall be in force from and after its ratification. Ratified the 7th day of April, A. D., 1869.

MARRIED:

In the Lutheran church, in this city, on April 13th, 1869, by Rev. L. C Groseclose, Mr. A. J. PHILLIPS, and Miss ANNIE CULVERHOUSE, both of Salisbury.

SALISBURY MARKETS

APRIL 16, 1869.

REPORTED BY J. A. SCONNAUGHEY, GROCER.

" Real, bush. 60 lbs	17 to 20
Copperas, per pound	09 to 09
Candles, Tallow,	15 to 20
" Adamantine,	35 to 40
Cotton, per pound,	25 to 27
" Yarn, per bunch,	2.00 to 2.25
Eggs, per dozen,	12 to 15
Feathers, per pound,	45c to 45c
Flour, per sack.	4.85 to 5.25
Fish, Mackeral, No. 1,	$21.00
" " 2,	20 to 22
" " 3,	to
Fruit, dried, apples pealed,	7 to 8
" " unp'ld,	00 to 00
" " Peaches, pealed,	15 to 16
" " unpealed,	9 to 10
Leather, upper, per pound,	62 to 75
" sole, "	33 to 35
Iron, bar, "	6 to 8
" castings, "	8 to 10
Nails, cut, "	6 to 7
Molasses, sorghum, per ga	50
" West India, "	60 to 70
" Syrup, "	1.00 to 1.20
Onions, per bushel,	50 to 60
Pork, per pound,	10 to 12
Potatoes, Irish, per bushel,	60 to 75
" Sweet, "	1.00 to 00
Sugar, Brown, per pound,	14 to 16
" Clarified, "	18 to 20
" Crushed Pulverized	20 to 20
Salt, coast, per sack,	2.75 to 2.75
" Liverpool, "	2.00 to 2.00
" Table,	5.50 to 6.00
Tobacco, Leaf, per pound,	00 to 00
" Manufactured,	50 to 1.50
" Smoking,	40 to 1.00

NEW ADVERTISEMENTS.

State of North Carolina,

COUNTY OF DAVIDSON—SUPERIOR COURT.

State on relation of J. L. Dusenbury, M. E. Scott, Laura A. Norcum, & James Smith and wife Cornelia. } Plaintiffs.

AGAINST

E. D. Hampton, Julius A. Gray, as administrator of A. G. Foster, W. D. Lindsay, and W. D. Lindsay, as administrator of B. A. Kittrell. } Defendants.

To W. D. Lindsay, one of the above named defendants—a non resident: You are hereby notified, that a summons in the above entitled case has been issued against you, wherein you are summoned to appear before the Judge of the Superior Court to be held for the County of Davidson, at the Court House in Lexington, on the second Monday after the third Monday of April 1869, and answer the complaint therein, which is filed with the clerk of said court on the 9th day of April 1869, a copy of which, and of the summons, were deposited in the post office at the time, directed to you; and notice was given that judgment would be taken against you if you failed, within that time, to answer said complaint, wherein it is alleged that the defendants above named are indebted to the State of North Carolina, to the use and benefit of the plaintiffs above named, in the sum of fifteen thousand (15,000) dollars with lawful interest thereon from the 6th day of October 1867, due by bond, (executed to the State of North Carolina, by B. A. Kittrell, E. D. Hampton, W. D. Lindsay and A. G. Foster) for a breach of the same: that no part thereof has been paid; to be discharged upon the payment to the plaintiffs of whatever damages they may be entitled to in this action.

You are also notified that the above named plaintiffs have sued out a Warrant of Attachment against your property for the amount of damages and for the cause of action therein set forth, returnable to the Superior Court of Davidson County on the 18th day of June 1869, when and where you are hereby required to appear and answer the complaint, in default whereof the plaintiffs will take judgment against you as therein demanded.

Witness, Levi E. Johnson, Clerk of the Superior Court of the County of Davidson, at office in Lexington, the 9th day of April, 1869.

LEVI E. JOHNSON, C. S. C.

April 16, 1869.—13—6wpd

Situation Wanted

As Governess in a Family or a Teacher.

A YOUNG LADY WHO CAN GIVE the best of references wishes to obtain a situation as a governess in a family of small children. Failing in this she would take a school under her own charge, or a situation as assistant teacher in a larger institution.

For further information address the editor of the *Old North State*.

March 26th, 1869. 12-3m pd

ASSIGNEE'S SALE OF Real Estate.

NOTICE is hereby given that I will sell on the 1st day of May, A. D., 1869, at 11 o'clock, a. m., at the residence of John C. [illegible]son, Bankrupt, eighty nine acres of land, lying [illegible] both sides of the Wilkesboro' Road, about 9 [illegible] miles from Salisbury, adjoining the lands of M. L. Holmes, Jesse Thomason and others. Terms [illegible]

JOHN [illegible] HENDERSON, Assignee.

April 9, 1869.—14:3t

U. S. Int. Rev.,

Assessor's Office, 6th Dist., N. C.
Salisbury, April 7, 1869.

NOTICE is hereby given in accordance with the provisions of Sec. 19th of Act of June 30, 1864, as amended by subsequent Acts relative to Internal Revenue, that I, H. H. Helper, Assessor of the 6th District of North Carolina, will sit at my office, on the corner of Church & Inniss streets in the city of Salisbury on the 19th, and at the Court House in Mocksville, Davie County, on the 20th instant, between the hours of 9 A. M., and 4 P. M., to hear and determine any appeals relative to any erroneous or excessive valuations, assessments or enumerations by the Assessor or Assistant Assessors, returned in the annual list. Notice is further given that no appeal will be allowed to any party after he shall have been duly assessed and the annual list containing the assessment has been transmitted to the Collector of the District.

All appeals to said Assessor, as aforesaid, must be made in writing and specify the particular cause, matter or thing, respecting which a decision is requested, and must state the ground or principle of error complained of.

H. H. HELPER,
Assessor, 6th Dist. N. C.

April 9—14:2t

$10 REWARD.

STRAYED from the subscriber on the 3d inst., two Horses, one a sorrel mare with mark of a saddle gall; and collar gall on the near side, white around the eyes and behind. The other is a dark bay horse with black [illegible] giving the information that will lead to their recovery.

April 8, 1869—14:2t Concord, N. C.

NOTICE.

WE will sell at County Line, Davie County on Friday, the 30th day of April, A. D., 1869, the notes and accounts belonging to the estate of J. W. Gray, Bankrupt. Also, said Gray's interest in the claims due the firm of Cooper & Gray, and Cooper, Gray & Co. Sale from day to day until all are sold.

J. McGUIRE, } Assignees.
C. ANDERSON, }

County Line, N. C., April 5th, '69. 14—3t

PROFESSIONAL.