Tuesday, May 6th, 1873.



In another column will be found the new Board of Aldermen, and we sincerely hope they will go to work at once and look after the welfare of the city. Of course the officers are to be chosen, and the machine got into working order, and, after that, let us have the city affairs managed. If Nutt street is to be widened and made passable, let it be done as speedily as possible, and not deceive the people by advertising for bids to plank it, and let the project fall still born. If our sidewalks are to be built, let us have it done. We see no use in this everlasting delay, backing and filling, too often seen in city affairs. Let us have a city or a country town, and be content. Wilmington never has shown more activity in building or beautifying than at present, by private individuals and corporations. Elegant blocks are going up to make room for our increasing business, but our Aldermen have not seemed to keep pace with the enterprise of our citizens. We know there are live, go-ahead men on this new Board. Now, what will they do towards improving the city?

Among our pressing needs is a Gardner or Baxter Engine, to be manned by active young men, who can hasten to a improvements do not exceed two hun- column. fire and often extinguish it before the steamers can get water on the building. These little engines are of wonderful benefit, and one or more should be provided at once. Hose should be on some of the tugs in the river, or where it could be instantly made available, so that in case of a fire near the wharf it could be speedily extinguished. Then the naval store limits should be extended so that we will not live forever in dread of a conflagration among the thousands of barrels piled up along the wharf. We think it should be stored on the opposite side of the river, where it could do no damage to our Water street merchants if it should chance to become ignited. Then there should be a roadway kept open in every block to the river among the freight, so that, in case of fire, steamers could be placed near the water at once. This is a very important matter, which we suggest to our new Board.

It is well known that there are many indictments hanging over the old Board of Aldermen for bad streets. We hope the new Board will take immediate steps to prevent a like procedure against them. Let us have our little city kept in fine order. Nothing is more conducive to health, and nothing is more attractive to a stranger than well kept streets and walks. Our new Board have, therefore, several ways to distinguish themselves, and to cause the people to rise up and call them blessed! Will they show a spirit of enterprise equal to our citizens, or will the spend a year in meeting, advertising, talking and doing nothing?

Supreme Court of the United States on the Homestead Law.

At December Term 1872, U.S. Supreme Court, the following opinion was delivered by Mr. Justice Swayne in the case of John McK. Gunn Plaintiff vs. Charles F. Barry, Defendant in error to the Supreme Court of the State of Georment docket:

"This is a writ of error to the Supreme Court of the State of Georgia.

of Randolph county a judgment against | her sister States when she gave them Wm. R. Hart for the sum of \$402 30 being. principal, and \$129 60 interest up to | Assembly of the State, and approved | both. October 3, 1869, entitled "An act to full and complete protection and security of the same to the sole use and benfirst of article seventh of the constitution, and for other purposes."

Gunn thereupon petitioned the supemandamus to compel the sheriff to make | right.

the levy. of Stuart, which was also included in | existed.

Smarsh status hould

the homestead so set apart; that the premises in question were worth the sum of \$1,300, and that they embraced a much larger number of acres than the real estate exempt from levy and sale by the laws in lorce when the judgment

It does not appear that these allegations were denied, and we do not understand that there is any controversy upon the subject.

After a full hearing the court affirmed the validity of the act in its retrospective aspect, and gave judgment against the petitioner. The Supreme Court of the State affirmed this judgment.

The first section of 7th article of the Constitution of Georgia of 1868 provides that "each head of a family, or guardian, or trustee of a family, or minor children, shall be entitled to a homestead of realty to the value of \$2,000 in specie, and personal property to the value of \$1,000 in specie, to be valued at the time they are set apart, and no court or ministerial officer in this State shall eyer have jurisdiction or authority to enferce any judgment, decree, or execution against said property so set apart, including such improvement as made thereon from time to time, except for taxes, money borrowed or for the purchase money of the same, and for labor done thereon, or material furnished therefor, or removal of incumbrance thereon."

The first section of the act of the 3rd October, 1868, is in the same terms. It may well be doubted whether both these provisions were not intended to

be wholly prospective in their effect. But as we understand the Supreme Court of the State has come to a different conclusion we shall not consider the

The statute in force when the judgment was rendered declared that the following property belonging to a debtor who was the head of a family should be exempt from levy and sale, to wit: Fifty acres of land and five additional ones for each of his children under the age of sixteen years, the land to include the dwelling houses, it the same and dred dollars; one farm horse or mule, one cow and calf, ten head of hogs, and fitty dollars worth of provisions and child; beds, bedding and common bedstead sufficient for the family, one loom, one spinning wheel, and two pairs of cards and one hundred pounds of lint cotton; common tools of trade for himself and his wife; equipments and arms of a militia, soldier and trooper's horse; ordinary cooking utensils and table crockery; wearing apparel of himself and family; family Bible, religious works and school books; family porin actual practice or business, not exceeding three hundred dollars in value,

to be selected by himself." No one can cast his eyes over the former and later exemptions, without being struck by the greatly increased magnitude of the latter.

Section 10 of Article 1 of the Constitution of the United States declares that no State shall pass any law impair. ing the obligation of contracts.

If the remedy is a part of the obligation of the contract, a clearer case of impairment can hardly occur than is

presented in the record before us. The effect of the act in question, under the circumstances of this judgment, docs indeed not merely impair, it annihilates the remedy. There is none left. But the act reaches still further. It withdraws the land from the lien of the judgment, and thus destroys a vested right of property which the creditor had acquired in the pursuit of the remedy to which he was entitled by the law as it stood when the Judgment was recovered. It is in effect taking one person's property and giving it to another without compensation. This is contrary to reason and justice, and to the fundamental principles of the social compact. Clader vs. Bull, 3 Dull, 388. But we must confine ourselves to the constitutional aspect of the case. A few further remarks will be sufficient to dispose of it. It involves no question which has not been more than once fully consid-

ered by this court.

Georgia, since she came into the Union as one of the original thirteen States, has never been a State out of the Union. Her constitutional rights were for a time necessarily put in abeyance, gia. The case stands No. 185 on judg- but her constitutional disabilities and obligations were in no wise affected by her rebellion. The same view is to be taken of the provision in her organic On the 12th of May 1866, the plaintiff, | law and of the statute in question, as if in error recovered in the superior court | she had been in full communion with

Though her constitution was sancthe judgment and costs. An execution | tioned by Congress, this provision can | was issued upon the judgment, and in no sense be considered an act of that ing after this examination, without new scribers, can retain the position permanent placed in the hands of the defendant in | body. The sanction was only permiserror as sheriff of that county. He was sive as a part of the process of her rethereby commanded to make the sums habilitation, and involved nothing above mentioned and farther, interest affirmative or negative beyond that upon the principal from the 12th of event. If it were express and unequiv-May, 1866, and the costs. The plaintiff ocal, the result would be the same .in error requested him to levy upon a Congress cannot, by authorization or tract of land of 27 acres, belonging to | ratification give the slightest effect to a Hart, the defendant in the judgment. State law or constitution in conflict Barry refused. He assigned as the only | with the constitution of the United reason for his refusal that the premises | States. That instrument is above and had been set off to Hart under the pro- | beyond the power of Congress and the visions of the act passed by the General States, and is alike obligatory upon

A State can no more impair an existprovide for setting apart a homestead | ing contract by a constitutional provisof realty and personalty, and for the ion, than by a legislative act; both are valuation of aid property, and for the | within the prohibitoin of the national

constitution. The legal remedies for the enforceefit of families, as required by section | ment of a contract, which belong to it at the time and place where it is made are a part of its obligation. A State may change them, provided the change rior court of the county for a writ of involve no impairment of a substantial

If the provision of the constitution, The petition set forth that the land or the legislative act of a State, fall in question was the only property within the category last mentioned, they known to him subject to the lien of his are to that extent utterly void. They judgment, except a tract of 28 acres of are, for all the purposes of the contract the value of \$100, situated in the county | which they impair, as if they had never

The constitutional provision and statute here in question, are clearly within that category, and are, therefore,

The jurisdictional probibition which they contain with respect to the courts of was recovered, and when debt on which the State, can, therefore, form no im-it was founded was contracted. pediment to the plaintiff in error in the enforcement of his rights touching this judgment as those rights are recognized by this court. Wnite vs. Hart, 13 Wall, 646; Von Hoffman vs. the city of Quincy, 635.

The judgment of the Supreme Court of Georgia is reversed, and the cause will be remanded to that court with directions to enter a judgment of reversal to reverse the judgment of the Superior court of Ranolph county, and thereafter to proceed in conformity to this opinion.

D. W. MIDDLETON, C. S. C. U. S.

EDITORIAL BUDGET.

- No Northern mail this morning, makes a derth of news in this column.

- The particulars of the disaster at Dixon, Ill, are heart rending. Some two hundred people were standing on an iron bridge to witness a baptism in the river, when the structure gave way precipitating them into the river. Many were held down by timbers and iron frame works under water. The loss of life was very great. Dixon is a thriving city on the banks of Rock River, in Lee county, Illinois. Two railroad lines pass through the city and cross the river at this point. The river is quite deep, with considerable current. The water is beautifully clear and the scenery delightful. The bridge destroyed was not the railroad bridge, but one erected for teams. There is now one horse on the bridge, which is uniojured, but cannot be got off. We look for more particulars in the telegraphic

NEW ADVERTISEMENTS.

five dollars worth additional for each St. John's Lodge, No. 1, F. & A. M. SPECIAL Communication this (Tuesday) evening, at 8 o'clock.

By order of the W.: M.: WM. M. POISSON, Sec'y. St. John's Hall, May 2.

traits; the library of a professional man PURE JAVA AND LAGUYRA

COFFEES!

ROASTED and

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FINEST GRADES OF COFFEES.

Choicest Grades of

Imperial, Gunpowder, English Breakfast,

> Natural Japan, Oblong and

Souchong

TEAS.

We make large purchases direct from the importers, and not only save to our customers two or three profits, but can always recommend our Teas as fresh full flavored.

Send for samples to

CHAS. D. MYERS & CO. 7 North Front st.

Notice to Teachers.

THE BOARD OF EXAMINERS of New Hanover county will meet at the Court House in the city of Wilmington on the 2d day of June, 1873, for the purpose of examining Teachers and granting certificates to such applicants as may be found qualified. The examination will continue two days .-Ail persons desiring to teach a Public School should be present for examination, as no Teacher can receive an order for wages for a School taught under the present law from the Public School funds on any certificate

Teachers cannot draw any pay for teachthose who have the requisite qualifications.

The drill of two weeks, offered gratultously to all Teachers, may enable many to secure third grade certificates who could not

ton School House, Seventh street, on Monday, May 19th, 1873. Half fares, or return tickets on the Railroads, will be given, and some assistance in board. The sessions on Saturday of each week

will be in the Heminway School House, near Boney Bridge, on Fourth Street, and will comprise a review of the work of the week. Another examination of Teachers may be expected in the Autumn.

HENRY B. BLAKE. Chairman Board of Examiners. may 2, 1873 297-d&wtd

OATS AND CORN,

3,000 BUSHELS OATS. 10,000 bushels White and Yellow Corn

For sale by F. W. KERCHNER. 27, 28 and 29 North Water st

CHATTLE MORTGAGE DEEDS-OR mand and for sale

NEW ADVERTISEMENTS.

WINES.

BRANDIES:

OTARD DUPUY & CO.-1848:

SAZERAC, RENAULL & Co., and other old Brandies.

CLODE & BAKER'S OLD PORT WINE-1842.

MELLERS EXTRA CLARET WINES, Imported in Cases.

IMPORTED BLACKBERRY BRAN-DY -the finest in the market.

New Goshen Butter. Delicate and sweet.

CALIFORNIA BUTTER

Another cask received per steamer

Francis Wright, at

GEO. MYEBS,

11 and 13 Front street

AMONTILLADO BROWN SHERRY

Extra choice.

25 Half Chests of Fresh

Black,

Japan,

Oolong,

Imperial and

English Breakfast

At reasonable prices.

GEO. MYERS.

11 and 18 Front Street. april 26

Beware of Counterfeits!

JOB MOSES' SIR JAMES CLARKE'S FENALE PILLS are extensively COUNTERFEITED. Dishonest Druggists endeavor to sell the counterfeits to make greater profits. The genuine have the name of Job Moses on each package. All others are worthless imitations. The CENUINE Pills are unfailing in the cure of all those painful and dangerous diseases to which the female constitution is subject. They moderate all excesses and remove all obstructions, from whatever cause.

excesses and remove all obstructions, from whatever cause.

TO MARRIED LADIES

they are particularly suited. They will in a short time bring on the monthly period with regularity; and although very powerful, contain nothing hurtful to the constitution. In all cases of Nervous and Spinal Affections, Pains in the Back and Limbs, Fatigue on slight exertion, Palpitation of the Heart, Hysterics and Whites, they will effect a cure when all other means have failed. The circulars around each package give full directions and advice, or will be sent free to all writing for them, sealed from observation.

from observation.

N. B.—In all cases where the GENUINE cannot be obtained, One Dollar enclosed to the Sole Proprietor, JOB MOSES, 18 Cortlandt St., New York, will insure a bottle of the muine, containing Fifty Pills, by return mail, securely scaled from any knowledge of its contents.

RELIEF IN TEN MINUTES. BRYAN'S PULMONIC WAFERSCure Coughs, Colds, Asthma, Bronchitis, Sore
Throat, Hoarseness, Diffigult Breathing. InCipient Consumption and Lung Diseases. They
have no taste of medicine, and any child will take
them. Thousands have been restored to health that
had before despaired. Testimony given in hundreds
of cases. Ask for BRYAN'S PULMONIC WAFERS.
Price 35 cents per box. JOB MOSES, Proprietor, 13 Cortlandt Street, New York.

THE GREAT FRENCH REMEDY. Prepared by J. GARANCIERE,
No. 214 Ruo Lombard, Paris.

No. 214 Rue Lombard, Paris.

These pills are highly recommended by the entire Medical Faculty of France as the very best remedy in all cases of Spermatorrhea, or Seminal Weakness; Nightly, Daily or Premature Emissions; Sexual Weakness or Impotency; Weakness arising from Secret Habits and Sexual Excesses: Relaxation of the Genital Organs; Weak Spine; Deposits in the Urine, and all the ghastly train of Diseases arising from Overuse or Excesses. They cure when all other remedies fail. Pamphlet of Advice in each box, or will be sent Free to any address. Price 31 per Box. Sent by mail, securely scaled from all observation on receipt of price. OSCAR G. MOSES, 18 CORTLANST., NEW YORK, Sole General Agent for America.

T OCAL AGENT wanted in Wilmington of THE ALDINE, the only Art Journal in America. An active, energetic person, who will obtain a respectable list of subcertificates, and the standards are raised, ly. Other occupation no objection provided and no certificates are to be granted but to results are satisfactory. As THE ALDINE is not sold to Booksellers who are not regular agents, this is an opportunity to work up a business that will be a regular income with less exertion each succeeding year. No otherwise get them. All can do their work much better after this drill.

The Normal Drill will open in the Willis
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The Normal Drill will open in the Willisapplication will be entertained unless ac-

particulars by addressing
JAMES SUTTON & CO., Publishers,
58 Maiden Lans, New York.

WANTED. A CADET FOR THE NAVAL ACADEMY.

BEING authorized to recommend a youth for appointment as Cadet to the United States Naval Academy, I hereby give notice that a competitive examination of all applicants will be held in Wilmington

ON THUSDAY AND FRIDAY, THE 22D AND 23D DAYS OF MAY,

and the successful candidate, as certified by the examiners, will be recommended. Spelling, reading, writing, arithmetic and geography will be the principal subjects of examination. The successful candidate will be examined on the 5th of June, at Annapolis tand must then certify on benot that

A. M. WADDELL, M. C.

NEW ADVERTISEMENTS.

THE

JACOBI AXE,

Guaranteed to excel all others, both in shape and materisi. Be sure to ask for

THE JACOBI AXE,

AND ACCEPT NO OTHER, For you will then be certain you are getting the best for your money. EVERY AXE WARRANTED. For sale, wholesale and retail, at

NATH'L JACOBI'S

Hardware Depot, No. 9 Market street,
And Dealers throughout the State.

IX HARDWARE. IX AGRICULTURAL IMPLEMENTS, CUT-lery, Iron, steel, Nails, Guns, Pistols, Amunition, &c.

We would respectfully call the attention of WHOLESALE BUYERS to our full and complete assortment, em-bracing all and every description of Goods in the Trade, and to the superior advantages we can offer from having the agency to several leading factories in the trade.
Always on hand Sole and harness Leather,
Kip and Calf Skins.
Paints, Oils, Glass, Sash, Doors and Blinds,

&c., &c. Please call and examine, before purchasing, the stock at
NATH'L JACOBI'S
Hardware Depot, No. 9 Market St.
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"THIS IS NO HUMBUG,"

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TO CHANGE BUSINESS.

MACKS BROS. & CO.,

Assure the public that it will be found greatly to their advantage to call before purchasing, as they are selling

DRESS GOODS,

PRINTS,

MUSLINS.

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SMALL WARES,

EDGINGS,

at Now York first cost. In addition to the great reduction in

prices, a discount of 5 PER CENT.

will be given on all sums above ton dollars.

Do not forget.

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\$3 "B Select!" \$3

Pure Virginia Rye Whiskey. Has been analyzed, and has the endorsement of the most prominent medical men in Virginia for its purity. It is

safely recommended for family and medicinal use. CHAS. D. MYERS & CO.

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A WEEKLY REPUBLICAN JOURNAL, DEVOTED TO

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the people of the nation, and capecially of this section of North Carolina.

And to the development of every moral,

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Terms: ONE YEAR \$2 00 CASH IN AD-VANCE.

Published in the town of Fayetteville, N. C., every Saturday morning. BENJ. ROBINSON,

Editor and Publisher. april 8 SPIRITS CASKS, HOOP IRON AND

GLUE. 1,000 New and Second Hand Spirit

For sale by F. W. KERCHNER. 27, 28 and 29 North Water st.

Casks.

TEN CENTS REWARD.

RUNAWAY from the subscriber, April 1st, 1873, his apprentice bey GEORGE COTION, dark complection, about 5 feet 8 or 9 inches high. I will give the above reward for the delivery of the said George Cotton to be examined on the 5th of June, at Annap-olis, tand must then certify on honor that he is over 14 and under 18 years of age. He must also be 5 feet high, and healthy, and an actual resident of the Third Congression-District.

THE

WILMINGTON TRUST COMPANY

NEW ADVERTISEMENTS.

AND SAVINGS BANK Will open for business on

MONDAY, 12th MAY. Instead of the 1st of May.

This postponement is unavoidable, owing to the non-arrival of the Safe and Books. All papers publishing first notice will copy till May 12th. april 30 295-tm12

SERGE CONGRESS GAITERS.

NEW ARRIVALS.

DUDLEY & ELLIS. Sign of the Big Boot,

may 5 U. S. INTERNAL REVENUE. NOTICE TO SPECIAL-TAX PAYERS

The law of December 24, 1872, requires every person engaged in any business, avocation, or employment, which renders him SPECIAL TAX,

to procure and place conspicuously in his establishment or place of business, A STAMP

denoting the payment of said Special Tax before commencing business. The taxes embraced within the provi-sions of law above quoted are the follow-Rectifiers..... \$200 00 Dealers, retail liquor..... 25 00 Dealers, wholesaie liquor 100 00

Dealers in malt liquors, wholesale. 50 00

Dealers in malt liquors, retail.... 20 00 Dealers in leaf tobacco..... 25 00 Retail dealers in leaf tobacco..... 500 00 and on sales of over \$1,000, fifty cents for every dollar in excess of Dealers in manufactured tobacco.. Manufacturers of stills..... 50 00 and for each still or worm manu-

Manufacturers of tobacco..... Manufacturers of cigars..... Peddlers of tobacco, first class, (more than two horses)..... Peddlers of tobacco, second class, (2 horses)..... Peddlers of tobacco, third class, (1

(on foot or public conveyance)... Brewers of less than 500 barrels.... 50 00 Brewers of 500 barrels or more.... 100 00 Any person who shall fail to comply with the foregoing requirements will be subject to severe penalties. Special-tax Payers throughout the United

States are reminded that they must make

application to the Collector (or Deputy Collector) of their respective districts, and procure the proper stamp for the Specialtax Year, commencing May 1, 1873, without waiting for further notice. W. B. RICHARDSON,

Collector Internal Revenue, Third District, N. C. Application may also be made to, and stamps procured of Jas. A. Kelly, Deputy Collector, Dalton, N. C., S. A. Smith, Deputy Collector, Horse Shoe, N. C., A. R. McDonald, Deputy Collector, Carthage, N. C., John McL. Kelly, Deputy Collector,

FREIGHT DEPARTMENT

Carthage, N. C.

WILMINBTON & WELDON, R. R., Wilmington, N. C., April 17, 1872,

THE NEW FAST FREIGHT LINE TO AND FROM THE WEST, via Richmond. The Wilmington & Weldon rail-

road is prepared to handle naval stores in

unlimited quantities for CINCINNATI, and all points reached by lines diverging therefrom, at the current rates that may exist from time to time over competing lines via The Chesapeake & Ohio Road is possessed of ample equipment that is at all times available for the business. There occurs no drayage transfers at Richmond or else where, but consecutive rail movement and freedom from insurance. The same advantage exists for the transportation of East

bound business and through rates, and bills lading are given and guaranteed. Rates, classification and information fur-nished by Agents of all lines working into Cincinnati.

W. E. Ludlow, General Agent, No. 1 Burnet House, Cincinnati; Stephen Hunter, General Freight Agent, Richmond, Va., or

A. POPE. Gen. Freight Ag't, Wilmington. N. C. FORECLOSURE OF MORTGAGE!

Maria --- Greeting : WHEREAS default has been made by the mortgagers respectively named in the mortgages following, executed to the Cape Fear Building Association, viz:

A mortgage executed by Isaac Lilly and wife, bearing date — day of Oct., 1870, and registered in the Register's office of New Hanover county, in book A A A, page 306.

To Isaac Lilly and wife Elizabeth,

and William A. Jordan and wife

Now, therefore, notice is hereby given that by virtue of the powers of sale containe! respectively in said several mortgages, recorded as aforesaid, the said mortgages will

ers \$8 00 per week.

Hanover county, in book A A A, page 336.

And two mortgages executed by William A.

Jordan and wife Maria, one bearing date the
Ilth day of May, 1870, and registered as aforesaid in book Z Z, page 225, and the other bearing date the 16th day of September, 1870, and
registered as aforesaid in book A A A, page
68.

corded as aforesaid, the said mortgages will be foreclosed by a sale of the premises there in respectively described, at public auction, at the court house door in the city of Wilmington, on Wednesday the 14th day of May 1873, at 11 o'clock A M. The said premises are respectively described in the said mortgages substantially as follows, viz:

Isaac Lilley's lot begins at a point in the western line of Sixth street 165 feet northwardly from the northwestern intersection of Sixth and Castle streets, and runs along Sixth street southwardly 34 feet by 165 feet deep. Part of lot 4 and 5 block 91.

William A. Jordan's lot begins at point in the western line of Fourth street 231 feet southwardly from the southwestern intersection of Fourth and Church streets, and runs thence southwardly along Fourth, streets, and runs thence southwardly along Fourth, streets, and said and the section of sale cash.

Terms of sale cash.