

Te Wilmington Light Infantry, under miniand of Capt. Concy, paraded yesfut Lippitt's ice cream and sandwich at will prove a great convenience on the bunks to-morrow.

The l'astoffice will be closed to-morrow, fourth, from 9 a. m. to 6:30 p. m. Itals will close as usual.

lat sim who neglects to raise the fallen far lest, when he falls, no one will stelch out his hand to lift him up.

We predict the largest growd on the inch to-morrow that has assembled there me the war. Every dray horse that cubille hired is engaged.

At 12 o'clock to-day the thermometer iarkel 96 in the shade, which is several kgrees less than it has been, and yet ents to us that it has been the hottest lay of the season.

To give our patriotism a chance to vent tellag will suspend publication to-moran. The REVIEW hopes to great its pales is usual, on Thursday afternoon.

There will be a banks party to-morrow mint on the beach at Wrightsville. The annuander of the "Ki-vi-vy" will be unand the ladies are requested to bring Mel filled baskets.

### Bound Over.

Lany Neal, charged with the larceny a sait of clothes from Jacob Elshbach, as tried before Justice Harriss this afterand bound over to the next term outhe Criminal Court.

## New Route Agent.

Mr. John Nutt, formerly of this city, of for the past five years R. R. Agent and Telegraph Operator at Abbottsburg, as we are pleased to learn been commissoned route agent on the Wil. Col. & dag R. R., and will enter upon his duties at once, running from this place to

### Annual Picnic.

The annual picnic at Stanback Ferry

Key West, 77; Knoxville, 78; Lynchburg, 84; Memphis, 83; Mobile, 82; Montgomery, 84; Nashville, 84; New Orleans, 82; New York, 63; Norfolk, 80; Pittsburgh, 69; Punta Rassa, 82; Savannah, 89; Shreveport, 80; St. Louis, 73; St. Marks, 83; Vicksburg, 86; Washing-

# The Middle Route.

ton, 72; Wilmington, 84.

The Charlotte Observer gives us an item of some interest when it says: The postal commission, which was on a recent visit to this and other cities of the South, has come to a conclusion as to a part of its

from New York to New Orleans proper will go by way of Richmond, Charlotte Route. The mails have, until now, been the shortest route to the South, the time being the fastest and the system of connection well maintained, they have been

given to this line. This information is gathered from a private telegram.

# Under Protest.

Company yesterday paid the Sheriff under protest a privilege tax of \$743 75, which would have been twice as great but for the exemption, this year only, of their stock to punish the defendant criminally, but on hand when the new law was passed.

As they paid the State Treasurer \$500 in March for a license tax (he wanted \$2,000 for the same or similar offences, both of of them, but rather than pay so much they discontinued selling three of their brands until a decision could be obtained as to the legality of this tax) and, as they have yet to pay taxes upon their real estate, machinery and stock on hand which will probably amount to \$1,500 more, we do not blame them for -protesting. Our late Legislature doubtless endeavored to encourage home manufactures and the statute law, to ascertain what persons are employment of foreign capital here for investment, but the desired result scems to have fallen far short of accomplishment chapter 58, the 16th section of which en-

we ever since the war. " Hundreds of bor Master, Capt. Joseph Price was duly es of the Peace, Sheriffs and Constables. law, statutory or common, casts on one a

83; Indianola, 83; Jacksonville, 86; Monday from 9 a. m. to 4 p. m for the transaction of probate business, and each succeeding day, till such matter is disposed of. 16. Any Clerk of the Superior Court failing to comply with the last section (unless such failure is caused by sickness) shall forfeit his office."

The complaint charges, that on the 12th day of march, 1877; being Monday, the defendant did fail to keep open his said office during the prescribed hours for the transaction of probate business, and that the failure was not caused by sickness.

There is another count in the complaint, alleging the repeated and habitual failure so to open his office on Mondays for twelve months or more. The Court below refused to hear evi-

dence upon this second count, and ordermission, and henceforth the through mail ed it to be stricken out, because of its vagueness, the plaintiff not offering to amend the complaint. We incline to concur with his honor, but as we are with and Atlanta, the Piedmont Air-Line the plaintiff on the first cause of action set forth, it is unnecessary to decide this sent by the Kennesaw route. This being point. For the same reason we do not decide the objection of the plaintiff that the answer was without verification, although the complaint was verified. The defendant, in his answer and in

this Court objects, 1, to the form of the action, and 2, to the jurisdiction of the Court : 1. To the form of the action be-

cause, he says, being for a public offence We notice that the Navassa Guano highly penal, it is a criminal charge which by Art. 1, sec. 12, of the Constitution, can only be instituted by indictment, presentment, or impeachment. The answer to this is, that the action is not to vacate an office which he has torteited by a failure to discharge its dutics. He is still liable to indictment and punishment mis-feasance and non-feasance. 2. The jurisdiction. The defendant insists that a Judge of Probate is a judicial officer, and under the Constitution can be deprived of his office only by impeachment. On the contrary, it does provide, Art. 4, Secs. \$1and 32, that for certain causes therein named, both the Judges of all the Courts, and the Clerks of the Superior Courts, may be in other ways, removed from office. We are to look, not to the Constitution, but to the liable to impeachment. The first act, under the new Constitution, was passed by the Legislature of 1868-69-Battle's [Revisal, acts : "Every officer in this State shall be liable to impeachment for : 1st. Corruption or other misconduct in his official capacity," &c., enumerating many other causes of impeachment. This act, literally construed, would in-

clude not only Judges of Probate, Justic-

feiture of office is annexed to the delinquency of the officer, on one particular day of the week only, relieving him from the penalty for his neglect during all the other days of the week. The reasonable purpose of the law is, that there shall be the first ballot taken, which resulted as at least one known and designated day in the week, when the public have probate business with the Clerk may know they will find the proper officer, at his

post, attending to his duties. It is unnecessary to discuss whether in reason, and even in common humanity, there should not be other exceptions, besides sickness, which would relieve the defendant of the penalty. We might suggest many examples which ought to be added to the exception of sickness, and which the Court might accept as excuses falling within the same principle with sickness; as for instance, a fatal contagion, fire, sickness and death of wife or child, &c. But no such question arises here for no such excuse is offered. On the contrary, the defendant was voluntarily abthe 12th of March, in another part of the city, in attendance upon some public election. He had no business there, except it might be as a voter, and he had ample time, both before and after his prescribed office hours, in which to cast his vote. He did not go to the polls, vote and return to his office. He did not intend to return that day, for he procured a room at the election precinct and left directions at his office in the Court-house-the place fixed by law,-where he might be found or sent for, by those having probate business with him.

So he might have gone hunting or fishing, leaving behind similar directions.

The excuse he offered is wholly inadprescribed by law, was not competent to times as it meets the pleasure of His discharge the duties of the defendant as Honor, the Mayor, and this Board. Judge of Probate. So that the defendant was not actually or potentially present that day in his office in the Court House, the place assigned by law and used by him office as Aldermen.

as Judge of Probate. It is insisted upon in behalf of the defendant, that a single act of omission does not bring his case within the operation of the act making the offence a forfeiture of office. The contrary is only a reasonable construction of the statue; "he shall open his office," is the language of the act. If a single act is insufficient, how many are necessary to work a forfeiture? and by whom and how is the number of acts neesssary, to be ascertained? The rule in civil is the same as in criminal cases and in the latter it is this:" Whenever the

urer. Alderman Flanner moved to go into an election for a Deputy Clerk, whereupon the applications were read and

follows:

John J. Fowler 7, Walker Maares 1, W. K. Price 2.

John J. Fowler was thereupon declared duly elected.

A resolution to the effect that the duties of the City Attorney shall include all advice to his Honor the Mayor, and each committee of the Board of lows : Aldermen; also to the Chairman of the Board of Audit and Finance of the city the prosecution for and in defence o the city in all courts, and in each and every case within the jurisdiction of New Hanover county, in which the city sent during the office hours of Monday, is interested; and the drawing up of all legal instruments or other bills, ordinances, &c., appertaining to the city of Wilmington, which was adopted.

On motion, the election for City Attorney was then gone into, the first bollot resulting as follows :

W. S. Devane, 7; F. H. Darby, 1 DuBrutz Cutlar, 2.

Col. W. S. Devane was thereupon declared duly elected.

Alderman Foster offered the following resolutions, which were adopted : Resolved, That every office, officeholder, appointee, contractor for work missible, and is a plain breach both of the or material furnished, or to be furnishletter and spirit of the law. The deputy ed, to or for the City of Wilmington, of the defendant, who himself did not shall hold said office, or furnish materikeep the office open during that day, as al or perform such labor, only at such

> Be it further resolved; That no appointments to office, or contracts made, shall continue longer than our term of

The committee on Streets and Wharves reported in reference to the bridge across the railroad on Sixth street, whereupon, on motion of Alderman Foster, the matter was referred to Alderman Lowery to report at the next meeting of the Board.

force, &c, was referred to the committee on Police.

A communication from Capt. E. W. This was certainly not the intention of duty of a public nature, any neglect of Manning, in reference to the tax on every one that use it. Three doses will

Office, Washington, D. C. E. R. BRINK, P. M.

Harbor Master's Report.

From Capt. B. G. Bates, Harbor Master, we have the following report of the arrival of vessels at this port, &c., for the month of June: Steamers, 8; barques, 6; brigs, 12; Schooners 12. Total 38. Aggregate tonnage, 12,796; aggregate forcign tonnage, 4,837.

The report of the pilots, of soundings on Bars and Rips, at low water, is as fol-

Bald Head channel10	feet	0 1	nch	68	
Western har		6		25	
Rin		0	**	Ξ.	
Western bar		0		16	
Rip9	**	0	++	1	

### Quarterly Meetings.

Third round of appointments as made by Rev. William S. Black, Presiding Elder, for the Wilmington District, Methodist E. Church, South.

Onslow, at Gum Branch....July 7, 8 Kenansville, at Richlands....July 14, 15 Elizabeth, at Bladen Springs, July 19, 20 Smithville, at Smithville....July 28, 29 Cokesbury and Coharie Mission at Black's Chapel .... , Aug 4, 5 Clinton at Hopewell.....Aug 11, 12

Wilmington at Front Street... Aug 18, 19 Topsail at Rocky Point, (Dis-

trict Conference) ..... Aug 23, 26

### TheReview for the Summer.

Persons Leaving the city for the various watering places, country residences or resorts, or those going abroad, can have the DAILY REVIEW mailed to any addess by ordering the same at this office, at 15 cents for one week, 25 cents for two weeks, 40 cts for three weeks, 50 cents for one month, \$1.50 for three months, \$3 for six months, payable in advance at this office. United States postage prepaid.

## The People Want Proof.

There is no medicine prescribed by physicians, or sold by Druggists, that carries such evidence of its success and superior virture of Boschee's GERMAN SYRUP for severe Coughs, Colds settled on the breast, Consumption, or any disease of the Throat and Lungs. A proof of that A resolution of Alderman Foster, fact is that any person afflicted, can get a looking to the reduction of the police Sample Bottle for 10 cents and try its superior effect before buying the regular size at 75 cents. It has lately been introduced in this country from Germany, and its wonderful cures are astonishing

The New Harbor Master. At an election held by the newly electa lichmond county comes off next Thurs- ed Board of Commissioners of Naviga-", the oth of July. It has been the tion yesterday morning, at the office of asten to have an annual picnic at this Messrs. J. H. Chadbourn & Co., for Har-

elected on the thirteenth ballot.	the act. Although there is nothing in t	the duty, or act done in violation of it is	hotels, boarding houses, &c., was re-	relieve any case. Try it.
It is needless to inform our many read-	the act explanatory of section 16, above i	indictable. 1 Bish Crim. Law. sec. 351;	ferred to the committee on Finance.	
ers who the new Harbor Master is. Doin			A communication from several city	New Advertisements.
and reared in the good old town of Wil-	· · · · · · · · · · · · · · · · · · ·	10.00	butchers, praying a reduction of the	CAROLINA YACHT CLUB.
mington, he is thoroughly identified with	officers, in contradiction But, however that	A single act of neglect or failure, is as	tax on private markets was reterred to	
it - towasts of this community in every	La mo are releived of all utiliculty.	much a, violation of the law as twenty.		THE ANNUAL REGATTA OF THE Carolina Yacht Club will be sailed on the
		See 1s/Bish. Crim. Law. Sec. 915.	On motion, the matter as to the hour	Bace Course, at Wrightsville Sound, 'on the
i i i famion	the act under which this action is prose	an I here is error. Judgment is rendered	of closing the market on Saturday ave-	FOURTH OF JULY, instant, at 1 o'clock,
and has spent some of his life on the	Lucous hearing been enacted subse-	a judgment for the plantin to		p. m., promptly. Yachts not in readiness at that hour cannot
briny deen while in the revenue service of	fence, and naving 1868-'69, operates as a			participate in the Race.
the United States government before the	repeal upon any conflicting provisions of	City Court.	-	july 3 JOHN J. FOWLEB, Chm'a Reg. Com.
mar and was in the Navy of the C. S.	that act. The action is properly brought	The following cases were disposed of		
war, and that it ing the war, where he	as provided in section 366, C. C. Fauer-	this morning :		The Arundel Motto.
but asmed and won distinction for gal-	son vs. Hubb, 65 N. C., 110. The inter	John Anderson, my Jo John, was call-	committee to onen hids that have come	BY MARY CECIL HAY: 10 Cents.
both earlied and were conduct, the occasion	question is, does a keep open his of-	ed before the Mayor charged with drunk-	into his hands said committee to meet	B
lant and meritorious concern, S gunboat	for on Monday, as prescribed, forfeit his	enness and disorderly! conduct, fighting,	the Thursday offers	Rosine
being the capture of the C. S. ganden	office ? The act is precise as well as per-	the His Honor fined him \$10 and or-	at the City Hall on Thursday and	TO V I G Whate Malville, 19 Cants.
Water Witch, near the mouth of the bare	emptory; they shall open their offices	dered him locked up until the fine is paid-	noon, at 4 o clock, for that purpose,	BY J. G. Whyte-Melville. 19 Cents.
vannah river, of which no me	every Monday, nom of Probate business :	Albert Hart, an English sailor, who was	The Mayor was authorized to insure	At S. JEWETT'S, Bookstore.
more to say at some	for the state of t	attested for being concerned in an amay		july 3 ; Bookstore.
We congratulate the Board of Commission	By express terms	with Anderson, was fined \$5.	their policies have expired.	\$10 2 \$25 A contracting our Chro-
sioners upon their excellent appointment.	of the act every failure is a distinct and	There being no further business the	On motion, the Board then adjourned,	mos, Crayons, and Reward, Motto, Scripture
Capt. Price, we believe, will hilf the omce	complete cause of forfeiture ; and such we	Court adjourned.	La Barran and a state of a second second second	Tost Prensparent, Picture and Chremo
I satisfactorily and creditation .	Delieve is the A Dehete mas greated by	Place a small saucer of ground cloves	and the second	Cards 100 samples, worth be, one free.
VI RATAC LINA CONTRACTOR ALIAS DOS	F 1000 and the athorn is	TENDER STITLES STEEL FORTONES INCO. CHARACTER IN	to the elbows are to be worn with the	J. H. BUFFORD'S SONS, BOSTON,
made a very efficient officer and has given	the Constitution of restorsive and respon-	said, they will quickly disappear.	' short sleeves or summer fill dress,	may 14 [Established town
very general satisfaction.	· CIOCHED WITH & Lord			
and the second s			· · · · · · · · · · · · · · · · · · ·	Constant and the second s
	ers who the new Harbor Master is. Born and reared in the good old town of Wil- mington, he is thoroughly identified with the interests of this community in every particular. Capt. Price is a sailor by profession and has spent some of his life on the briny deep while in the revenue service of the United States government before the war, and was in the Navy of the C. S. government during the war, where he both earned and won distinction for gal- lant and meritorious conduct, the occasion being the capture of the U. S. gunboat Water Witch, near the mouth of the Sa- vannah river, of which we hope to have more to say at some future time. We congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will fill the office satisfactorily and creditably. Capt. B. G.	ers who the new Harbor Master is. Born and reared in the good old town of Wil- mington, he is thoroughly identified with the interests of this community in every particular. Capt. Price is a sailor by profession and has spent some of his life on the briny deep while in the revenue service of the United States government before the war, and was in the Navy of the C. S. government during the war, where he both earned and won distinction for gal- lant and meritorious conduct, the occasion being the capture of the U. S. gunboat <i>Water Witch</i> , near the mouth of the Sa- vannah river, of which we hope to have more to say at some future time. We congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will fill the office satisfactorily and creditably. Capt. B. G. Bates, the outgoing Harbor Master, has made a very efficient officer and has given	It is needless to inform our many read- ers who the new Harbor Master is. Born and reared in the good old town of Wil- mington, he is thoroughly identified with the interests of this community in every particular. Capt. Price is a sailor by profession and has spent some of his life on the briny deep while in the rerenue service of the United States government before the war, and was in the Nary of the C. S. government during the war, where he both earned and won distinction for gral- mark to as in the Nary of the C. S. government during the war, where he both earned and won distinction for gral- more to say at some future time. Water Witch, near the mouth of the Sa- vannah river, of which we hope to have more to say at some future time. We congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will filt the office fastisfactorily and creditably. Capt. B. G. Bates, the outgoing Harbor Master, has made a very efficient officer and has given the care were finder to file of the Sa- vanah river, of which we hope to have more to say at some future time. Capt. Price, we believe, will filt the office sing the capture of the U. S. gunbeat made a very filtient filt the office sing a a very efficient officer and has given the congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will filt the office sing the a very efficient officer and has given the congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will filt the office sing a a very efficient officer and has given the congratulate the Board of Commis- sioners upon their excellent appointment. Capt. Price, we believe, will filt the office sing a a very efficient officer and has given the constitution of 1868, and the officer is smade a very efficient officer and has given the constitution of 1868, and the officer is smade a very efficient officer and has given the constitution of 1868, and the officer is the intent of the As, and	rested, II probaby is the rested is the rest of the rest