

THIS PAPER
published every afternoon, Sundays excepted by
JOSH. T. JAMES,
EDITOR AND PROPRIETOR.

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THE DAILY REVIEW.

VOL. 3. WILMINGTON, N. C., THURSDAY, MARCH 14, 1878. NO. 38

PLEASE NOTICE.
We will be glad to receive communications from our friends on any and all subjects of general interest, but:
The name of the writer must always be furnished to the Editor.
Communications must be written on one side of the paper.
Personalities must be avoided.
And it is especially and particularly understood that the editor does not always endorse the views of correspondents, unless so stated in the editorial columns.

New Advertisements.
sale of Bankrupt stock.
BROWN & RODDICK
45 MARKET ST.
Having purchased A VERY LARGE LINE of
WHITE GOODS
AT AUCTION
from the
BANKRUPT STOCK
of Ewing & Co., of Boston,
We offer the same for the inspection of the public.

Great Inducements
Will be offered in order to
EFFECT IMMEDIATE SALES.

Plain, Plaid and Striped Nainsook Muslins, Victoria Lawns, Swiss Muslins, Piques, Hamburg Edgings, Insertions, &c., &c.
THE LOW PRICES!
at which we have marked these Goods cannot fail to attract purchasers.
Novelties in Ladies' Neck Wear, Cravats and Bows.

We have just received a beautiful line of
Black Dress Materials,
all of this season's importation. Don't fail to examine them before you make your purchases.

Always on Hand the Leading Cottons
At the Lowest Market Prices.
4-4 Lake George A A Sheeting, 7 1/2 cents.
4-4 Rockingham A " 7 1/2 cents.
4-4 Fruit of the Loom " 10 cents.
4-4 Androscoquin " 10 cents.
4-4 Hill " 10 cents.
4-4 Wamsutta, " 12 1/2 cts.

Parasols and Sun Umbrellas.
In order to close out stock we have reduced the price of those fine PARASOLS and SUN UMBRELLAS, which were so popular last season, from \$4.00 to \$1.50 each. We have only a few left, and the best way to secure one is to call at once and make a selection.

BROWN & RODDICK,
45 Market St.
mch 6

Must be Sold.
THE BALANCE OF MY FALL AND WINTER STOCK of
GENTS' AND YOUTHS' CLOTHING AND FURNISHING GOODS,
must be sold and they will be sold, too, regardless of cost. I go North next week and will close out stock on hand at Low! Lower!! Lowest!!! prices
A. SHERIER,
mch 5 Market st.

Prescriptions Carefully
COMPOUNDED AT
BURBANK'S Pharmacy.
FINE CIGARS AND TOBACCO at
BURBANK'S PHARMACY.
Corner Front and Princess Streets.
Wines and Liquors for medicinal use.
mch 6

Musical Instruments!
VIOLINS, ACCORDEONS, GUITARS, HARMONICAS, BANJOS, FLUTES, and FIFES, VIOLIN BOWS, BOXES, STRINGS, &c.
YATES'
mh 11 Book Store & Photo. Rooms.

Florida Oranges.
ANOTHER LOT of those SWEET FLORIDA ORANGES, probably the last of the season, received to-day. Bananas and Apples on hand. Fresh Candies made to-day at
S. G. NORTROP'S,
mch 9 Fruit and Confectionery Stores.

ADVERTISE IN THE
WILMINGTON (Weekly) JOURNAL
Office corner Chestnut and Water sts.
ec 12

LOCAL NEWS.

New Advertisements.
S. JEWETT—A Book for all Readers.
MUNSON & Co.—Call and See.
ISAAC W. KING—Stall Fed.
J. A. SPRINGER—Mules for Sale.
A. DAVID—Now Receiving.
A. SHERIER—Must be Sold.

Pure cider is a liver-eradicator.
Spring fever is frightfully prevalent.

It is top time, and the boys make things hum.
Spring is here! Where is that bonnet, my dear?

The consumption of tobacco yearly increases.
Radishes in market yesterday and this morning.

Can't somebody deodorize the fertilizers?
The novelty of a new word makes it popular.

The ground-hog is a fraud as a prognosticator.
Is the dollar of our dad what they call government par?

Some of our restaurants are like counterfeit money. You can't pass them.
New River oysters were offered at 50 cents per gallon yesterday afternoon.

Red headed girls use for their hair a lead comb, so as to make the hair turn auburn.
Ladies now days lift up one side of their dresses and let the other side drag in the mud.

Mayor Fishplate has't had an opportunity of looking as grave as a judge since his return. The guard house is M. T. and there have been no police arrests.

Quantities of Spring goods are being brought into this market, and in a few days our country merchants will find as large and well-selected a stock to choose from as they could want.

We are requested to repeat the statement that there is now an authorized committee soliciting funds from the public for the benefit of St. Luke's Church, formerly the Christian Chapel.

It is claimed that a true lady never loses her temper. We never knew of one being really out of temper, though since the present style of dress came in we have seen them considerably ruffled.

The Children's Memorial Association held a meeting on Tuesday and decided upon having a Festival at some date yet to be announced, for the purpose of aiding in building a good walk to Oakdale Cemetery.

Capt. V. V. Richardson, of Columbus, was in the city to-day. He will go West to-morrow for the purpose of attending a meeting of the Board of Directors of the Western N. C. R. R., of which he is a member.

Probably there are not half a dozen hired girls in the United States who don't know which are their "nights out," but the man isn't born yet who can point to one who can explain how the nose of the water-pitcher got cracked.

Lovers of Good Bread
Would you always have thoroughly good, sweet, easily digested bread, biscuits, and rolls? The use of DOOLEY'S YEAST POWDER invariably insures perfect success. Your grocer keeps it.

Consumption Cured.
An old physician, retired from practice, having had placed in his hands by an East India missionary the formula of a simple vegetable remedy, for the speedy and permanent cure of consumption, bronchitis, catarrh, asthma, and all throat and lung affections, also a positive and radical cure for nervous debility and all nervous complaints, after having tested its wonderful curative powers in thousands of cases, has felt it his duty to make it known to his suffering fellows. Actuated by this motive, and a desire to relieve human suffering, I will send, free of charge, to all who desire it, this recipe in German, French, or English, with full directions for preparing and using. Sent by mail by addressing with stamp, naming this paper, W. W. Sherar, 126 Powers' Block, Rochester, N. Y. 4w

Hotel Arrivals.
PURCELL HOUSE.—Wilmington, N. C., March 13.—Cobb Bros. proprietors.—From 10:05 o'clock, March 13th, to 10:05 o'clock 14th.—Geo Z French, Federal Point; E J Lilly, Jr, Norwood Giles, city; L M Kindlin, Chambleny, Penn; H L Gallagher, Mrs Granger, G W Clotworthy, Baltimore; W E Lewis, Cincinnati; F H Parmalee, G L Everitt, A W Speer, A Clinchey, New York; V V Richardson, Columbus county; S LeGrand, Mrs Mary Hizard, North Carolina; George B Aiken, William H Aiken, Baltimore.

Personal.

Mr. C. Iredell Iglehart, of the firm of Boyle & Iglehart, of Baltimore, is in the city in the interests of his business. Mr. Iglehart is a native Carolinian and has secured a fine business reputation in his new home.

Returned.
Mayor Fishplate returned to the city yesterday from the Northern markets looking very well. He made but a short trip of it, yet laid in a large stock which he is opening and displaying now to the trade and which will probably be advertised in our columns in a few days.

An Important Suit.
Morris Q. Waddell, Esq., of Pittsboro, Chatham county, has been in the city for a few days past. He is here on matters pertaining to the suit which has recently been instituted for the recovery of a very large tract of land in the city, part of which is in the very heart of the business districts. Mr. Waddell is counsel for the plaintiff in this suit, which is to be tried at next term of Robeson Superior Court.

First of the Season.
Mr. A. G. McGirt plucked from his garden in this city this morning a pod from a green pea vine which, although only about half an inch in length yet shows distinctly the peas within. We doubt if such a thing has been known here before on the 14th of March in fifty years. At this rate we may expect green peas, strawberries and cucumbers on the table early in April, provided that cold snap that we all dread will only come.

No Demonstrations.
As has been already stated in the REVIEW there will be no public demonstration in this city by the Liberatorian Benevolent Association on the 17th inst., the anniversary of St. Patrick's Day. We have been requested to state that the members of the association will go in a body on that day from their Hall on Third street, opposite the City Hall, to St. Thomas' Church to attend divine services. After the services at the Church the annual election of officers will be held at their hall.

Maj. Bolles.
The U. S. stamer *Tuscarora* sailed on her expedition from San Francisco on the 28th ult, our esteemed friend and fellow-citizen, Major C. P. Bolles, making one of the number on board. There are in the expedition in all 101, of whom 23 are officers, Major Bolles going out as Draughtsman. We had the pleasure of seeing a card on which were grouped the photographs of all the officers among which we recognized the good-looking phiz of our friend. The photographs were executed in San Francisco by a Wilmingtonian, Mr. Henry Bradley.

Death of Mr. Hower.
As stated by us in yesterday's issue, Mr. Thomas H. Hower, one of the oldest and most highly esteemed citizens of Wilmington, died at his residence here yesterday afternoon, of jaundice, having been sick only about a week.

Mr. Hower was a native of Wilmington and has lived here continuously. He was 67 years and 3 months old at the time of his death. He was a gentleman of most admirable qualities, honorable, courteous and considerate in every relation of life, kind, affectionate and attentive in his domestic relations and one of those whom all knew and whom all esteemed. Peace to his ashes and evergreens to his memory.

Turned up Missing.
Our readers will recollect Lieut. James L. Mast, of Co. M, 2d U. S. Artillery, who was stationed at Fort Johnson for a long time, and who was acting as Quartermaster at that place under Col. Pennington, then and now Commandant of that post. Last Summer Lieut. Mast was relieved by Lieut. Schenck and reported at Fort McHenry, near Baltimore, for duty, and now he has relieved himself from duty at that place. He has been missing from the fort since the Wednesday of last week, the 9th inst. On the evening of that day he left his post without leave, and the only tidings heard of him since was through a hackman, named Douglas, who drove him to the Philadelphia, Wilmington & Baltimore Depot on the evening of his disappearance. From all accounts this is the last seen of him in Baltimore. General Barry, commandant at the fort, had inquiries instituted as to his whereabouts, but without success.

To an already well established reputation, are constantly added the warmest praises of travellers who have enjoyed the hospitalities of the Grand Central Hotel, New York.

Supreme Court Decisions.

We publish to-day other digests of decisions rendered by the Supreme Court on Monday, as we find them in the Raleigh Observer:

By Smith, C. J.—McBryde vs. Patterson et al from Robeson. Appeal dismissed.

This was an action for partition of real estate, came up to the Superior Court of Robeson and was heard at Fall Term, 1877, before Moore J., upon motion to dismiss on the ground that the entire estate, under rule 11 of the canons, descended, at the intestate's death, to his illegitimate sister, Caroline, who thereby became sole seizer of the land, and the same has been conveyed to the defendant, Patterson. The motion was denied and the Court declared that at the intestate's death, his land descended to his brother and all his sisters, legitimate as well as illegitimate, as heirs at law in equal parts, and that the sole seizer thereof was not the defendant. The Court adjudged the plaintiffs to be entitled to partition. The defendant appealed.

Held, That the modifications of the act of 1799, more in phraseology than in matter, were never intended to subvert a construction so long acquiesced in, and to confer upon bastards rights and privileges, in respect to inheriting, superior to those possessed by persons born in wedlock, but to remove disabilities so that bastards might participate equally with those born in wedlock in a bastard's property.

Held, also, That the refusal of the Judge to dismiss is not a judgment from which an appeal will lie.

By READE, J.—Houston vs. Houston et al, from Duplin. Affirmed.

The question in this case is, did the Sheriff sell the tract of 1,900 acres, or did he sell defendant's interest in 950 acres of land. There was conflicting evidence. The levy is "upon his interest in 950 acres, located in Cypress Creek district," &c. The return of sale is a little more definite, being "the 950 tract of land levied on," &c. The Sheriff's deed is for 1,750 acres, leaving out 50 acres, and for 100 acres, all of which added make 1,900. There was evidence that the defendant in execution was tenant in common with another in the 1,900 acres. The Sheriff swears that he intended to sell, and proclaimed that he would sell and did sell all the interest which the defendant had in all his land in that district, and that his deed to these defendants, by metes and bounds, covers the 1,900 acres. The jury found that these defendants bought and the Sheriff sold the whole interest of this plaintiff in the 1,900 acres.

Held.—That the jury having found that the Sheriff sold the debtor's interest in the whole 1,900 acres, it is conclusive.

Gay vs. Nash, from Richmond. Error. In this case the written lien, given by the maker of the crops, was not registered within thirty days, according to Battles' Revisal, chapter 65, sections 19 and 20.

Held, Such a lien is certainly void as to third persons, but *inter partes* it is good. The parties themselves have notice without registration.

Kahnweiler vs. Anderson, from New Hanover. Judgment affirmed.

Civil action heard upon complaint and demurrer before Seymour, Judge, at June Term, 1877, New Hanover Superior Court. The facts, as set forth in the complaint, are as follows: On the 30th day of July, 1861, David, Daniel and Jacob Kahnweiler, were merchants and copartners in business in Wilmington, N. C., and on that day were indebted to the plaintiff, Karl Kahnweiler, in the sum of \$1,900, said Karl being then a resident of New York. On that day, the defendant Anderson applied to Daniel Kahnweiler, and proposed to sell him exchange on New York, at the same time informing him that he had to the credit of [Anderson & Savage] in the hands of Montel & Bartow, in the city of New York, the sum of \$1,804.57. The said Anderson & Savage had been late copartners in business in the city of Wilmington. Daniel Kahnweiler agreed to take the said exchange at the rate 5 per cent premium, and accordingly paid Anderson the sum of \$1,804.57, and the further sum of \$90.23, as premium, and took from the defendant a bill of exchange drawn in the name of Anderson & Savage and directed to Montel & Bartow, and payable to the order of Kahnweiler & Bros., for the sum of \$1,804.57 at sight. On the same day Kahnweiler & Bros. endorsed the same to be paid to the said Karl Kahnweiler or his order, enclosed it in a letter and deposited it in the postoffice in Wilmington, addressed to said Karl Kahnweiler, in the city of New York. In August, 1865, Daniel Kahnweiler, being then in New York, was applied to by the plaintiff for payment of the debt due him by Kahnweiler & Bros., and was then, informed that the draft had never been received, and the debt remained unpaid. A diligent search for some evidence of the said bill of exchange was without success until March, 1876, a memorandum of a check given in payment for the bill of exchange was found on a stub of an old check book of Kahnweiler & Brothers. That check was duly paid on the same day it was given to Anderson & Savage. In March, 1866, Anderson directed Montel & Bartow to pay over to him the said sum of \$1,804.57 and interest thereon, which sum was paid to James Anderson on the 12th of March, 1866. On discovering the memorandum of the check book, Daniel K. recollected the fact of obtaining the bill from Anderson, and in May, 1876, as agent of the plaintiff, demanded of the

defendant the said sum, tendering at the same time a good and sufficient bond of indemnity, etc. Payment was refused, and in April, 1877, the plaintiff brought suit, and in the prayer of his complaint asked that Anderson be declared a trustee for him of the sum received of Montel & Bartow, and of the further sum paid as premium by Kahnweiler & Bros., with interest, &c. The defendant demurred and interposed the defence of the Statute of Limitations. His Honor overruled the demurrer and gave judgment for the plaintiff, whereupon defendant appealed.

Held, That as between these parties the question of assignment is one of intention. An intention to assign, founded on a sufficient consideration, operates as an equitable assignment and the circumstances of this case leave no room for doubt that it was the intention of the drawer, Anderson, to assign the fund in New York to the payer, Karl Kahnweiler, or his order. Anderson knew the purpose for which the exchange was purchased, and is therefore presumed to have assented to the endorsement of the bill, as well as to the mode of remittance. The objection that the plaintiff is not the proper party to bring the suit, is technical only. When he was informed by his endorser of the facts and the remittance of the bill, he ratified the act, did not look to his endorser, but made demand of and brought his action against the drawer. A ratification of an act has in general the same effect as a previous authority. When, therefore, the plaintiff assented to the act of the endorser in remitting the bill which constituted a lien upon the fund, he became, as from the endorsement, clothed with the rights of the endorser, and is the proper party to the action.

Held, also, That the plaintiff was not guilty of *taches* in making demand, and has not lost his lien upon the fund as against the defendant. The existence of hostilities between the States excused a demand upon the defendant, and the plaintiff's ignorance of the bill, its loss, &c., and the obstruction of all communication between the plaintiff and the endorser, excused a demand upon the drawee. The drawee did not hold the fund adversely to the plaintiff; nor did the drawer, by repossessing himself of the fund, divest himself of the lien which he himself had impressed upon the fund. The adverse holding began when a demand was made upon him in 1877 and he refused payment. Not until then was the bill dishonored and the plaintiff put to his action. This action having been brought within the three years from the demand, the statute of limitations cannot avail the defendant.

By Faircloth, J.—Faison et al, vs. Johnson, from Sampson. Reversed.

The defendant in this case, in the Superior Court, alleged that his written answer, filed, in the Justice's Court, had been lost or destroyed, and thereupon His Honor remanded the case to the Justice's Court, with permission to perfect the pleadings.

Held, This was error. His Honor had the power, and it was his duty, under the liberal provisions of the Code, to perfect the pleadings and proceed with the trial. *Adams vs. Reeves*, 76 N. C., has no application, this being a case of supplying lost papers and not of amending the record.

The Thermometer.
From the United States Signal Office at this place we obtain the following report of the thermometer, as taken this morning at 7:31 o'clock:

| | |
|--------------------------|------------------------|
| Augusta, Ga.....51 | Memphis, Tenn.....53 |
| Chicago, Ill.....52 | Mobile, Ala.....53 |
| Charleston, S C.....59 | Montgomery, Ala.....50 |
| Cincinnati.....47 | New Orleans.....61 |
| Corsicana, Tex.....54 | New York.....49 |
| Havana.....77 | Savannah, Ga.....62 |
| Fort Gibson, C. N.....47 | Shreveport.....59 |
| Galveston.....63 | St. Louis Mo.....42 |
| Indianola.....90 | St. Marks, Fla.....52 |
| Jacksonville, Fla.....60 | Vicksburg, Miss.....60 |
| Knoxville.....48 | Washington, D C 52 |
| Lynchburg.....00 | Wilmington, N. C. 56 |

New Advertisements.
Call and See
OUR HANDSOME LINE of SUITINGS and TROUSERINGS. They can't be beat in STYLE OR PRICE.
MUNSON & CO.,
mch 14 Clothiers and Merchant Tailors.

Stall Fed.
SOME UNUSUALLY FINE Stall Fed Beef on hand now and may be had at my store to-morrow and Saturday. Orders left with me will receive prompt attention.
ISAAC W. KING,
Currie's Block.
mch 14-2t

A Book for all Readers.
THE GREAT TREASURY OF FACTS.
Statistics of all Nations and of every State in the Union.
AN AMERICAN ALMANAC FOR 1878.
Edited by A. R. Spofford, Librarian of Congress. 12 mo. volume, 420 pp. cloth. Price \$1.50, at
S. JEWETT'S,
mch 14 Front Street Book Store.

Mules for Sale.
AN EXTRA FINE PAIR FOUR YEARS OLD, Sound, well broke and weigh nearly 1000 pounds each.
J. A. SPRINGER.
mch 14-3t

New Advertisements.

Now Receiving
THE LARGEST, HANDSOMEST AND Most Stylish Stock of Men's, Boys' and Children's Clothing ever before seen in this market.

Notwithstanding the stringency of the times, my greatly increasing business during the last year, has induced me to exert myself still more this season, to maintain the lead in the Clothing Trade, and in order to do the same will sell Clothing 15 to 20 per cent cheaper than ever before sold in Wilmington. Give me a call before buying elsewhere. Always a pleasure to show goods, whether you want to buy or not.

A. DAVID,
Merchant Tailor and Clothier, Corner Front and Princess sts. mch 14

Lager Beer 5 Cents per Glass!
BEST WINES, LIQUORS and Cigars.
Pool and Billiard Tables in thorough order at the
mch 12 MANNING HOUSE BAR.

Notice-Dissolution.
THE COPARTNERSHIP heretofore existing under the name and style of McMILLAN & WATKINS, in the Steam Saw and Grant Mill business, in Pender county, is this day dissolved by mutual consent.
D. J. McMILLAN,
JOHN WATKINS.
Feb 27th, 1878.
mch 12 10t

Notice of Dissolution.
THE COPARTNERSHIP HERETOFORE existing under the name and style of GILLICAN & WATSON has this day been dissolved by mutual consent, by the withdrawal of N. GILLICAN.
Thanking our friends and the public generally for their liberal patronage, we bespeak for the new firm a continuance of the same.
N. GILLICAN alone is authorized to settle accounts, and assumes all outstanding debts. Respectfully,
The business will be continued at the old stand by A. W. Watson.
GILLICAN & WATSON.
March 12th, 1878.

Steamer Passport
UNTIL FURTHER NOTICE, I will leave Wilmington, 9 a. m. for Smithville, 3 p. m. Parties can now visit Smithville and return the same day.
GEO. MYERS, Agt.
mch 11

Fresh Caramels and Candy To-Day!
NEW LOT OF CARRIAGES for "true and true" babies, and a fine lot of
BIRD KITES
for the boys and girls.
J. W. Lippitt,
mch 13 Front st., Sign of Punch.

Something New.
Sheldon's
IMPROVED
Steam Feather, Hair and Furniture RENOVATOR.

The attention of the citizens of Wilmington is called to a new patent process for
Cleansing both Feathers and Hair,

which in its superiority for purifying, drying and restoring to original elasticity, removing all disagreeable odors from both old and new feathers, and destroying all moths and worms, needs only to be tested to be appreciated. The introduction of superheated steam is, in our judgment, the only effectual method of ridding hair, feathers and furniture of moths, and we guarantee to accomplish this result without injury to the most delicate fabrics.

The patentee, or those connected with the business, will be on hand between the hours of 9 and 12 A. M., and take pleasure in showing how the work is done. All are invited to call and examine the process and leave their orders.
All work called for and delivered without extra charge, and returned the same day.
For further particulars and prices see bills, which will soon be in circulation.

REFERENCES:
J. F. KING, M. D., Mrs. J. W. ATKINSON
E. A. ANDERSON, M. D., Mrs. I. B. GRAINGER,
W. E. FREEMAN, M. D., Mrs. B. G. WORTH,
D. A. SMITH, Esq., Mrs. T. A. MORRISON,
Capt. E. W. MANNING, Mrs. G. R. FRENCH,
J. O. S. JAMES, Esq., Mrs. A. ADRIAN,
Hon. S. H. FISHELATE, Mrs. SAM'L. NORTHPOL.

J. T. SHELDON, Patentee,
North Front Street,
One Door North of Purcell House.
J. S. MILLER, Operator mch 8

Werner & Prempert's Tonsorial Rooms,
NOS. 11, North Front and 7 South Front Streets. Satisfaction guaranteed. None but the most experienced workmen employed in these establishments.
Manufacturers of Tonics, Hair Oil, Cologne, Renovators, Dyes, Beautifiers, &c., &c.
mch 1