The Morning Star.

FIELD AND FIRESIDE.

THE DELAWARE PEACH CROP.

[Wilmington Commercial, 9th.]

It was intimated in the *Commercial* some weeks ago that an estimate of the peach crop for the present season, other than that of the Peninsular Peach Growers' Association, would soon be prepared, and that the latter estimate would exceed the figures of the former, with greater probability of accuracy. That estimate is now complete. It has been made by the railroad companies, and upon it will the preparations be made for the transportation of the crop to market.

The last estimate places the aggregate shipments at 800,000 baskets—358,000 baskets in excess of that of the late convention of the peach growers at Dover. The manner of gathering their data for their estimate was different from that of the peach growers. It was prepared by the agents at the several stations along the railroads, under instructions after a thorough canvass among the growers, ond is more likely to be correct than the unsystematic way in which the estimates are arrived at in a convention of the growers. The latter, for instance, do not take into consideration the smaller orchards when making up their estimates, but base their calculations solely upon those of forty, fifty and sixty acres in extent. The railroad agents include all, and thus get nearer the actual shipments each year.

DESTROYING VERMIN ON PLANTS.

[Fruit Recorder.]

I saved my egg plants from the Jumping Jack or flea, by dusting the plants with lime and Paris green, dusting them while wet. The Colorado beetle was determined to take them, but the Paris green in water sprinkled on them, saved them. The old, black potato bug eat most of my gladiolus, dahlias and sunflowers, till gave them the Paris green and water; then they left or died. The same application would not disturb the squash bug nor the striped cabbage worm, but soon moved the striped cucumber bug. I destroy most kinds of bugs and beetles by making fires from old trash, burned just at dark, when they come to the light and perish in the fire. I prepare a bonfire every evening from old brush, weeds or stalks.

SAND AND WATER FOR CUTTINGS.

The *Revue Horticole* recommends the following mode of striking the cuttings of soft wooded plants:

Take a flower pot saucer, fill it with river sand, and place the cutting in the same, having first saturated the whole with water. The sancers are put in a sunny place, and always kept full to the brim with water. Almost any kind of cutting will grow then.

CROP PROSPECTS.

The promise for breadstuffs and cotton is exceedingly gratifying, while the hay crop will be enormous. In some of the Southern States ten per cent. more of acreage in corn has taken the place of ten per cent. less of cotton. The fruit crop is the subject of much discussion. Michigan's crop of peaches will be immense. New Jersey, it is believed, will send 600,000 bushels of peaches to market, and Delaware 500,000 of early Yorks, Troths and Hale's Early and St. George's Hundred. Delaware alone has 1,000,000 of healthy trees. Raspberries, currants and grapes all promise an abundant crop.

SPINNER'S GIRLS.

The Old Man Would't Allow Them to be Turned Out—And He Didn't.

[Washington Capital.]

General Spinner, the friend of women and the aged watch dog of the Treasury during the late raid on the Departments by an economical Congress, not only stood firm, but came off victorious. When the committee sent for him, and very impertinently inquired how many clerks he could spare from his bureau, he responded:

"None, sir; I have not one supernumerary. Indeed I have work—feminine work—gentlemen, for more."

When informed that it was necessary to cut down his force the old gentleman waxed wroth.

"By ——, gentleman," he cried, "I take that to be a vote of censure. I know my business, by ——. I have no drones in my hive; therefore, if you resolve to cut down my force include me, for the President shall have my resignation."

This bureau, however, did not come under the restrictions, and four females received legal notice that their services were not longer required by the Department. When this fact reached the ears of Old Spin, he called his clerks, male and female, before him, and said:

"Fellows, an attempt by this d—d beggarly, mean Congress is being made to turn some of you out. Now, when they turn any one of you fellows out, by ——, they turn one out. But I won't go. No, dammisoul if I go a step, nor shall you. The four notified to quit will continue their work. I take the responsibility and I'll pay 'em out of the conscience fund. It couldn't be put to a better use. Now, fellows, damyersouls go to work."

The men broke out into loud cheers, and the women burst into tears. Then a cheruby little miss of about sixty, threw her arms hysterically around him and kissed him. At this all rushed at the benevolent old swearer, and he was nearly suffocated, for the thermometer stood at ninety.

The dear, profane old soldier! Wish we had an army of that sort!

— Adelina Patti has appeared for the first time in London in Verdi's "Luisa Miller."

Russell on Civil Rights.

Opinion of Judge Russell in the Matter of the Late Theatrical Imbroglio.

[From The Morning Star of October 24, 1873.]

The following is the decision of Judge Russell in the cases of Hostler, Sampson, Robinson and Price, who sued out peace warrants against Mr. E. J. Pennypacker, Lessee of the Opera House, a week or two since. The circumstances are sufficiently explained in the document which follows:

This is a proceeding before a Justice of the Peace, wherein the defendants were bound in a recognizance to keep the peace upon the complaint of one E. J. Pennypacker. It appears from the evidence that Pennypacker is the proprietor or tenant in possession of a certain public Theatre or Opera House in the city of Wilmington; that defendants, having procured tickets, presented themselves at this Theatre, and attempted to get admission therein; that the prosecutor refused them admittance, upon which they attempted to force their way in; that he forcibly resisted their attempt; that one of them succeeded in getting inside the house, while the others were prevented from entering. On the next day, the prosecutor having heard that defendants had threatened to force their way in the house when opened again for another public entertainment, and having formed and expressed a purpose to prevent them from entering the house, applied to the Mayor of the city for a police force to suppress disturbance and protect him in his possession; and also instituted this judicial proceeding. That defendants did attempt to enter, after being forbidden by the prosecutor, and that they did present themselves for admittance in a manner that might well have been considered menacing and disorderly, seems to be established by the evidence:—that they cherished a purpose to repeat their attempt and to accomplish it by force, seems to have been honestly believed by the prosecutor; and this belief is, I think, sustained by all the circumstances. From these facts it follows that the prosecutor was justified in suing out this process; and the question as to whether he had a right to exclude these parties is not to be considered.—No one is allowed to assert or enforce a mere civil right by resorting to violence.—If one has my property and wrongfully withholds it, I have no right to take it from him forcibly. If one wrongfully obtains possession of the house of another, the owner, although he have an absolute title and an unquestionable right of possession, must not violently seize the premises and forcibly eject the possessor. If he does he is answerable to the criminal law, and it will be no defence for him to set up title in himself. This is so even in a case when the party in possession is a mere wrong doer, a trespasser *ab intio*. An inn keeper or common carrier has no right arbitrarily or capriciously to refuse to entertain or carry a person. Yet, if they do unlawfully so refuse, it is not for the injured party to take upon himself those powers which belong only to the officers of the law, and thus seek to enforce his rights according to his own construction of them, and by a resort to force not authorized by any legal process. To allow it would be to authorize the commission of acts inconsistent with the peace of society and subversive of all public order and safety.

Enough appeared in the examination of these cases to show that in truth there was a controversy between these parties as to the right of the defendants, who are men of color, to accommodations and privileges in this theatre equal to those enjoyed by other persons. Assuming that this house is a place of entertainment for the general public, that it is licensed by the laws of the State, and that there is nothing in its objects or character which relieves it from those legal rules which apply to the government of all institutions in which the public has an interest and which are established or permitted for the public good—as to all of which there was no evidence and hence I express no opinion—assuming that this is the fact, I apprehend that the right of these defendants to precisely the same accommodations and the same treatment as other persons, will not be questioned. The pretension that any person or class may be prevented from resorting to a public place whose doors are open to all but them and denied to them only on account of color or race, will not be tolerated by any Court honestly and sincerely desirous of expounding the Constitution and laws according to their true intent and meaning. It may be that the manager of this theatre has the right to separate different classes of persons whose close association is not agreeable to each other—always remembering that he must not discriminate against any; but that the accommodations given, the comfort, style, convenience and all other considerations for which the parties pay their money, shall be the same as to all, or so nearly so as to furnish no substantial cause of complaint by any. This opens a wide field of argument into which I have not the time to enter. The defendants, by adopting unlawful means of asserting what they believed to be a right, have rendered themselves amendable to this proceeding. If it was their purpose to test a legal right, they ought to have kept inside of the law—not to have constituted themselves violators of the law, whose protection and assistance they were seeking. This much is said in reference to the rights of the parties lest the decision of this cause shall be misunderstood. A court is always sustained in giving expression to an *obiter dictum* when the purpose is simply to avoid a misconception of the extent or bearing of its decision. This opinion is formed almost without any opportunity for reflection, without any argument by counsel and without consulting a single authority. Hence I do not ask or expect for it any consideration greater than is usually given by the profession to the *dictum* of a *nisi prius* Court rendered in the hours of business and without that deliberative and mature study always given to cases which are to be looked to as authority. I would not have put this opinion in writing but for the apprehension that the ruling would be misunderstood or misrepresented.

It is adjudged that the warrants be dismissed at the cost of the defendants.

[In re-publishing the above opinion, we have italicized that portion to which we wish to call special attention.—EDS. STAR.

It is a Crime

To exhaust still further the vitality of an already feeble invalid with sharp evacuants and other strength-destroying medicines. No case of dyspepsia, liver complaint, constipation, nervous weakness or periodic fever was ever cured in that way. What the debilitated sufferer needs is a remedy in which the properties of an invigorant, a stimulant, a mild aperient, a sedative, and a blood depurient are combined, and Hostetter's Stomach Bitters is the only preparation before the world in which these essential sanitary elements are united in the proportions necessary to overcome disease without prostrating the patient. This agreeable and potent vegetable elixir is in the truest sense of the word a restorative, for it restores the strength of the body, re-establishes functional regularity, enriches the degenerated blood, and clears the clouded brain.

july 9-D&W1w-Th Sat Tu

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MISCELLANEOUS.

Prospectus for 1874.

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THE ALDINE,

An illustrated monthly journal, universally admitted to be the handsomest periodical in the world. A representative and champion of American taste.

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THE ALDINE, WHILE ISSUED WITH ALL THE regularity, has none of the temporary or timely interest characteristic of ordinary periodicals. It is an elegant miscellany of pure, light and graceful literature, and a collection of pictures, the rarest specimens of artistic skill, in black and white. Although each succeeding number affords a fresh pleasure to its friends, the real value and beauty of THE ALDINE will be most appreciated after it has been bound up at the close of the year. While other publications may claim superior cheapness, as compared with rivals of a similar class, THE ALDINE is a unique and original conception—alone and unapproached—absolutely without competition in price or character. The possessor of a complete volume cannot duplicate the quantity of fine paper and engravings in any shape or number of volumes, for ten times its cost, and then there are the chromos besides!

ART DEPARTMENT, 1874.

The illustrations of THE ALDINE have won a world-wide reputation, and in the art centres of Europe it is an admitted fact that its wood cuts are examples of the highest perfection ever attained. The common prejudice in favor of "steel-plates," is rapidly yielding to a more educated and discriminating taste which recognizes the advantages of superior artistic quality with greater facility of production. The wood-cuts of THE ALDINE possess all the delicacy and elaborate finish of the most costly steel plate, while they afford a better rendering of the artist's original.

To fully realize the wonderful work which THE ALDINE is doing for the cause of art culture in America, it is only necessary to consider the cost to the people of any other decent representations of the productions of great painters.

In addition to designs by the members of the National Academy, and other noted American artists, THE ALDINE will reproduce examples of the best foreign masters, selected with a view to the highest artistic success and greatest general interest. Thus the subscriber to THE ALDINE will, at a trifling cost, enjoy in his own home the pleasure and refining influences of true art.

The quarterly tinted plates for 1874 will be by Thos. Moran and J. D. Woodward.

The Christmas issue for 1874 will contain special designs appropriate to the season, by our best artists, and will surpass in attractions any of its predecessors.

PREMIUMS FOR 1874:

Every subscriber to THE ALDINE for the year 1874 will receive a pair of chromos. The original pictures were painted in oil for the publishers of THE ALDINE by Thomas Moran, whose great Colorado picture was purchased by Congress for ten thousand dollars. The subjects were chosen to represent "The East" and "The West." One is a view in The White Mountains, New Hampshire; the other gives The Cliffs of Green River, Wyoming Territory. The difference in the nature of the scenes themselves is a pleasing contrast, and affords a good display of the artist's scope and coloring. The chromos are each worked from thirty distinct plates, and are in size (13x16) and appearance exact facsimiles of the originals. The presentation of a worthy example of America's greatest landscape painter to the subscribers of THE ALDINE was a bold but peculiarly happy idea, and its successful realization is attested by the following testimonial, over the signature of Mr. Moran himself:

NEWARK, N. J., Sept. 20, 1873.

Messrs. JAMES SUTTON & Co.

Gentlemen:—I am delighted with the proofs n color of your chromos. They are wonderfully successful representations by mechanical process of the originol paintings.

Very respectfully,
(Signed) THOS. MORAN.

These Chromos are in every sense American.—They are by an original American process, with material of American manufacture, from designs of American scenery by an American painter, and presented to subscribers to the first successful American Art Journal. If no better because of all this, they will certainly possess an interest no foreign production can inspire, and neither are they any the worse if by reason of peculiar facilities of production they cost the publishers only a trifle, while equal in every respect to other chromos that are sold singly for double the subscription price of THE ALDINE.—Persons of taste will prize these pictures for themselves—not for the price they did or did not cost, and will appreciate the enterprise that renders their distribution possible.

If any subscriber should indicate a preference for a figure subject, the publishers will send "Thoughts of Home," a new and beautiful chromo, 14x20 inches, representing a little Italian exile whose speaking eyes betray the longings of his heart.

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FIVE DOLLARS per annum, in advance, with oi chromos free.

For 50 cents extra, the chromos will be sent, mounted, varnished, and prepaid by mail.

THE ALDINE will hereafter be obtainable only by subscription. There will be no reduced or club rate; cash for subscriptions must be sent to the publishers direct, or handed to the local agent, without responsibility to the publishers, except in cases where the certificate is given, bearing the fac-simile signature of James Sutton & Co.

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Any person, wishing to act permanently as a loca canvasser, will receive full and prompt information by applying to

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TWO BEAUTIFUL CHROMOS, "THE UNCONscious Sleeper," and "The Jewels of Spring." One a gift free to all subscribers of the

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$2 00 per annum, with usual Club Rates.

Canvassing Agents wanted in every County of each of the Southern States, to whom the most liberal terms will be offered.

Persons who desire to undertake the duties of Canvassing should make immediate application to the publishers, when circulars setting forth terms, &c., will be sent them.

The Chromos are now ready for delivery. The "Jewels of Spring" will be furnished to subscribers for the moderate charge of 50 cents for mounting ready for framing and "The Unconscious Sleeper" at $2, mounted. Express charge for each Chromo, 25 cents, prepaid.

WALKER, EVANS & COGSWELL and
W. L. DAGGET, Publishers,
jl- 8 tus Charleston, S. C.

SECOND AND LAST

Grand Gift Concert,

IN AID OF THE

Masonic Relief Association

OF

NORFOLK, VA.

THURSDAY, SEPTEMBER 3, 1874.

THIS enterprise is conducted by the MASONIC RELIEF ASSOCIATION, of Norfolk, Va., under authority of the Virginia Legislature (act passed March 8th, 1873), for the purpose of raising funds to complete the Masonic Temple now in course of erection in Norfolk.

50,000 Tickets—6,000 CASH GIFTS.

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79 Cash Gifts of 150 each	11,850
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Whole Tickets, $10; Half Tickets, $5; Quarter Tickets, $2 50; Eleven Whole Tickets or 22 Half Tickets for $100. No discount on less amount.

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This Concert is strictly for MASONIC purposes, and will be conducted with the same liberality, honesty and fairness which characterized the first enterprise.

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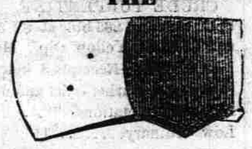

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WE WILL OFFER FOR THE NEXT THIRTY DAYS OUR ENTIRE STOCK OF

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DRY GOODS,

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AT LESS THAN

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We also offer a large stock of goods for Men's and Boys' wear, at lower prices than ever before known in Wilmington.

Ladies and Gentlemen desirous of purchasing may feel assured of receiving

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The above sale will commence TO-MORROW, and be conducted

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ALL ARE INVITED. The smallest buyer will receive the same attention as the largest.

B WEILL,
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june 20 tf

MARSHAL'S OFFICE,
Wilmington, N. C., April 22, 1874.

NOTICE.

I WOULD MOST RESPECTFULLY CALL THE attention of the citizens to the fact that the warm and sickly season is near at hand, and it becomes my duty to adopt the most stringent sanitary measures at this particular time to preserve the health of the city and prevent the introduction of disease that may originate from foul and unwholesome matter, filth, garbage, trash and refuse matter which has a tendency to create unwholesome and offensive odors. In order to prevent as far as possible the spread of those diseases peculiarly incident to this season of the year I would most respectfully solicit the co-operation of the citizens generally in placing our city in such a sanitary condition as to render it as far as practicable impregnable, at least to those diseases which originate from foul and unwholesome matter. To this end the entire force of the city will be employed in cleansing, draining, cleaning, disinfecting and removing trash, &c., for at least the next fifteen or twenty days. All persons are requested to have the trash, offal, refuse matter, &c., cleaned from their premises and placed upon the streets, whence they will be removed immediately. When it is convenient please use boxes or barrels.

Persons needing disinfectants can have the same free of charge by calling at my office.

The health officers, designated by a yellow rosette, may be notified of any stagnant water standing upon any lot, or damp cellar, or anything that would impair the health of the city, and any complaint lodged at this office shall receive prompt attention.

Believing that a proper sanitary condition adopted now, at this early season, will insure a healthy summer I earnestly solicit the aid and co-operation of all the good citizens to accomplish this good end,

Respectfully, &c., GEO. W. PRICE, JR.,
ap23-tf City Marshal.

Havana Lottery.

Drawings every 17 days, commencing May 9th, 1874.

782 Prizes amounting to		$450,000
1 "	of	100,000
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2 "	of $5,000 each	10,000
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OUR LIVING AND OUR DEAD,

— OR —

Testimony from the Battle Fields.

UNDER THE ABOVE TITLE I PROPOSE TO publish first in newspaper and subsequently in book form, a series of articles giving the war record of North Carolina from the election of Lincoln in November, 1860, to the close of the war between the States in May, 1865. My plan embraces three divisions:

1st. Accounts of each skirmish and battle on the soil or upon the waters of North Carolina.

2d. Accounts of every battle fought during the war on the soil of every State, in which any of the troops of North Carolina took part—especial care being taken to show what these troops did and suffered in each of those battles, and what glory and renown our officers and men fairly won.

3d. "A Southern Chart for all time." An explanation of the third division of the proposed plan will be submitted at a later day.

That I may successfully accomplish this arduous but pleasing self-imposed task, I invoke the aid of all my brother soldiers and ask them to furnish me material which can be arranged and digested so as to form a complete record of the heroic deeds of the sons of North Carolina upon the battle fields of the Confederacy; and especially do I ask all who can write to furnish me details of every battle in which they participated, and the part borne by their immediate commands.

General officers from other States who commanded North Carolina troops are respectfully asked to give me all the information in their possession relative to the conduct and bearing of those troops.

In endeavoring to do justice to the soldiers of my native State, I certainly shall most carefully abstain from doing injustice to those from any other.

Address "Our Living and our Dead," Newbern, N. C.

The first number will be issued about the 10th of June. Subscription price $3 per year in advance.

STEPHEN D. POOL,
Late Colonel 16th Regiment, N. C. S. T.

Stith House,

NEAR THE DEPOT,

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25 Cash Gifts,	4,000 each,	100,000
30 Cash Gifts,	3,000 each,	90,000
50 Cash Gifts,	2,000 each,	100,000
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MISCELLANEOUS.

The "ECLIPSE" ECLISPED.

COME AND EXAMINE

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"RUBY" 75 CENT CORSET,

of which I have just received

500 PAIRS.

It is far superior to any Corset that has ever been offered in this market at DOUBLE THE MONEY.

I HAVE ALSO RECEIVED A LARGE LOT OF

LADIES' BELTS,

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Belts worth $1 for 50 Cents.

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OF

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WILL BE

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A. D. BROWN,

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july 9-tf

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this season of the year especially. No family should be without a bottle.

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dec 18-tf

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