

RATES OF SUBSCRIPTION IN ADVANCE:
One year, (by mail) postage paid, \$7 00
Six months, " " " " " " " " 4 00
Three months, " " " " " " " " 2 00
One month, " " " " " " " " 1 00
To City Subscribers, delivered in any part of the
city, Fifteen Cents per week. Our City Agents are
not authorized to collect for more than 3 months in
advance.

OUTLINES.

There was a discussion yesterday in the British Parliament on the aggressive attitude of Russia and English relations with that power. — American rifle team had a grand ovation at Belfast. — Funeral of ex-Empress Ferdinand at Vienna yesterday quite imposing. — Left decided to move for dissolution of French Assembly. — Father of Don Carlos arrested at Hengelo. — Carlists made a rapid march toward Urgel. — New York markets: Gold, 161; spirits turpentine, 32; rosin, \$1 70@81. — London Times gives gloomy picture of affairs in Spain. — Captain of the *Isaac Bell* lays the blame for the late accident in Norfolk harbor upon the lack of seamanship of the tug boat's officers. — Numerous houses struck by lightning in different parts of Massachusetts. — The great negro leaders, Fred. Douglass and Prof. Langston have in public speeches at Washington asserted that the time has come for the full independence of the colored race.

THE CITY.

The Mails. The mails will close at the City Post-Office until further notice as follows: Northern (night) mails for all points North, East and West of Weldon, daily at 5:45 P. M. through and way (day) mails daily, except Sunday, 6:30 A. M. Southern mails for all points South, daily, 5:15 P. M. Western mails (C. C. R.'s) daily (except Sundays), 5:30 A. M. Smithville (via Easy Hill and Town Creek) Tuesdays and Saturdays, 6:00 A. M. Fayetteville, and offices on Cape Fear River, Mondays and Fridays, 1:00 P. M. Fayetteville by C. C. R.'s, daily (except Sundays), 5:30 A. M. Onslow, C. H. and intermediate offices every Friday, 6:00 A. M. The Smithville mails, by steamboat, close at 3 P. M., daily, except Sundays. Mails delivered from 6:30 A. M. to 7:30 P. M., and on Sundays from 9:30 to 9:50 A. M. Stamp Office open from 8 A. M. to 12 M., and from 2 to 6 P. M. Money order-Register Department open same as stamp office. Stamps for sale at general delivery when stamp office is closed. Key Boxes accessible at all hours, day and night. Mails collected from street boxes every day at 5 P. M.

NEW ADVERTISEMENTS.
Dr. J. F. NEWELL—See adv.
HARRISON & ALLEN—Ventilated Hats.
P. HEINBERGER—"Mary Stuart," &c.
Mrs. WARREN—Ice Cream.
See Adv. W. & Coast Turnpike Co.

Local Notes.
— The Grand Jury are still busily employed in their labors.
— Only a few unimportant cases were disposed of in Magisterial circles yesterday.
— Slight changes in barometer and temperature, winds mostly from south-east to northeast, partly cloudy weather and occasional rain areas are probable for this section to-day.

A sick and destitute man named William Bading, from Worcester, Mass., to Charleston, S. C., was yesterday taken to the City Hall for treatment.

CITY COURTS.

The following cases were disposed of at this tribunal yesterday:
Wm. Finlayson, disorderly conduct. Fined \$20 and costs or 30 days on the street.
John Molton, charged with the same. Judgment, fine of \$10 and costs or 20 days on the street.

John Douglas, disorderly conduct. Fined \$10 and costs or 20 days on the street.

Nathan Jones, for disorderly conduct and fighting his wife, \$20 and costs or 30 days on the street.

Katie Robinson, using profane and vulgar language on the street. Judgment \$20 and costs or 30 days on the street.

Installation of Officers.

The following officers of Cape Fear Lodge, No. 2, I. O. O. F., were installed Tuesday evening last, by P. G. J. C. Bailey, for the ensuing term:
Joseph L. Keen, N. G.; Matthew P. Taylor, V. G.; Geo. H. Kelley, R. S.; W. L. Smith, P. S.; J. A. Nicholson, Treas.; W. E. Hill, Warden; N. Jacob, Con. R. G. Ross, R. S. N. G.; Richard S. Chapman, I. S. N. G.; W. G. Brown, I. G.; F. V. B. Yopp, O. G.; Wm. Goodman, R. S. V. G.; Sam'l Heston, I. S. V. G.; Jno. Colville, Chaplain; Richard S. Chapman, Organist; John Maunders, R. S. S.; R. S. Townsend, L. S. S.

Coroner's Inquest.

The body of William Howard, the colored boy who was drowned at Hilton on Monday, was recovered yesterday. Coroner Hewlett empaneled a jury and held an inquest upon the remains. The jury, after viewing the body and listening to the statement of facts in connection with the accident, rendered the verdict that the deceased came to his death by dislocation of his neck, which, as far as circumstances indicate, was accidental, and done by a fall, or while attempting to dive into the river.

Ladies Benevolent Society.

The visiting members of the Ladies' Benevolent Society are urgently requested to meet at the Hook and Ladder Hall, on Dock street, between Third and Fourth, on Friday, July 8th, at 6 o'clock P. M. Business matters of special interest will be discussed, and it is very important that each Ward be represented by its appointed Visitor.

THE CITY BILL.

Full Text of the Opinion of the Supreme Court in the Case of The People and A. H. VanBokkelen Versus W. P. Canaday and Others.
[Reported Specially for the Star.]

Supreme Court, June Term, 1875.
THE PEOPLE AND A. H. VANBOKKELLEN
VS.
W. P. CANADAY, ET AL.
OPINION.

Our government is founded on the will of the people. Their will is expressed by the ballot. The ballot embraces every citizen twenty-one years old, who has had a residence in the State for twelve months and in the county where he lives for thirty days. There is no other qualification required. Property qualification for voters and officeholders, which our former Constitutions required, and which many thought important, have passed away and are now regarded as antiquated. Not only is freedom to vote and hold office secured in our present Constitution, but it is so imbedded in the hearts of the people that it was thought necessary to stipulate against any interference with it by a contemplated Convention to alter the Constitution. The act of the last General Assembly, calling a Convention, has a provision that the Convention "shall not revise or propose any educational or property qualification for office or voting, and requires the delegates to take an oath to observe it. Whether that is wise or unwise, the Court cannot give an opinion. Our province is to expound the Constitution and laws as they are made, and not to make them. The Constitution provides that every male person twenty-one years old, resident in the State twelve months and in the county thirty days, shall be an elector. (Art. 6, sec. 1.) An elector for what? The Constitution does not say for what. Does it mean elector for President; or for Judges; or for members of the General Assembly; or for county officers; or for township or town officers; or what else? There it stands by itself without explanation—that every such person shall be an elector, a voter. It evidently means to designate those persons as a class, to vote generally whenever the polls are opened and elections held for anything connected with the general government, or the State or local government, just as a class of persons are designated or qualified for jurors. And so in art. 7, sec. 1, it is provided that all county elections shall be by "the qualified voters thereof." But who are they? There is no way of determining except to look back to the class designated above. And so the 5th section provides, that township elections shall be by the "qualified voters thereof." And we will have to look to this class to find out who they are. And so, article 7, section 7, provides that no county, city, town or other municipal corporation, shall contract any debt, &c., unless by a vote of a majority of the "qualified voters thereof;" and we have to look to this class to find out who they are. Here, counties, cities and towns are grouped together, and so are their qualified voters. And except in this way there are no qualifications prescribed for voters in cities and towns. But cities and towns, like counties and townships, are parts and parcels of the State, organized for the convenience of local self-government and the qualifications of their voters are the same. It follows, that the General Assembly cannot, in any way, change the qualifications of voters in State, county, township, city or town elections. And yet, the act which we are considering, requires a residence of ninety days, instead of thirty. And if ninety days may be required, a year or years may be. And so, in many of our young and growing towns, a majority of the citizens may be excluded and the government given to the "oldest inhabitants;" or, if long residence may be made a qualification, so it may be made a disqualification, and then the government may be given to the youngest inhabitants. And so, if these qualifications may be added, then any other may; just as we find that in one of the town charters granted by the last General Assembly, it is provided that, in addition to the citizens of the town, all persons who have lived in the county twelve months, and who own taxable real estate in said town, who have paid all the taxes, &c., shall be allowed to vote. (Acts 745, chapter 157—private laws.) Surely the Legislature had no power to put any portion of the people of the State under such a government. If they can do that then they can put Wilmington under the government of the land owners of New Hanover county. For illustration: a man presents himself at a town election, in the county election, in the township election, and now I want to vote in the town election, where I have lived thirty days. His vote is rejected because he has not resided there ninety days. In vain we look in the Constitution for any such qualification. The General Assembly has disfranchised him, and that in a case which comes much nearer home to him than any other election, for the town government affects his business, trade, market, health, comfort, pleasure, taxes, property and person.

We are of the opinion that the qualifications for a voter in a city or town are citizenship, twenty-one years, twelve months residence in the State and thirty days in the city or town. Again, the act provides that before an election there shall be a registration of voters, and only those who register can vote. The first ward is made a registration and election precinct, and so with the second. The third ward is divided by metes and bounds into four precincts. Of course every voter must register in the ward

and in the precinct where he lives and in no other, and must vote where he registers, the object being to prevent fraud by "re-peating;" but a large portion of the third ward (on the west side of the river) was, by mistake probably, not included in any of the precincts, and of course they cannot register or vote, and in Perry vs. Whitaker, 71 N. C. R., is an express decision that that makes the election void. Indeed it would seem that the registration provisions for such parts of the city as are embraced are so impracticable as to amount to the disfranchisement of the voters. The Constitution ordains that the General Assembly shall provide for the registration of voters, and that no one shall vote without registration. (Art. 6, sec. 3.) This means that the General Assembly shall provide the conveniences and necessities so that the voters can register. It is to facilitate the exercise of the right of the ballot, and not to defeat it. It is true that this includes the power and the duty to throw such guards around as will protect the ballot from fraud, and therefore our general election law provides that when a voter offers to register or vote, he may be challenged and required to take an oath as to his qualifications. And so in our general law regulating our town elections (Bat. Rev.) There can be no objection to that, and it prevents no man from voting and puts him to no inconvenience. If a man will swear that he has the qualifications, then he can register or vote unless it can be proved against him that he is not entitled; and in that case he can be rejected. But the act under consideration is framed upon the idea of making the ballot as difficult as possible. Indeed, it makes it impracticable. It provides that "any elector may, and it shall be the duty of the registrar, to challenge the right of any person to register, known or suspected, not to be lawfully entitled to register; and when such challenge shall be made, it shall be the duty of the registrar to require such person to prove to the satisfaction of the registrar the fact of his being of lawful age to vote, the fact of his residence for twelve months in the State and for ninety days in the lot." &c. It will be noted that any bystander may challenge the voter without proving any thing against him, and the voter is not allowed to swear to his qualifications; but he must prove them by the oaths of others, and these others must be known to the registrar and the registrar must be satisfied. Now, how is it possible for persons who move into Wilmington from other counties in the State to get witnesses from a distance known to the registrars in Wilmington, to prove their ages and their residence? It is impossible. It is a practical denial of the right to register and vote.

III. It has been already said that towns and cities are but parts and parcels of the State for the convenience of local self-government; and that the voters and the rights of voters are the same as in the State government. A fundamental principle in the State government is, that representation shall be apportioned to the popular vote as near as may be. Large counties and large districts shall have more representatives than small ones; so that not only every man may vote, but his vote shall count in the representative body. The act creates a representative legislative body, Board of nine Aldermen, for the city of Wilmington. Now if every voter could vote for all of the nine Aldermen, of course every man's vote would count. Or if the city were divided into three wards, as nearly equal as may be, and each ward elect three of the Aldermen; then every vote would count. But instead of that, the city is divided into three wards—the first has about four hundred voters; the second about four hundred; and the third twenty-eight hundred. So that one vote in the first and second wards counts as much as seven votes in the third ward. That is a plain violation of fundamental principles, the apportionment of representation, is too plain for argument. That the Legislature never intended such a result, we are obliged to assume. Nor is there anything stated in the case that can reasonably account for it. To the suggestion that it was to protect property from irresponsible voters; it is answered, that it is stated in the case, that the valuation of property in the third ward, is about equal to the valuation in both the other wards put together. And to the suggestion that it was to separate the colored from the white vote; it is answered that while most of the colored voters are in the third ward, yet there are also more white voters in the third than in both the other wards together. And to the suggestion, that it was to favor the intelligent and educated, and give them the control of the city government, it is answered, that by the same Legislature such a principle is expressly repudiated as existing in the present Constitution, and is expressly prohibited from being incorporated in any subsequent Constitution. The Convention "shall not require nor propose any educational or property qualification for office or voting." And to the suggestion, that it is a plan devised by the city for its better government; it is answered, that not one voter in five voted at the election. At any rate, without questioning the intent of the Legislature, we see that the effect of the act is to violate the fundamental principles of the Constitution, and their own cherished and declared purpose to maintain free manhood suffrage, and to exclude educational or property qualifications. And as it is said, in Jacobs vs. Smallwood, 68 N. C. R., it is the effect of the act, and not the intention of the Legislature, which renders it void. It is usual in quo warrantos to inquire first into the title of the defendant to the office; but we are precluded from that inquiry here, by the case sent us, &c. we are confined to the record, which is as follows: "Upon the foregoing facts it is submitted

to the Honorable the Superior Court of New Hanover County to determine the following questions: 1st, whether the registrars of the plaintiff are now entitled to the said office of Aldermen of the said city; 2d, if not entitled now, will they be so entitled from and after the first Thursday in August next, &c. And it is agreed that if the Court shall be of opinion in the affirmative upon either one of said two questions judgment shall be rendered that the defendants be ousted from the said office, and that the relators be put in possession thereof. (Signed.)

ROBERT STRANGE,
GEORGE DAVIS,
Att'ys for Pl'ffs.
DANIEL L. RUGGLES,
EDWARD CANTWELL,
Att'ys for Def'ts.

It was insisted upon the argument here that if the title of the relators is bad also, and for the same reason. But it will be seen that the only point presented to us is as to the title of the relators.

There is error. Judgment reversed, and judgment here that the relators are not entitled to the office. READS, J.

Fatal Accident.

We learn from the Raleigh News that Mr. Wm. H. Lutterloh, for several years after the war a resident of Wilmington, was found, last Monday morning, on the stone pavement in front of Buttner's Hotel, Salem, having been killed by a fall from the window of the room he occupied, which which was on the second floor. Mr. Lutterloh was in bad health, with mind somewhat impaired by disease. He was under medical treatment at Salem, and a negro man was employed to watch over him.

He was found at 4 o'clock in the morning on the pavement dead and cold. The servant says he had gotten up, dressed carefully, and taking his cane, had gone out at four o'clock. But his watch stopped at 2 o'clock, and as he was cold at 4, he must have left his room much sooner, and as there are marks on the wall under his window as if he had struggled to retain his hold, it is more than likely he went through the window under some hallucination.

His remains were taken to Fayetteville for interment.

Mr. Lutterloh was the son of the late Charles Lutterloh, of Chatham, and was about 60 years of age. He was for many years a resident of Fayetteville, but for some years past had no settled place of abode.

The Applewhite Reward.

We are indebted to the Raleigh Sentinel of Tuesday for the following: "This morning Capps and Lane, the two men who captured Applewhite in Goldsboro some days ago, appeared at the Executive office, proved their claim and were awarded the \$5,000 offered by Gov. Caldwell by proclamation February 16, 1873, for the capture of George Applewhite, one of the Lowery gang. The claim was audited and the money paid by the Treasurer—each receiving \$2,500. These fortunate men are both negroes—one (Capps) a jailor, the other (Lane) a policeman. They are middle-aged men with families. The reward was out of all proportion to the services rendered the State, but the General Assembly of 1872 in its wisdom saw proper to offer it and the Governor and Treasurer had nothing to do but to pay. Lane and Capps are now two of the happiest men in the State. They leave town to-morrow."

The Following Officers.

The following officers were installed last night by D. D. G. M., G. M. Attwater, assisted by P. G. M. W. J. Yopp and W. L. Smith and P. G. R. J. Jones, J. A. Nicholson and James M. McGowan, of Onslow Lodge No. 67, I. O. O. F., for the ensuing term: W. C. Farrow, N. G.; J. W. Hodges, V. G.; S. H. Fishblade, R. S.; J. B. Taylor, P. S.; N. Gillican, Treas.; H. J. Andrews, Warden; W. J. Penny, Con.; James Kendrick, Chaplain; A. G. McGill, R. S. to N. G.; G. M. Attwater, L. S. to N. G.; C. M. Harris, R. S. to V. G.; W. H. Griffith, L. S. to V. G.; J. H. Pugh, I. G.; C. M. Yopp, O. G.; W. E. King, R. S. S.; H. O. Craig, L. S. S.

The Concert Last Night.

Sunset Hill was again a place of general and pleasing resort last night. The Cornet Concert Club gave the second of their series of open air concerts on the occasion. A number of listeners were ranged around on the grass with which this resort has been furnished. It is needless to say the music was rendered in the usual able style of the Cornet Club, and was most highly appreciated by the numerous throng that crowded the hill and remained entertained until the music was at an end.

Supreme Court Decisions.

The Justices on Tuesday filed opinions in the following cases:
By Read, J.
The People and A. H. VanBokkelen vs. W. P. Canaday et al., from New Hanover. Error. Judgment reversed.
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Craven county vs. Pamlico (2 cases), from Lenoir, remanded with instructions.

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A number of very medical officers at Washington have suggested "that as a very necessary precaution all Southern ports should observe the strictest sanitary regulations as on account of the early appearance of yellow fever at Key West, Fla., it is believed that it may become epidemic along the coast unless very great care is taken."

Range of Thermometer.

The following was the range of the thermometer at the Signal Bureau, in this city, yesterday: 7 A. M., 80; 12 M., 84; 3 P. M., 84; 4:30 P. M., 88; 9 P. M., 79.

to the Honorable the Superior Court of New Hanover County to determine the following questions: 1st, whether the registrars of the plaintiff are now entitled to the said office of Aldermen of the said city; 2d, if not entitled now, will they be so entitled from and after the first Thursday in August next, &c. And it is agreed that if the Court shall be of opinion in the affirmative upon either one of said two questions judgment shall be rendered that the defendants be ousted from the said office, and that the relators be put in possession thereof. (Signed.)

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COUNTY COMMISSIONERS.

Synopsis of the Proceedings.
The Board of County Commissioners met in regular session yesterday; present: Chairman Wilson and Commissioners J. G. Wagner, S. VanAmringe, A. H. Morris and D. Nixon.

The Board proceeded to consider the matter of the Carolina Central Railway, as to the further reduction in the valuation of the assessment of the road. Col. Robert Strange appeared as the attorney of the road. After quite a lengthy discussion of the matter, on motion, a reduction was made from \$20,000 to \$55,000, on the real estate of the Company in the city, and to the road bed and rolling stock from \$3,000 to \$2,800 per mile.

On application of J. L. Boatwright the assessment on his property was reduced from \$4,150 to \$4,000.

Application of John McEachan for a reduction of assessment was not granted.

Financial statement of Commissioner Wagner, in regard to discount on a note, was ordered on the minutes.

On application of Jno. J. Orrell, the assessment on his property was reduced to \$200.

Application of R. A. Price, for a reduction was not granted.

The matter of the tax assessment of the Railway Bridge Company's property, was considered. Major C. M. Steadman, attorney for the company, entered a complaint on behalf of the company. The matter was deferred until to-day.

Application of Geo. Pearman, was referred to the Committee on Poor.

Application of Elkhah Allen, was referred to the Chairman, with power to act.

The Board then went into the consideration of taxes to be levied on real and personal property for the year 1875, and after mature deliberation, the following was adopted:

WHEREAS, It is necessary to levy sufficient taxes to meet the current expenses of the county of New Hanover, and to pay the debt created by the county authorities, and the interest on said debt; all created for the necessary expenses of said county; and,

Whereas, The valuation of real property in the township of Wilmington has been reduced to the amount of \$700,000 (seven hundred thousand dollars) through the general reduction of values, it becomes necessary for this Board to levy the following taxes for the year 1875, namely:

For current expenses on the \$100 of value of real and personal property, 35
For the payment of county debts and interest on said debts, created for the necessary expenses and old debts on the \$100 of valuation of real and personal property, 37
On each poll, \$1.05
School tax on each poll, 25
The property tax is thus levied in the same manner and on the same subjects as are levied on by the State.

The Board then took a recess until this morning at 11 o'clock.

Superior Court.

The following cases were placed on trial yesterday at this tribunal:
State vs. Nat Hill, for assault and battery. Verdict guilty.
State vs. William Fisher and John Fisher, for assault and battery on G. W. Harper with intent to kill. In this case the Solicitor and John L. Holmes, Esq., appeared for the State and John London, Esq., for the defendants. A full report of the evidence was given as produced at the preliminary examination and given some time ago in our columns. The following jury (all colored) were chosen: David Loftin, John A. Hargrave, James Jamison, George W. Murray, Benjamin Merrick, David George, W. D. Hall, Joseph Jenkins, W. Johnson, N. G. Sampson, Virgil Walker and James K. Davis. The case still remains on trial, all the witnesses not having been examined thus far.

The Murder Case.

The jury in the case of the State vs. James W. Burgess, charged with the murder of Charles Jackson, has not yet returned a verdict. They took the case at 12 P. M. Tuesday, and up to the time of our going to press, had not arrived at any conclusion. They came into the Court room twice yesterday, for the purpose of requesting instructions regarding the law and their duty in the premises. They asked to be informed as to the meaning of a reasonable doubt, the penalty of manslaughter, and the power of the jury in making a recommendation for mercy. They asked several questions regarding their duty in cases when they find the facts of such and such a character. They were duly instructed by His Honor and then returned to their deliberations.

Unmailable Letters.

The following is a list of the unmailable letters remaining in the city postoffice:
John W. Price, Florida; J. D. Cunningham, Marion, S. C.; Alfred Howell, Sumter; John Judge, New York.

COUNTY CONVENTION.

HQs. CENTRAL EX. COMMITTEE, Democratic Conservative Party, New Hanover County, Wilmington, N. C., June 30, 1875.

At a meeting of the Executive Committee of the Democratic Conservative Party of New Hanover County held Thursday, July 2, 1875, it was decided to call a Mass. Convention of the party to be held at the Court House in Wilmington, Thursday evening, July 22, at 8 o'clock.

The principal business of the Convention will be the nomination of candidates for the Constitutional Convention and the appointment of an Executive Committee.

Spirits Turpentine.

— Mr. Webster retires from the Raleigh News.

— Granville Conservative nominating convention on the 13th.

— Chatham Conservatives nominated Hon. John Manning and Mr. William Stroud for Convention.

— The Iredell Conservatives have nominated for the Convention Thos. A. Nicholson and C. L. Summers.

— Mr. Thos. C. Evans, late of the Raleigh Sentinel, has gone to take a position on the Vicksburg Herald, the leading paper in Mississippi.

— In Mecklenburg county the Conservative convention nominated Col. Wm. Johnston and Rev. A. Ransom as delegates to the State Constitutional Convention.

— The Petersburg News states that last week the trustees of the Roanoke Valley railroad made a contract with the Richmond and Mecklenburg Railroad Company, turning the road over to them for completion on terms satisfactory to the county and the company, and subject to the approval of the Board of Supervisors. On Tuesday the Board met at Boydton and approved the contract. The track of this road, which is partly in North Carolina, will now doubtless be relaid.

— The Observer describes an accident which took place at Long Creek Bridge, above Charlotte, on the C. C. R. R. yesterday, just a week after the railway accident already reported. Workmen were engaged in rebuilding the trestle over Long Creek, and Mr. — Weaver and Capt. Harralson were on top of the benches of the trestle. These had not been securely fastened below, and while another bench was being drawn up over one of these it fell, carrying all the others with it. Weaver was killed instantly. Both his arms, both his legs and his neck were broken, and a piece of the timber fell across his chest. The unfortunate man was crushed and mangled beyond all recognition. Capt. Harralson sustained several serious injuries. A piece of the timber fell across him, and he probably suffered internal injury. In addition to this he had a deep gash cut in his face, and was otherwise hurt.

CITY ITEMS.

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