OSECTION 1. That as this act will be incor-porated in the general act respecting the pracbe reported to the General Assembly at its present session, by the commissioners appointed for that purpose, it will be printed in that general act and not elsewhere among the nots of this General Assembly, naless otherwise hereafter directed.

Sec. 2. The Secretary of State is required to have the third section of this act, and that portion relating to the Superior Court Clerks, printed at least weekly in four papers published in this State, and the sum necessary for that purpose, is hereby appropriated from any monies in the Treasury not otherwise appro-

Sec. 3. The terms of the several Superior Courts of this State shall begin in each year at the times hereinafter stated, and shall contin ne to be held for two weeks (Sundays and le gal holidays excepted,) unless the business shall be sooner disposed of.

64 1 1962 PIRST JUDICIAL DISTRICT 190 Land Gan Ortic county first monday in March and Hertford, third monday in March and Oc-Oysters, per bu Gates, fourth monday after the first Mon-

day in March and October stand Tig , snoint Chowan, sixth monday after the first Monday in March and October ... fortand tog and Perquimans, eighth monday after the first monday in March and October Pasquotank, tenth monday after the first monday in March and October.

Camden, twelfth monday after the first monday in March and October. Currituck, fourteenth monday after the first monday in March and October q boo SECOND JUDICIAL DISTRICT.

Tyrell county the first monday in September and February.

Washington, third monday in September Checked Storgaurds bas Martin, second Monday after the third Monday in September and February.

Hyde, fourth Monday after the third Monday in September and February.

Beaufort, sixth Monday after the third monday in September and Rebruary O'TO in September and February. Edgecombe, denth Monday after the third monday in September and February.

Wayne county the first Monday in September and February. Jones, third Monday in September and Onslow, first monday after the fourth Mon-

day in September and February. Lenoir, fifth monday after the fourth Monday in September and February. Greene, seventh monday after the fourth monday in September and February. Carteret, minth monday after the fourth Monday in September and February.

Wilson, eleventh monday after the fourth monday in September and February. PROURED PUBLICIAN DISTRICE. Robeson county on the fourth monday in August and February. Bladen, second monday after the fourth

monday in August and February Columbus, fourth monday after the fourth monday in August and February.

Brunswick, sixth monday after the fourth monday in August and February. New Handver, eighth monday, after the

monday in August and February. Duplin, twelfth monday after the fourth monday in August and February. FIFTH JUDICIAL DISTRICT. Harnett county the second Monday in Au

gust and February. Moore, second monday after the second monday in August and February. Montgomery, fourth monday after the second monday in August and February. Stanly, sixth monday after the second monday in August and February.

Union, eighth monday after the second monday in August and Eebruary Anson, tenth monday after the second monday in August and February. Richmond, twelfth Monday after the second monday in August and February.

Cumberland, fourteenth Monday after the second Monday in August and February. SIXTH JUDICIAL DISTRICT. Granville county second Monday in August and February. Warren, second Monday after the second

monday in August and February.
Franklin, fourth Monday after the secondmonday in August and February. Johnston, sixth Monday after the second Monday in Agust and February. Wake, eighth Monday after the second Mon-

day in August and February.

Nash, tenth monday after the second Monday in August and February.

Halifax, twelfth Monday after the second monday in August and February.

Northampton, fourteenth Monday after the second Monday in August and February.

SEVENTH JUDICIAL DISTICT. Guilford county, the first Monday in March and September. Rockingham, the second Monday after the first Monday in March and September. Caswell, fourth monday after the first Monday in March and September. Person, sixth monday after the first Mon-

day in March and September. Crange, eighth monday after the first Monday in March and September. Chatham, tenth monday after the first Mon-

day in march and September.

Randolph, twelfth Monday after the first Monday in March and September. Alamance, fourteenth Monday after the first Monday in March and September. EIGHTH JUDICIAL DISTRICT.

Davie county, the first Monday in April and September. Rowan, third Monday in April and Septem-

Davidson, second Monday after the third Monday in April and September. Forsythe, fourth Monday after the third Monday in April and September. Stokes, sixth Monday after the third Mon day in April and September. Surry, eighth Monday after the third Mon-

day in April and September. Yadkin, tenth Monday after the third Monday in April and September.

NINTH JUDICIAL DISTRICT. Polk county, the first Monday in March and

September. Rutherford, third Monday in March and September. Cleveland, second Monday after the third

Monday in March and September. Lincoln, fourth Monday after third Monday in March and September. n March and September.

Mecklenburg, eighth Monday after third Monday in March and September. Cabarrus, tenth Monday after third Monday in March and September.

TENTH JUDICIAL DISTRICT. Catawba county, first Monday in March and

Alexander, third Monday in March and Iredell, second Monday after third Monday in March and September.

Wilkes, fourth Monday after third Monday rior Court, the Solicitor for the Judicial District shall fest at the office of tree lock and Caldwell, sixth Monday after third Monday report to the court in writing. It any clerk,

Alleghany county, the first Monday in April and September.
Ash, third Monday in April and September. Wantauga, second Monday after third Monday in April and September. Mitchell, fourth Monday after third Mon-day in April and September.

Yancey, sixth Monday after third Monday in April and September. madison, eighth monday after third mon-day in April and September.

Buncombe; tenth monday after third monday in April and September. TWELFTH JUDICIAL DISTRICT.

Clay county, the first wonday in April and Cherokee, third wenday in April and Sep-

Macon, second monday after third monday in April and September.

Jackson, fourth monday after third monday in April and September. Haywood, sixth monday after third monday in April and September.

Transylvania, eights monday after third monday in April and September. Henderson, tenth monday after third mon-day in April and September,

OF THE QUALIFICATIONS AND GEN ERAL DUTIES OF CLERKS OF THE SUPERIOR COURTS. STEED CARD Sec. 12. At the first meeting of the county commissioners of each county after the elec-tion or appointment of any Clerk of a Supe-rior Court, it shall be the duty of the clerk to deliver to such commissioners a bond, with sufficient sureties, to be approved by them, as is now required by the law, payable to the State of North Carolina, and with a condition to be void if he shall account for any [and] pay over according to law all monies and effeets which have or may come into his hands by virtue or color of his office, and shall diligently preserve and take care of all books, records, papers and property which have come or may come into his possession, by virtue or Pitt, eighth Monday after the third Monday | color of his office, and shall in all things faithfully perform the duties of his office as they are or hereafter may be prescribed by

> BONDS HOW APPROVED, &C. Sec. 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, any commissioner dissenting may cause his dissent to be enter ed on record. Any commissioner approving a bond which he knows or believes to be in-sufficient, shall personally be liable as if he was a surety thereto. The said bond acknowledged by the parties thereto, or proved by a subscribing witness, before the clerk of said commissioners, as their presiding officer, reg istered in the office of the register of the county, in a seperate book to be kept by him for the registration of official bonds, and the original with the approval thereof endorsed deposited with the register for safe keeping. The like remedies shall be had upon said bonds as are or may be given by law on offi-Old Stoyes Repaired and Abnod

QUALIFICATION OF CLERKS. Sec. 3. Every clerk of the Superior Court. before entering on the duties of his office shall take and subscribe before some officer authorized by law to administer an oath, the oaths prescribed by law, and file the same with the Register of Deeds for the county.

FAUURE TO GIVE BOND.

Sec. 4. In case any clerk shall fail to give bond and qualify as above directed, the chair-man of the counts commissioners of his county shall immediately inform the Judge of the judicial district thereof, who shall thereupon declare the office vacant, and fill the same,

and the appointee shall give bond and qua!i fy as above directed. OFFICES-WHERE TO BE KEPT. Sec. 5. He shall have an office in the courthouse, or other place provided by the county commissioners, in the county town of his person or by deputy, at his office, daily, (Sundays and legat indidays excepted,) from 9 o'clock A. m., to three o'clock, P. M., and

TO RECEIVE OFFICIAL PAPERS, &C. Sec. 6. Immediately after he shall have given bond and qualified as aforosaid, he shall receive from the late Clerk of the County and Superior Courts, and Clerk and Master of the Court of Equity of the county all records, books, papers, money and property of their respective offices, and give receipts for the same; and if any such late clerk, or clerks and master, shall refuse or fail within a reasonable time after demand to deliver such records, books, papers, money and property. they shall be respectively liable on their offi-

cial bonds for the value thereof, and be held guilty of a misdemeanor. TO KEEP RECORDS, &c. Sec. 7. He shall keep in bound volumes a complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the legal fees.

BOOKS TO BE KEPT BY THE CLERKS. other original process issued by him, or re-

turned to his office. This docket shall contain a brief note of every proceeding whatever, in each action, up to the final judgment

2. An Execution Docket, in which the substance of the judgement shall be recorded, and every proceeding subsequent thereto, noted, with an alphabetical index.

3. A Docket of all issues of fact joined upon the pleadings and other matters, triable before a jury, and of all other matters for hearing before the judges, at a regular term of the Court, a copy of which shall be furnished to the judge at the commencement of

4. An alphabetical index according to the names of the plaintiffs, of all final judgments in civil action, rendered in the court, with the dates and numbers thereof. 5. A Docket of all criminal actions, containing a note of every proceeding in each.

BY WHOM THE BOOKS ARE TO BE FURN-ISHED.

Sec. 9. The books specified in the above ordinance of 14th of March 1868, NOT section shall be supplied to the clerks of the several counties by the Secretary of State, at the expense of the State, and the Secretary shall; as soon as possible, transmit an account thereof to the chairman of the County Commissioners, in order that the price may be levied in the county taxes, and also the Auditor of public accounts, who shall add the same to the taxes of the respective counties, and receive and account for it as for other taxes. The commissioners of any coun-Gaston, sixth Monday after third Monday ty failing to cause such sum to be levied with the other county taxes, shall be guilty of a misdemeanor, av. TRARTE HOLLOT BE

PAPERS IN EACH ACTION TO BE KEPT SEP-TILLATO TEAD out APATE.

Sec. 10. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly, label, and file them in order of the date of the final judgment.

SOLICITORS TO EXAMINE RECORDS, &C. Sec. 11. At every regular term of a Supe-

in march and September.

Burk, eighth Monday after third Monday in March and September and Monday after third Monday after thir of five hundred dollars to any person who shall sue for the same.

EXISTING SUITS. The following sections, numbered 1, 2, 3, 5, relate exclusively to actions which have been commenced, and in which no final judgment has been rendered prior to the ratifica tion of this act, as a part of the Code of Prac-tice and Procedure.

CLERKS TO DOCKET EXISTING SUITS.

Sec. 1. The clerks of the Superior Courts at the request of a party thereto, within six months from the ratification of a general act respecting the practice and procedure of the Superior Courts of this State, and on the payment of a fee of one dollar, shall enter on a separate docket, all suits, which, at the ratification aforesaid, shall have been commenced or in which final judgment has not been rendered in the late County Courts, Superior Courts of law, and Courts of Equity, of their

respective counties. HOW SUCH SUITS PROCEEDED WITH. Sec. 3. And every suit not so transferred within the time aforesaid, shall be abated and the Clerk of the Superior Court shall tax costs against the parties liable, and collect the

same by the proper process.
Sec. 2. The said suits shall be proceeded in, and tried under the existing laws and rules applicable thereto. After final judgments shall be rendered therein, the Clerk shall enter such judgments on the execution docket required to be kept by him, and the subsequent proceedings shall be as provided for action hereafter to be commenced.

Sec. 4. Existing judgments and decrees not dormant may in like manner be entered on the execution docket, and the subsequent proceedthes shall be as is prescribed for actions hereafter to be commenced, as far as shall be compatible with the previous proceedings, and no lien acquired before the ratification aforesaid shall be lost by any change of process, occasioned by this act.

DORMANT JUDGMENTS. Sec. 5. Judgments or decrees wh mant at the ratification aforesaid, may be revived or enforced in the manner herein provi-ACTION COMMENCED AFTER THE RATIFICA-TION TO SECOND OLD DEBTS, &C.

Sec. 6. In all actions hereafter commenced founded on such contracts as are provided for in an ordinance of the Convention of this State, entitled An Ordinance respecting the jurisdiction of the Courts of this State," rati fied on the 14th day of March, 1868, the summons shall be made returnable to the term of the Superior Court therein designated, and the subsequent proceedings shall be in accordance with the provisions of said act.

EXECUTIONS LEVIED ON PERSONAL PROPERTY Sec. 7. The late Sheriff of any County having in his hands any fiere facias execution which has been levied on personal property of the defendants, which is unsold shall proceed to sell the same as now required by law, he shall pay over the proceeds after deducting his fees, and shall also make return of the writ, to the Clerk of the Superior Court, of the county to any Court of which the writ is returnable, the proceeds to be paid by the Clerk to the rarties entitled thereto.

EXECUTION SATISFIED. Sec. 8. The said sheriffs shall in like manner refurn all executions in their hands which are satisfied, whether by a sale of property or otherwise, and shall pay over any proceeds

Sec. 9 As soon as the successors of the said late Sherriffs shall have qualified and given bonds as required by law, the said late Sheriffs shall deliver to such successors, all have not been satisfied, and have not been levied at all, or which have been levied on property which has been sold, and a residue remains unsatisfied, or have been levied on real property which in whole or in part re-meanors, in cities and towns, where the same may be longer when necessary for the dispatch of mains unsold, with a return stating any receipt of money by them, and their action und r the writ. The new Sheriffs shall prohad been addressed and issued to them, and shall make return thereof to the next term of the Superior Court of the county, (or) to any Court of which the writ is returnable. Any Sheriff failing to make due returns of such writs delivered to him, shall forefeit and pay one hundred dollars to any person grieved thereby, to be recovered on motion to the Court before which the writ is required to be returned. All proceeds of executions of the United States, shall be in force until lawfully al. in part only satisfied, while in the hands of any late Sheriff, shall be paid by him to the clerk of the Superior court of the

returnable for the use of the parties entitled thereto under the penalties now provided by law in case of failure EXECUTIONS TO BE DOCKETED. Sec. 10. The clerk of any Superior Court to which any execution shall be re-Sec. 8. The clerk shall keep the following turned as is above prescribed shall at the rquest of any person interested therein, and manner, and shall hold their offices for eight years; but 1. A docket of all writs of sammons, or on the payment of one dollar, enter such executions, on his execution docket, and the like process may be thereafter had thereon as is provided in similar cases on judgements recovered after the ratification of this act.

county, to any court of which the writ is

PENALTY ON SHERIFFS FOR FAILING TO

SEC 11. Any late Sheriff or other officer having executions in his hands, and failing to make due return thereof and to proceed as herein prescribed shall in each case forfeit, and pay to any any person grieved, one hundred dollars be recovered on motion of the JUDGMENT NOT DORMANT, WHEN-

SEC. 12. No judgment shall be held to have become dormant by reason of any stay of execution thereon in obedience to any, general or special orders issued by the General lately commanding the military District of which the State of North Carolina formed a part, and the time during which execution was so stayed, shall not be counted in determining any question respecting a judgment being dormant.

SEC. 13. Nothing in this act contained shall affect or impair any right given by an ordinance of the Convention of this State, entitled "an Ordinance respecting the juris-diction of the Courts of this State," ratified the 14th day of March 1868, in the cases to which it is applicable.

Ratified the 14th day of August, A. D.,

JOS. W. HOLDEN. Speaker House of Representatives. President of the Senate

STATE OF NORTH CAROLINA. OFFICE SECRETARY OF STATE, Raleigh, August 22d, 1868,

Henry J. Menninger, Secretary of State,
hereby certify that the foregoing is a true
copy of the original act on file in this office.

H. J. MENNINGER, Secretary of State.

Impoetmet Article in the New Constitution.

I meeting of yr albring of the First Third Wards will be beld at the Re-OUDICIAL DEPARTMENT

Section 1. The distinction between actions at the State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a givil action; and wrongs which shall be denominated a givil action; and every appears in presented by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall be termed a criminal action. Feigned issues shall also be abolished and the fact at issue tried by order of court before a jury.

Sec. 2. Three Commissioners shall be appointed by this convention, to report to the General Assembly at its first dession after this constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the convention shall provide for the commissioners a reasonable compensation.

Scc. 3. The same commissioners shall also report to the General Assembly as soon as practicable, a code of law of North-Carolina. The Governor shall have powlaw of North-Carolina. The Governor shall have power to fill the vacancies occurring in this commission.

Sec. 4. The judicial power of the State shall be vested in a coart for the trial of impeachments a Supreme court, Superior courts, court of justices of the Peace and special courts.

Sec. 6. The coart for the trial of impeachments shall be the senate; a majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to haid office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 6. The House of Representatives solely, shall have the power of impeaching. No person shall be convicted without the concurrence of two thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

the Chief Justice shall preside. Sec. 7. Treason against the State shall consist only Sec. 7. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be consisted of treason unless on the testimony of two witnesses to the same over act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 8. The Supreme court shall consist of a Chief Justice and four Associate Justices.

Sec. 9. There shall be two terms of the Supreme court held at the seat of government of the State in each years, commencing on the first Monday, in January, and first Monday in Jure, and continuing as long as the public interest may require.

as the public interest may require.
Sec. 10. The Supreme court shall have furisdiction to review, upon appeal, any decision of the courts be-low, upon any matter of law or legal interference; but no issue of fact shall be tried before this court; and the court shall have power to issue any remedial writs

necessary, to give it a general supervision and control of the inferior courts,
Sec. 16. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decistons shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall he reported to the next session of the General Assembly for its action. Sec. 12. The State shall be divided into twelve judicial districts for each of which a judge shall be chosen, who shall hold a superior court in each county in said district, at least twice in each year, to continue for two Sec. 13. Until altered by law the following aball be

the judicial districts. First District - Carrifuck, Canden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie. Second District-Tyrell, Hyde, Washington, Beanort, Martin, Pitt, Edgecombe. Third District-Craven, Carteret, Jones, Onslow, Greene, Lenoir, Wayne, Wilson, Fourth District-Brunswick, New Hanover, Duplin. Columbia, Bladen, Sampson, Robeson.
Fifth District—Cumberland, Harnett, Moore, Rich nond, Anson, Montgomery, Stanly, Union.
Sixth District-Northampton, Warren, Hallfax,
Wake, Nash, Franklin, Johnston, Granville. Seventh District—Person, Orange, Chatham, Ran-dolph, Guilford, Alamance, Caswell, Rockingham, Eighth District—Stokes, Forsythe, Davidson, Row-ab, Davie, Vadkin Spread h, Davie, Yadkin, Surry.

incoln, Gaston, Cleveland, Rutherford, Polk. Tenth District-Iredell, Burke, Caldwell, Wilkes Alexander, McDowel. Eleventh District-Alleghany, Ashe, Watauga, Mitch I, Yancey, Madison, Buncombe. Twelfth District-Henderson, Transylvania, Hayrood, Macon, Jackson, Clay, Cherokee. Sec. 14. Every judge of a Surerior Court shall reside n his district while holding his office. The judges may exchange districts with each other with the consent of the Governor, and the Governor for good rea-sons which he shall report to the Legislature at its cur-rent or next session, may require any judge to hold one or more specified terms of said courts in lieu of the

Ninth District—Catawba, Cabarras, Mecklenburg,

judge in whose district they are. Sec. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts, and of all criminal actions in which the punish-ment may exceed a fine of fifty dollars or imprisonment Sec. 16. The superior courts shall have appellate ju isdiction of all issues of law or fact. determined by a Probate Judge or a Justice of the Peace, where the

matter in controversy exceeds twenty-five dollars, and of matters of law in all cases. Sec. 17. The clerks of the superfor courts shall have prisdiction of the probate of deeds, the granting of fers testamentary and of administration. the ap to audit the accounts of executors, administrators and guardians, and of such other matters as shall be pre cribed by law. All isssues of fagts joined before them and appeals shall lie to the superior courts frow their

adgments in all matters of law. on the fact, shall have the force and effect of a jury. Sec. 19. The General Assemby shall provide for the establishment of Special courts, for the trial of misde-The Clerk of the Supreme Court shall be appointed by the court and shall hold his office for

eight years. Sec. 21. A Clerk of the Superior Court for each county, shall be elected by the qualified voters thereof, t the time and in the manner prescribed by law, for the election of members of the General Assembly.
Sec. 22. Clerks of the Superion Courts shall hold heir offices for four years. Sec. 23. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their contin-

nance in office, Sec. 24. The laws of North Carolina, not repugnant. Sec. 25. Actions at law, and suits in equity, pending

when this Constitution shall go 'nto effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at the adoption by the General Assembly, of the rules of practice and procedure herein provided for shall be neard and determined, according to the practice now i use, unless otherwise provided for by said rules. SEC. 26. The justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided to the state. ded for the election of members of the General Assem-bly. They shall hold their offices for eight years. The the Judges of the Superior Courts elected at the first

tion, under the superintendence of the justices of the Supreme Court, be divided by lot into two equal classes one of which shall hold office for four years, the other for eight years. Sec. 27. The General Assembly may provide by law that the judges of the Superior Courts, instead of being elected by the voters of the whole State, as is here en provided for, shall be elected by the voters of thefr

respective districts. Sec. 28. The Superior Courts shall be, at all time open for the trapsaction of all business within their ja-risdiction, except the trial of issues of fact requiring a jury.

Sec. 29. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed

for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his dis-

Sec. 30. In each county a Sheriff and Coroner, shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the county may appoint to such of-Commissioners for the county may appoint to such office for the unexpired term.

Sec. 31. All vacancies occurring in the offices provided for by this Article of the Constitution, shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

Sec. 32. The officers elected at the first election held under this Constitution, shall hold their offices for the terms prescribed for them, respectively, next ensuing

terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States. Sec. 33. The several justices of the peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to seal estate shall not be in controversy, and of all criminal matters arising within their counties where all criminal matters arising within their counties where the punishments cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a justice, on demand of either party thereto, he should cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same, and if the judgment shall exceed twenty five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate court, only upon matters of law. In all

in the appellate court, only upon matters of law. In all

cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard new. In all cases

Superior Court of his county.
Sec. 34. When the office of Justice of the Peace shall become vac ant, otherwise than by the expiration of the time, and in case of the failure by the voters of any district to elect the clerk of the superior court for the county, shall appoint to fill the ranney for the usex-pired term.

the people to elect, the Judge of the Superior Court for the county shall appoint to fill the racency until au election can be regularly held.

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Frinted at the

July 13-32-1