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FRIDAY, DEC. 6th, 1872.

An Act to Alter the Constitution of North Carolina.

SECTION 1. The General Assembly of North Carolina do enact, (three-fifths of all the members of each house concurring,) That the constitution of this state be altered as follows, to-wit:

Amend section six of the first article, by striking out the first clause thereof, down to and including the word "but;" this being the clause relating to the state debt.

Amend section two of the second article by striking out the word "annually," and inserting in lieu thereof, the word "biennially;" being in reference to the sessions of the general assembly.

Amend section five of the second article, by striking out all that precedes the words "the said senate district," and by striking out the phrase "as aforesaid or" in said section; and by striking out all having reference to the state census.

Add a new section to the second article to be styled "section thirty," and to read as follows: "The members of the general assembly shall each receive three hundred dollars as a compensation for their services during their term, subject to such regulations in regard to time of payment and reduction for non-attendance as may be prescribed by law; but they may have an additional allowance when they are called together in special session, and mileage shall be ten cents per mile for each session."

Amend section one of the third article by striking out the words "four years," where they occur first in said section, and inserting in lieu thereof, the words "two years," being in reference to the term of executive officers.

Strike out the words "superintendent of public works," wherever they occur in the constitution, thus abolishing that office.

Amend section six of the third article by striking out the word "annually," and inserting in lieu thereof, the word "biennially;" so as to conform to the provisions respecting the sessions of the general assembly.

Strike out sections two and three of the fourth article, being the provisions which refer to the appointment and duties of the code commissioners.

Alter section four of the fourth article, so that said section shall read as follows: "The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, superior courts, such inferior courts as may be established by law, and courts of justices of the peace."

Alter section eight of the fourth article, so that said section shall read as follows: "The supreme court shall consist of a chief justice and two associate justices; Provided, That this shall not apply to the justices during their present term of office, unless by death, resignation or otherwise, the number of associate justices shall be reduced to two."

Alter section twelve of the fourth article, so that said section shall read as follows: "The state shall be divided into nine judicial districts, for each of which a judge shall be chosen; and in each district a superior court shall be held at least twice in each year, to continue for such time in each county respectively as may be prescribed by law. The general assembly shall lay off said districts in due time, so that the said nine judges may be chosen and begin their official term at the first general election for members of the general assembly which will occur after the ratification of this section. The general assembly may reduce or increase the number of districts to take effect at the end of each judicial term."

Strike out section thirteen of the fourth article, which fixes the present judicial districts.

Amend section fourteen of the fourth article by striking out all after the word "office," and inserting in lieu of the part so stricken out, the following: "The general assembly shall prescribe a proper system of rotation for the judges of the superior courts, so that no judge may ride the same district twice in succession, and the judges may also exchange districts with each other, as may be provided by law."

Strike out section fifteen of the fourth article, and insert in lieu thereof, the following: "The general assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department; but the general assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the supreme court, among the other courts prescribed in this constitution or which may be established by law, in such manner as it may deem best, provide also a proper system of appeals, and regulate by law when necessary, the methods of proceeding, in the exercise of their powers, of all the courts below the supreme court, so far as the same may be done without conflict with other provisions of this constitution."

Strike out sections sixteen, seven-

teen, nineteen, twenty-five and thirty-three of the fourth article.

Amend section twenty-six of the fourth article by striking out all that part which begins with, and follows the word "but" in said section, and in lieu of the part so stricken out, inserting the following: "The judicial officers and clerks of any courts which may be established by law, shall be chosen by the vote of the qualified electors, and for such term as may be prescribed by law. The voters of each precinct, established as is elsewhere provided for in this constitution, shall elect two justices of the peace for such term as may be fixed by law, whose jurisdiction shall extend throughout their respective counties. The general assembly may provide for the election of more than two justices of the peace in those precincts which contain cities or towns, or in which other special reasons render it expedient. The chief magistrates of cities and incorporated towns shall have the judicial powers of justices of the peace."

Amend section thirty of the fourth article by striking out the word "townships" and inserting in lieu thereof the word "precincts;" also in the last sentence of the same section, strike out the words "the commissioners of the county may appoint to such office for the unexpired term," and in lieu thereof insert "an appointment to fill such vacancy for the unexpired term shall be made as may be prescribed by law."

Amend sections one and seven of the fifth article, by striking out the words "commissioners of the several counties" where they occur in said sections, and in lieu thereof inserting the words "county authorities established and authorized by law."

Strike out section four of the fifth article, relating to taxation to pay the state debt and interest.

Amend section six of the fifth article by inserting after the word "instrument" in said section the words "or any other personal property."

Insert the word "and" before the word "surveyor" in section one of the seventh article, and strike out the words "and five commissioners" in said section; also add to said section the following: "The general assembly shall provide for a system of county government for the several counties of the State."

Amend section two of the seventh article, by striking out the words "commissioners" and in lieu thereof inserting the words "county authorities established and authorized by law," and in the same section strike out the words, "the register of deeds shall be ex officio clerk of the board of commissioners."

Strike out section three of the seventh article, and in lieu thereof insert the following: "The county authorities established and authorized by law shall see that the respective counties are divided into a suitable number of sub-divisions, as compact and convenient in shape as possible, and marked out by definite boundaries, which may be altered when necessary. Said sub-divisions shall be known by the name of precincts. They shall have no corporate powers. The township governments are abolished. The boundaries of the precincts shall be the same as those which heretofore defined the townships until they shall be altered."

Strike out sections four, five, six, ten and eleven of the seventh article, which relate to the township system.

Amend sections eight and nine of the seventh article, by striking out the words "or townships" where they occur in said sections.

Strike out section three of the ninth article, and in lieu thereof insert the following: "The General Assembly shall make suitable provision by law for the management and regulation of the public schools, and for perfecting the system of free public instruction."

Strike out section five of the ninth article, and in lieu thereof insert the following: "The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments heretofore in any wise granted to, or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient, for the maintenance and management of said University."

Strike out sections thirteen, fourteen and fifteen of the ninth article, relating to the University of North Carolina. Amend section ten of the eleventh article by striking out the words "at the charge of the State," and in lieu thereof insert the words "by the State and those who do not own property over and above the homestead and personal property exemption prescribed by this constitution, or being minors, whose parents do not own property over and above the same, shall be cared for at the charge of the State."

Alter section seven of the fourteenth article so that said section shall read as follows: "No person shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other State or government, shall hold or exercise any other office or

place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly; Provided, That nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes."

Add another section to the fourteenth article to be styled "section 8," and to read as follows: "County officers, justices of the peace and other officers whose offices are abolished or changed in any way by the alteration of the constitution, shall continue to exercise their functions until any provisions necessary to be made by law in order to give full effect to the alterations, so far as relates to said officers shall have been made."

Re-number the sections in those articles from which any section has been stricken, without the insertion of another in its stead; and give to any new section that number which by this method would have been given to the section for which it is substituted, and the alterations shall be embodied into the constitution, and the several sections numbered consecutively.

Ratified the 19th day of January, A. D. 1872.

[OFFICIAL.] North Carolina Election Returns

AUGUST AND NOVEMBER, 1872.

Table with 5 columns: Counties, Tod R. Caldwell, A. S. Merrimon, Ulysses S. Grant, Homace Greeley. Lists election results for various counties including Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Edgecombe, Forsythe, Franklin, Gaston, Gates, Granville, Greene, Guilford, Graham, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Johnston, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Perquimans, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Stanley, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Wake, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, Yancey.

GOVERNOR CALDWELL ON THE "CONSERVATIVE" GERRYMANDEY.

In his admirable and able message to this General Assembly, Governor Caldwell submitted these incontrovertible facts and figures on the infamous gerrymandering of the last Legislature:

LEGISLATIVE APPOINTMENT. The last General Assembly proceeded to apportion Senators and Representatives. It is exceedingly doubtful whether they had any right to do so, at that time, and whether the present Legislature has not been chosen in violation of the Constitution of the State. I do not now propose to raise so grave a question, but simply to call your attention to some of the details of the act.

The Constitution provides that "each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory."

In the present apportionment this unmistakable provision of the Constitution is palpably disregarded. Two distinct elements are required to enter into the formation of "Senate Districts." First, they "shall contain as near as may be, an equal number of inhabitants." Secondly, they "shall at all times consist of contiguous territory."

The first requirement is disregarded in the present apportionment to an extent that could not possibly have been inadvertently done. By it thousands of the people are without due and lawful representation in the Senate, and are virtually disfranchised. It is difficult to express, in becoming language, what every honest man in the State must feel, when he considers the facts and circumstances attending so plain a disregard, not only of the Constitution itself, but of the right of the people to fair and impartial representation. I deem it my imperative duty, without reserve, to lay the matter before you in detail, that the reproach may rest where it properly belongs, and in the confident hope, and belief, that this General Assembly will, by prompt action, show to the country its appreciation of what is just and proper, and give full and rightful weight to the manifest voice and will of the people.

The entire population of the State, by the census of 1870, is one million, seventy-one thousand, four hundred and fifty—making twenty-one thousand, four hundred and twenty-nine inhabitants the exact number each Senate District should contain, if perfect exactness could be obtained. But the Constitution does not require perfect exactness. It requires an approximation "as nearly as may be." This approximation can in all cases be very nearly attained by grouping counties together, and when some of the more populous counties must be embraced in a District, by making it large enough to take more than one Senator, thus equalizing and giving weight to every large excess in a county.

Eight of the Districts in the present apportionment have allotted to them two Senators each, instead of one. But this appears not to have been done in scarcely a single locality, where it was necessary to secure an approximation to equality in the number of inhabitants. The Convention, which ordained the former apportionment, had only the Census of 1860 for a guide. The changes wrought by the war, in the relative population of the counties and sections of the State, rendered the data of the Census of 1860 unreliable. In consequence of this, some inequality occurred which was disclosed by the Census of 1870. To correct this inequality was the only plausible reason alleged for hastening, under doubtful authority, a new apportionment. It is remarkable that the new apportionment, undertaken for such reason, should be made more unequal and unfair than the one it was intended to correct. Having the Census of 1870 before them, it is difficult to conceive how it was possible for the last Legislature to mistake so grossly and to fail so entirely in respecting the constitutional provision, designed to protect the most essential and fundamental of all popular rights—that of equal representation.

I will, for preciseness of demonstration, call attention to a few of the very many glaring instances that may be found throughout the new apportionment. I select for this purpose, ten of the forty-two Districts. In this ten, are included three of the eight double Districts, in order to show that they were not made double for the purpose of approximating equality in population. Bearing in mind that 21,429 is the ratio of population, required by the Constitution to be approximated "as nearly as may be," the startling violation of this requirement may be seen at a glance.

There is allotted to the

Table with 3 columns: District, Population, Senators. 1st District, 50,015, 2; 10th " 33,686, 2; 24th " 35,610, 2; 18th " 15,708, 1; 23d " 15,708, 1; 12th " 27,978, 1; 14th " 16,436, 1; 3d " 27,699, 1; 17th " 16,897, 1; 31st " 17,414, 1.

By grouping these Districts in various ways, the total disregard of the ratio of population, viz: 21,429, which the Constitution requires to be approximated "as nearly as may be," becomes still more glaring.—There is allotted to the

Table with 3 columns: District, Population, Senators. 1st District, 50,015, 2; 3d " 27,699, 1; 12th " 27,978, 1; 18th " 15,708, 1; Total pop'n, 141,309, 5.

Total pop'n, 141,309. 10th District, 33,686, 2; 14th " 16,436, 1; 17th " 16,897, 1; 24th " 15,708, 1; 31st " 17,414, 1; Total pop'n, 133,751, 8.

Thus it appears that a population of 141,309 is allotted but five Senators—while another population of only 133,751 is allotted eight Senators. The ratio for the five is 28,261, while the ratio for the eight is only 16,719. According to the ratio required by the Constitution to be approximated, the five Senators would be increased to six, with an excess of 12,735 population, while the eight would be reduced to six with an excess of only 5,177.

There is allotted to the

Table with 3 columns: District, Population, Senators. 3d District, 27,699, 1; 12th " 27,978, 1; 18th " 15,708, 1; Total pop'n, 91,294, 3.

14th District, 16,436, 1; 17th " 16,897, 1; 23d " 15,708, 1; Total pop'n, 49,041, 3.

Thus it appears that a population of 91,294 is allotted but three Senators, while another population of only 49,041 is also allotted three.—The ratio for the first three is 30,431, while the ratio for the other three is only 16,337. According to the ratio required by the Constitution to be approximated, the first three would be increased to four with an excess of 6,572 population—while the other three would be reduced to two with an excess of 6,183. The ratio applied to the three representing the 49,641 population would, if applied to the other three, increase them to five with an excess of 9,600. There is allotted to the

Table with 3 columns: District, Population, Senators. 10th District, 33,686, 2; 24th " 35,610, 2; Total pop'n, 67,296, 4.

12th District, 27,978, 1; 18th " 15,708, 1; Total pop'n, 63,595, 2.

Thus it appears that a population of 63,595 is allotted but two Senators, while another population of only 67,296 is allotted four. The ratio for the two is 31,797, while the ratio for the four is only 16,824. According to the ratio required by the Constitution to be approximated, the two would be increased to three with a deficiency of only 692 population, while the four would be reduced to three with an excess of 3,009.

There is allotted to the 18th District, population 35,610, 1 Senator. There is allotted to the 23d District, population 15,708, 1 Senator.

According to the ratio applied to the 23d District, the 18th would be entitled to two Senators and have an excess of 4,199 population.

In the history of the government, it has sometimes occurred, in more than one of the States, that, in the midst of high party excitement, the laying off of Districts for representatives has been more or less unfairly done. But such unfairness consisted in grouping together territory, and forming Districts in grotesque shapes, for the purpose of securing the vote of party majorities, supposed to exist in certain localities. The palpable disregard of the amount of population, in violation of express law and the consequent disfranchisement of thousands of the people, has seldom, if ever, before been ventured upon anywhere. Heretofore, this unfairness has been confined to Congressional Districts, laid off under the requirements of acts of Congress. While all laws, both State and national, should be strictly observed, the requirements of the Constitution, which Legislators take a solemn oath, in no respect to violate, might be supposed to be too sacred to be wilfully disregarded, however high and bitter party excitement might run.

The requirement, that each Senate District shall "consist of contiguous territory" has been technically complied with in the new apportionment. But it can hardly be said that the spirit of the law has been observed. In several instances some of the counties, composing the Districts, only touch at their corners, such an evasion of the evident intent and policy of the Constitution, ought to be avoided in all cases. The new apportionment for the House of Representatives is, in many respects, though in less degree, subject to the same animadversion as that for Senators. But I

refrain from details, because the facts are within your reach, and attention having been called to the one inquiry will necessarily be aroused as to the other.

Viewed in a party aspect, the result of the unlawful and unfair apportionment has been to give one party a large majority in the Legislature, at an election in which the other party, in the popular vote of the State, had a majority of thousands—not only in the vote for State officers, but greater still in the aggregate for Senators and Representatives in our Legislature and for members of Congress. This circumstance has given prominence, not only in the State, but in the whole nation, to that which we must all regret, and which will blur the history of the State with reproach.

I recommend that the Legislature take such action on this subject as shall remove this scandal from our statutes, and make the apportionment conform to the requirements of the Constitution.

CONGRESSIONAL APPOINTMENT. The disregard of equality and fairness in the new apportionment for members of Congress, under the census of 1870, is little less striking than that for members of the Legislature. With a population of 1,071,450, North Carolina is allowed eight members of Congress. The ratio which should be approximated as nearly as possible for each Congressional District is 133,931 inhabitants.

In the present apportionment the 1st District has 123,311 inhabitants. 2d " 150,986 " 3rd " 143,564 " 4th " 139,786 " 5th " 122,531 " 6th " 139,003 " 7th " 119,318 " 8th " 133,201 "

It will be observed that the Second District has 31,618 more inhabitants than the Seventh, and has an excess of 17,005 over the regular ratio. The extraordinary, inconvenient and most grotesque shape of this Second District precludes all pretense that convenience of territory entered, in the slightest degree, into the motive for disfranchising 17,000 of its people. The same may be said of nearly all the other Districts. Their shape cannot be characterized, otherwise than as absurd and ridiculous.

The Second District has an excess of 17,005; the Third District an excess of 9,633; the Fourth, an excess of 5,855; and the Sixth an excess of 5,072. The First District has a deficiency of 11,120; the Fifth a deficiency of 14,613. A mere glance at the map of the State is sufficient to convince any one that no consideration of contiguity or compactness of form could possibly have entered into the motive for creating instances of such unprecedented excess and deficiency in the population of the Districts.

Under this apportionment, one party has elected five members out of eight, when the other party, in the aggregate vote for members, had a popular majority of over three thousand. This flagrant result shows how little the will of the people has been respected and how much their rights have been denied. Taken in connection with the disparity in population, and the ridiculous forms in which the Districts had to be laid off to produce it, the result is doubtless sufficient to challenge the prompt and corrective attention of this General Assembly. But it has attracted the attention of the whole country by the grossness of the outrage upon popular rights, and has given weight to the impression that demoralization, lawlessness and dishonesty, pervades the government of some of the Southern States, no matter what party may chance to have the ascendancy for the time being. It is hoped, for the character of North Carolina, that the present Legislature will be able and willing to remove such impression, so far as regards this State, by fairness, moderation, and a strict observance of whatever is just and right and becoming the representatives of a free and virtuous people.

The Voting Population Of the Southern States by the Census Report of 1872:

Table with 4 columns: STATES, White, Col'ed, Total. Alabama, 105,474, 97,823, 203,297; Florida, 21,094, 18,842, 39,936; Georgia, 129,665, 107,962, 237,627; Arkansas, 77,185, 26,739, 103,924; Kentucky, 245,133, 44,321, 289,454; South Carolina, 62,547, 85,475, 148,022; North Carolina, 139,535, 78,019, 217,554; Tennessee, 199,056, 64,131, 263,187; Louisiana, 87,096, 86,913, 174,009; Mississippi, 84,784, 89,226, 174,010; Texas, 132,890, 61,575, 194,465; Virginia, 181,500, 107,691, 289,191; Missouri, 384,314, 23,882, 408,196; Total, 1,829,723, 888,346, 2,718,072.

DRS. JOHNSON & HINES.

The undersigned having formed a partnership for the practice of their profession, in all its various branches, respectfully offer their services to the citizens of Raleigh, and of the surrounding country. Dr. Johnson will always be found at his well-known office or residence, on Hillsboro street; while Dr. Hines may be found for the present at the Yarrow House, or at Dr. Johnson's office. CHAS. E. JOHNSON, M. D. PETER E. HINES, M. D. Raleigh, Dec. 1, 1872.

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