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STAY LAW.

AN ORDINANCE TO CHANGE THE JU RISDICTION OF THE COURTS, AND THE RULES OF PLEADING THEREIN.

Section 1. Be it ordained by the peopls of North Carolina, in Convention assembled, and it is hereby ordained by the athority of the same, That the jurisrisdiction of the several Courts of the State, and of Justices of the Peace, except as provided in this ordinance, shall be as in the year 1860.

SEC. 2. Be it further ordained, That the several perior Courts of the Law, at the Spring Terms thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction to hear, try and determine all actions of debt, covenant, assumpsit or account, where the sum, due or owing, amounts (principal and interest) to sixty dollars or more.

Sec. 3. Be it further ordained, That

all writs in debt, covenant, assumpsit or account shall be returnable to Spring Term and be served at least thirty days (Sundays included) before the return day. Within the first three days of the return term, should the defendant pay to the plaintiff, or into Court to his use, one-tenth of the debt or demand (princinal and interest) and all costs to that time, he shall be allowed until next Spring Term to plead. At the said Spring Term, should the defendant pay to the plaintiff, or into Court to his use, one fifth of the residue of the debt or demand and cost, he shall be allowed until the succeding Spring term to plead. At the same Spring Term, should the defendant pay to the plaintiff, or into Court to his use, one-half of the residue of the debt or demand, he shall be allowed un til the succeeding Term to plead. At the said Spring Term the plaintiff shall have judgment for the residue of his debt or demand: I'- ovided, however, That the plaintiff, if required, shall file his debt or demand in writing, and if the defendant shall make oath that the whole or any part thereof is not justly due, or that he has a counterclaim, all by affidavit, then the detendant shall on ly pay the installment required, of what he admits to be due, and the Court shall order a jury, at the same or some subsebetween the parties, and at the next Spring Term, the defendant shall be alted amount, and whatever the jury may find him indebted over and above the same: Provided, further, That should subsequent instalment, then and in that proceed to judgment and execution ac cording to the course of the Court in

Sec. 4. Be it further ordained, That all suits in action of debt, covenant, asof the Superior Courts, shall be return ed by the sheriffs to Spring Term, 1867, and all actions of debt, covenant, as-Superior Court, shall be continued to this ordinance. Spring Term, and if the defendant has entered his pleas, he shall be allowed to withdraw the same, and take the benefits of section 3 of this ordinance.

Sec. 5. Be it further ordained. That dormant judges shall only be revived by actions of debt, and every seire facias to revive a judgment shall be dismissed on motion: Provided, That those now is sued shall be dismissed at the cost of the

Sec. 6. Be it further ordained, That the Clerks of the several County Courts shall transfer all actions of debt, cove nant, assumpsit or account, now pending in their respective Courts, to the Spring Term, 1867, of the Superior Courts, and the said Spring Term shall be deemed the return term, thereof and the said ty or State Revenue. actions shall stand as it originally insti- Sec. 15. Beit further ordained, That tuted in that Court.

sixty days before the Spring Terms, 1867, to the provisions of this ordinance as if of the Superior Courts, shall transmit to commenced by writ or warrant. exponas issued thereon, and shall issue amount of interest due, not to exceed notices thereof to the defendants, which one fifth of the whole debt. notices shall be served at least thirty SEC. 17. Be it further ordained, That the said judgments shall be taken and force in the year 1860. held to be judgments of the Superior | SE. 18. Be it further ordained, That

Courts and preserving the liens, as if is- Court is hereby authorized and empowsued by the same court.

the Sheriff in each county shall return and decrees as to right and justice may all writs of fieri facias and venditioni appertain; and said proceedings shall exponas issued from the County Court not affect the creditor's right to proceed on judgment in actions of debt, cove at the same time at law; and any surety, nant, assumpeit or account to the next before paying the debt of his principal term of said Court, without sale; and thus attempting to defraud his creditors, shall return all writs of fi fa or vendi may institute proceedings in equity in tioni exponas issued on similar judg- like manner, to the end that he may obments from the Superior Court or decrees tain relief. of the Court of Equity on money demanded to Spring Term, 1867, without

SEC. 9. Be it further enacted, That no writs of fi fa or vinditioni exponas on assumpsit or account shall hereafter issue particularly setting out all money colfrom the County Courts, nor shall said and it is directed that plaintiff may proceed according to the regular course of the Court.

Sec. 10. Be it further ordained, That

no writs of fi fa or venditioni exponas on judgments in actions of debt. covenant, assumpsit or account, or decress for mon ey demands in Equity shall issue from Spring Term, 1867, without permission of Court, and should the defendant within the first three days pay one tenth of the judgment or decree and costs, then the writ shall be credited one-tenth, is sued and immediately returned "Indulged:" Provided, No plaintiff shall be allowed to take the said one tenth without first entering his assent to said return: And provided further, That such assent

said fi fa or venditioni exponas: Provided further, That at Spring Term, 1868, the defendent upon paying one fifth of the residue of the judgment or decree and costs shall have indulgeance in like Sec. 11. Be it further ordained, That

upon all warrants before Justices of the Peace for a demand (principal and indant pay one lifth to the plaintiff or to the collecting officer for his use, he shall be allowed six months to plead, and at the expiration of said six months, should he pay as aforesaid one-half the residue, he shall be allowed six more to plead, of which shall be particularly set forth and the expiration of said six months plaint if shall have judgment and execution for the residue. Upon demands (reneinal and interest) of less than \$60 and more than \$25, the defendant shall quent term, to try the matters in dispute be allowed twelve months instead of six, dorsee, or officer of said bank or e-riors, tas, issued during the war, now in the Treasury on each payment : Provided, That the ation, it shall and may be Lawful tor the p aintiff shall file his claim in writing. defendant to set off by plea or on trial section of the provisors, to the effect, that the lowed time to plead only upon payment and if the defendant, on outh, shall be any note or certificate of deposit is nel country shall not pay more than eight per cent of one-fifth of the residue of the admit no the same, or present a counter claim, by said bank or its branches, crother on the mones borrowed—that the bond, shall Beaufort. the Justice shall proceed to try the same. | corporations, whether the same Upon judgment the defendant shall be presented for payment or not, any law or allowed a stay of execution for six or usage to the contrary notwithstanding, the defendant fail to pay the first or any twelve months, as the case may be, up but said plea of set off, or set off on trial, Heuderson, Wilkes, Cheroker, Clay, New Hanoon paying one-fifth, and afterwards onecase the plaintiff shall be entitled to halt, as before judgment: Provided, plaintiff, unless there has been a tender That all Justices' judgments for \$60 or of such payment before suit brought : more, not dorment, shall be transmitted, Povided, That should the defendant repers, by the Justice to Spring Term, 1867, the scale of depreciation of Confederate of the Superior Court, and notice thereof currency, then and in that case the said sumption or account issued to Fall Term shall be given the defendant at least notes or certificates of deposit shall not twenty days before Court; and in the be a set off in any manner. Superior Court the same proceedings shall be had as on judgments from the sumpsit or account, now pending in the County Court, according to Section 7 of

> Sec. 12. Be it further ordained, That all writs of scire facias to subject bail, issued from the Superior or County Courts upon judgments in actions of debt, tovenant, assumpsit or account, shall be returned to Spring Term, 1867 of the Superior Courts, and should the tenth, fifth and half of the judgments be paid from Spring Term to Spring Term, ime to plead shall be allowed, according to section 3 of this ordinance.

> SEC. 13. Beit further ordained, That this ordinance shall not apply to judgments for costs only.

Ssc. 14. Be it further ordained. That this ordinance shall not apply to the remedies for the collection of Town, Coun-

this ordinance shall not apply to proceed-Sic. 7. Be it further orde wel, That ings by attachment, unless the defendant the Clerks of the several County Courts, replevy and give bail, and then and fir if requested to do so by the plain iffs, that case the proceedings shall be subject

said Spring Terms certified copies of the | Sic. 16. Beit further ord uned, That judgments in actions of debt, covenants, where the action is by or on behalf of inassumpsit or account entered on the fants, still minors at the return term, and dockers of their Courts, together with the interest exceeds one-tenth, the first Boker, Berry, Boyden, Bradley, Bryan, Burgin, the write of fieri or facias or venditioni, payments shall be increased to the

days before said Superior Courts. At the provisions of this ordinance shall not the Spring Terms aforesaid, the Courts be construed to extend to any debts or shall on motion order the said judgments demands contracted, or penal ties incurto be entered on the minute dockets, red, since the first day of May, A. D., McDonald, of Moore, McLoughin, Meperovided the same were not domant 1865, or which may be hereafter conline, Moore of Wake, Murphy, Norfleet, Pattertherefore, naturally and justly arise as to wheprovided the same were not dormant 1865, or which may be hereafter conwhen transmitted from the County tracted or incurred, but that the remedies Courts, and on such entries being made, for the recovery of debts which were in

Courts and writs of fieri facius and ven- any creditor, attempted to be defrauded ditioni exponas may issue, as provided as set forth in sec. 1, chap. 50, Revised ham, Brickell, Conigland, Eston, Faircloth, decdings of Congress upon the joint resolution abstract of census of 1860.

ered to direct proper issues to be made SEC. 8. Be it further ordained, That up and tried, and to make such orders

SEC. 19. Be it further ordained, That every executor or administrator shall file, on oath, at the termination of two years the State. from the time of his qualification, a full statement of his receipts and disbursejudgments in actions of debt, covenants, ments, and the condition of the assets, the Constitution adopted by the Convention. lected and how disbursed, and on mowrits on such judgments issue from or to tion the Court may allow further time to the Fall Terms of the Superior Courts, settle the estate, from year to year, not except where defendant fails to comply exceeding three years: Provided, That with the provisions of this ordinance, on each motion to extend the time, a supplemental statement shall be filed': Provided, That any creditor or next of kin may oppose said motion, and iffthe statement is not full and fair, file interrogatories which the executors or administrators shall answer, before his motion for time is allowed: Provided further, That all executors or adminstrators, who have heretofore qualified, shall be aclowed until the County Court next after the first of January, 1867, to file his statement.

Sec. 20. Be it further ordained, That all acts, and parts of acts, suspending the operation of the statutes of limitation in the Revised Code, are hereby repealed, except as herein provided: Provided, That the time clapsed since the first day of September, one thousand and return shall not prejudice any lien eight hundred and sixty-one, barring acthe plaintiff may then have by virtue of tions or suits, or presuming the satisfaction or aban domment of rights shall not be counted: And provided further, homes, That nothing contained in this ordurance, or in the acts hereby repealed, shall be so construed as to prevent jud ments from becoming dormant.

Sec. 21. Be it further ordained. That any Sheriff, Clerk, or other officer, tailing to execute any of the provisions of terest) of \$25 or less, should the defend this ordinance, when the execution the coof devolves on him, or i. surng, receiving, of the tules, viz: or executing any process whatever contrary to the provisions of this ordinance. shall be subjected to a penalty of live hundred dollars, to be r covered by rule of Court, as pendities and fin a wateredovered in 1860.

Sec. 22. Beit further ordinal, Test in all actions bought by any bank or other corporation having exercised backing privileges, or by any assignee or enshall not avail to carry costs against the together with the warrant or other pa- quire the debt to be scaled according to

Sec. 23. Be it further ordained, That "An Act to change the jurisdiction of the Courts and the rules of pleading," ratified the 11th day of September, 1861; entitled "An Act to restore the Courts and for other purposes," ratified the 14th December, 1863; also an act entitled "An act to change the jurisdiction of the Courts and the rules of pleading there. in" ratified the 10th of March, A. D., 1866, and all laws in conflict with this ordinance, be and the same are hereby | To the Schale and House of Representatives :

Sec. 24. Be it further ordaided, That power to repeal, alter or modify this or- submission to the Legislatures of the States of dinance until the third Monday of No vember, 1868, and this ordinance shall take effect and be in force from and after its ratification.

Adopted by the Convention. June 21.

STATE CONVENTION.

ADJOURNED SESSION. AFTERNOON SESSION.

SATCEDAY, June 20th, 1866. Without sfurther material amendment the Constitution passed its third reiding, as fol-

Aves - Messrs. Adams, Alexander, Baines, Harris, of Guilford, Harris of Rutherford, Har-Wilson and Wright .- 62.

in section 10 of this ordinance, following Code, may, without obtaining judgment Ferebee, Gilliam, Grissom, Howard, Jarvis, the writs transmitted from the County at law, file his bill in Equity, and said Joyner, Lyon, Manly, McKoy, of Sampson, McCounty at law, file his bill in Equity, and said Cohen N. A. McLern, No. 1 Joyner, Lyon, Manly, McKoy, of Sampson, Mc-Genee, N. A. McLean, Nat. McLiean, Odom, executive department to the Legislatures of the Pearsall, Perkins, Peraou, Richardson, Smith of Johnson, Spencer, of Hyde, Warren, Winburne steps taken by the Secretary of State, as detailand Winston,-30.

> The following ordinances and resolutions passed their several readings under a suspension of the rules :

An ordinance for the relief of Thomas D.

Au ordinance in reference to the payment of a portion of the public taxes into the treasury of

An ordinance submitting to the qualified voters of the State the ratification or rejection of A resolution in favor of R. S. Tucker.

A resolution in reference to payment of ifferest on the public debt of the State.

The ordinance to authorize the several counies of the State to borrow money was discussed at considerable length. Amendments were of fered by Messrs, Odom and Grissom to preclude the county courts from paying, or levying taxes to pay debts, directly or indirectly incurred in aid of the rebellion.

debtedness incurred for the support of the indi- circular letter. cent families of soldiers.

On motion of Mr. Harris of Rutherford, the ordinance was finally laid on the table.

Wr. Warren being in the chair, Mr. Ferebee introduced a resolution of thanks to the Presilent of the Convention for the able, impartial and dignified manner in which he had presided over its deliberations.

This resolution was unanimously adopted, and he President resuming the chair, acknowledged he compliment in a few felicitous remarks, expressing, in conclosion, the regrect he felt at the approaching severance of associations of so deseant a character, and wishing the delegates a safe and happy return to their respective

The Convention then adjourned until 7 o'clock A. M., on Monday.

MONDAY, June 25.

The Convention was called to order at seven clock, A. M. The following ordinances and resolutions

ussed their several readings under a suspension

An ordinance to empower the instices of the everal counties to borrow money in certain cases, and for other purposes.

An ordinace with regard to the incorporation of the town of Mock-ville, in Davie county. A resolution to send copies of certain ordi onnes to the President of the United States.

vention with copies of the ordinances and jour-

The first ordinance was amended by the in bear but eight per cent interest, and further 12. An ordinance in relation to taxation by that they shall not be sold at less than par value. This ordinance applies only to the counties of Palk, Entherford, Cleveland, Davidson,

ver and Mortin. The Constitution of North Carolina and oth er ordinances were ratified.

At 1 o'clock, P. Mar pursuant to order, the Convention adjourned sine die.

Proceedings of Congress. Washington, June 22. The Senate was engaged in consideration of

The House devoted its entire session in dis-

cussion of the Indian appropriation bill.

A MESSAGE FROM THE PRESIDENT ON THE RECONSTRUCTION QUESTION.

Washington, June 22.

The President sent in to Congress to-day the following message in relation to the reconstruc-

tion amendment to the Constitution:

I submit to Congress a report of the S-cretary of State, to whom was referred the concurthe General A sembly shall have no rent resolution of the 18th instant, respecting a an additional article to the constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the Governors of the several States certified copies of the joint resolution passed on the 13th instant proposing an amendment to the Constitution.

Even in ordinary times, any question of amending the Constitution must be justly regard-

ed as of paramount importance. This importance, at the present time, is enhanced by the fact that the joint resolution was not submitted by the fact that the joint tions of the Convention. resolution was not sulmultted by the two Houses for the approval of the President; and that of as D. Fleury. . . . the thirty six States which constitute the Un- 29. A ordenance in reference to the payment iness in superior style, and cheap. House roofing ion, eleven are excluded from representation in either House of Congress, although, with the of the State, single exception of Texas, they have been en-Buxton, B. um, Caldwell, of Burke, Caldwell, tirely restored to all their functions as States in of Guilford, Dick, Dickey, Fautkner, Furches, conformity with the organized law of the land, Gahagan, Garland, Garland, Garrett, Godwin, and have appeared at the National Capital by Senators and Representatives, who have applied ison, Harnes, Hodge, Jackson, Johnston, Jones for and have been refused admission to the vaof Henderson, Jones of Rowan, Joyce, King, can't seats; nor have the sovereign people of the Logan, Love, of lekson, McCauley, McCorkle, nation been afforded an opportunity of express. poration of the town of Mocksville, in Davie McKay, of Harmett, McDanald, of Chathen, ing their views upon the important question county. son, Paillips, Polk, Rush, Settle, Sloan, Smith, ther State Legislatures elected without reference of Anson, Smith of Wilkes, Starbuck, Stephens, to such an issue should be called upon by Con- of the General Assembly. son, Stewart, Swan, Walkap, Ward, Williams, gress to decide respecting the ratification of the . 3. Resolution to have an abstract of the cenproposed amendment. Waiving the question sas of 1860 printed for the use of the convention, and sale of produce of every description, and to re Nays .- Messrs. Allen, Bagley, Barrow, Bing as to the Constitutionality validity of the pro- 4. Resolution to print pdd tional copies of an ceiving and forwarding goods

osing the amendment, or as to the merits of the article which it submits through the Exed in the accompanying report, as to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State Legislatures or to the people. On the An ordinance in relation to the deposit and contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the inter ests of the national order, harmony and union, and a due deference, for an enlightened public judgment may at this time suggest a fairs of the Albemarie and Chesapeake Canal a doubt whether any amendment to the Constitution ought to be proposed by Congress and pressed upon the Legislatures of the States for gas. final decision, until after the admission of such Joyal Senators and Representatives of the now unrepresented States as have been or may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

Accompanying the message of the President the report of the Seretary of State announcing that he had, in conformity with the proceeding which had been adopted by him, in 1865, regard to these proposed and afterwards adopted Congressional amendments to the Constitution of the United States concerning the pro-Mr. Howard offered an amendment to these chibition of slavery, transmit ed certified copies reyiding that the ordinance should not be con- of the joint resolution to the Governors of the trued to prevent any county from paying in several States, together with a certificate and

CAPTIONS

Of Ordinances and Resolutions passed by the late Convention

ORDINANCES. 1. An ordinance to change the time of hold-

ing the court of Pleas and Quarter Sessions of Alexander county. 2. An ordinance to alter the time of holding

the courts of Pleas and Quarter Sessions of Stan-

3. An ordinance to provide for executing decrees of the Supreme Court made at Morganton. 4. An ordinance concerning the qualification

of voters for municipal officers in the cities and incorporated towns of North Carolina. 5. An ordinance to amend the charters of the Union Mining Company, in the county of Rowan, and the Rudisil Gold Mining Company in the county of Mecklenburg, passed at the late

session of the General Assembly. 6. An ordenance to incorporate the North Carolina Petroleum and Mining Company.

7. An ordinance repealing the provisoes of Section nine, of an act of the General Assembly entitled "An Act concerning negices and persons of color, or of moxed blood," and for other

8. An ordinance to grant to the citizens of the county rote Path the power of voting with the district or county to which they are attached, in the election of members to the General Assem-

9. An ordinance concerning the crime of assau't with the intent to commit rape.

10. An ordinance in relation to the act of the General Assembly, entitled " Revenue." 11. An ordinance to incorporate "Oceanic

the County Courts, 13. An ordinance for exchanging the stocks

of the State for bonds issued before the year one thousand eight hundred and sixty one. 14. An ordinance concerning widows who have qualified as Executrix to the last will and

testament of their deceased husbands. 15. An ordinance to prohibit the sale of spir-

ituous liquors within one and a half miles of the Company Shops. 16. An ordinance to change the time of elec-

tions in North Carolina, and forother purposes. 17. An ordinance to pay the Provisional Judges of Courts of Over and Terminer for ser vices under "an ordinance to protect the own ers of property and for other purposes."

18. An ordinance to repeal the 20th section of the 53d chap, of the Revised Code, entitled " Governor and Council."

19. An ordinance to amend the charter of the Governor's Creek Steam Transportation and Mining Company.

20. An ordinance to incorporate the Wil-

mington Railway Bridge Company. 21. An ordinance extending the time for the settlement of the public taxes by the sheriffs and

tax collectors of this State. 22. An ordinance to divorce Jane F. Havens

and Thomas J. Havens.

23. An ordinance to change the jurisdiction 34. An ordinance to amend an act of the

of the Courts, and the rules of pleading therein. General Assembly, passed at its session of 1842 43, entitled an "act to uthorizeathe formation of a Fire Engine Company, in the town of Salem, N. C." 25. An ordinance to anthorize sundry sher-

iffs to collect arrearag s of taxes, 26. An ordinance concerning the Banks of the State. 27. An ordinance in relation to the deposit

and publication of the ordinances and resolus

of a portion of the public taxes into the treasury Guttering de. per contract. Sulls, and all other

30. An ordinance submitting to the qualified voters of the State the ratification or rejection of the Constitution, adopted by the Convention. 31. An ordinance to empower the Justices prices before purchasing elsewhere. of the several counties to borrow, money in certain cases, and for other purposes.

32. An ordinance with regard to the incor-RESOLUTIONS.

1. Resolution in regard to printing.

2. Resolution for the distribution of the laws

5. Resolution in relation to privies and water-

6. Resolution directing the Secretary of State

7. A resolution to prient an ordinance.

8. A resolution allowing compensation to the principal Secretary of the convention. 9. A resolution to employ a temporary door-

keeper. 10. Resolution to continue commissioners appointed by the Governor, under an act of the last General Assembly, to examine into the afcompany.

11 Resolution on lighting the Capitol with

12 Resolution to pay the commissioners apappointed to report to the General Assembly on the subject of Freedmen.

13 Resolution in favor of Theo. N. Ramsay. 13 Resolution in favor of R S Tucker.

14 Resolution in reference to payment of in-

terest on the public debt of the State. 15 Resolution to supply delegates of the convention with copies of the ordinances and jour-

16 Resolution concerning confederate securities, and State seccrities issued during the war, and the treasury.

WHO WANTS A PIANO?

SEVERAL Patrons of the Concord Pemale College have requested my aid in securing GOOD PIANOS for their use. This has induced me to make arrangements with some of the best manufacturers, which enable me to furnish instruments of the FIRST CLASS, at reduced prices. I can save each purchaser from \$40 to \$100. Price lists of the manufacturers will be sent to those who desire them, to aid them in making selections.

When sejectious shall have been made the money can be sent to me, at my expense, by the Southern Express, and a Piano will be shipped to the Depot the purchaser may designate. Each Piano sold wil be fully warranted Address me at Statesville, N.Cl J. M. M. CALDWELL

23:1y RUFUS BARRINGER JAMES W. OSBORNE.

OSBORNE & BARRINGER, Attorneys at Law,

CHARLOTTE, N. C WILL practice in the countries of Rowan, Cabarrus, Union, Iredell, Mecklenburg, Stanly, Lincoln and Gaston; also in the Supreme and Federal Courts of the State. Office in the Brick Building near the Court-

17:2mpd Important Information.

On the receipt of fifty cents, will be mailed to

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Viz:-cure for Botts, Stiffle, Spavin, Graveled Lameness, Bruised or Sare Backs, Windgalls, Heaves or Thumps, cure for Founder, to take Film from the Eye, Scratches, to prevent Botts, a certain remedy for Fistulo, to relieve Colic, Hide Bound, Broken Wind, Lameness in Hoof, Shoulder Slip, to prevent Foundering on the road, Diabetes

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a horse should be without these receipts. Address L. A. CLOUSE, Smith Grove, Davie County, N. C

April 3d, 1866. CARRIAGE

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The undersigned also carries on the Hatting busess, and in a seperate apartment, may always be found superior "home-made Hats." Call and see them, and bring all the furs you can to exchange for good, durable Hats.

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HAVING largely extended their facilities for 28 Andred names for the the sailed of Thomse, at kind of Transfilled show and Copper Work, a fully prepared to filt all orders in their line of bus-Copper work done in the very best matther and or accommedating ferms.

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