

THE WILMINGTON DAILY POST.

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Subscription: One year.....\$2.00 Advertisements \$1 per square.

BUSINESS CARDS.

DANIEL A. SMITH, Manufacturer and Dealer in all kinds of Parlor, Dining Room, Chamber and Office Furniture, Mattresses, Feathers, Window Shades, Wall Paper, &c., also Sash, Blinds and Doors.

JOSEPH H. NEFF, SHIP CHANDLER.

AND DEALER IN SHIP STORES, GROCERIES, HARDWARE, PAINTS, OILS, BOATS, OARS, &c. No. 23 Water, and 3/4 & 6 Dock Street, WILMINGTON, N. C.

GEO. Z. FRENCH,

No. 10, North Front Street, WILMINGTON, N. C., WHOLESALE DEALER IN Groceries, Provisions, Wines, Liquors, Cigars.

WOOD, WILLOW, and COMMON CROCKERY WARE.

27 Cotton and Naval Stores Bought or Received on Consignment.

DOLLNER, POTTER & CO., Commission Merchants,

New York. Liberal cash advances on consignments of Naval Stores, Cotton and other Southern produce.

HART, ESTES & CO., GENERAL

Commission Merchants, NO. 132 FRONT STREET, CORNER OF PINE NEW YORK.

CONSIGNMENTS OF COTTON & NAVAL STORES

solicited. Usual advances made and all orders promptly executed.

L. A. HART, JNO. C. BAILEY, WILMINGTON.

IRON AND COPPER WORKS.

AND MACHINE SHOP, ALSO MANUFACTURERS OF TURPENTINE STILLS, AND COPPER WORK in all its branches.

HART & BAILEY, Proprietors.

PETTEWAY & MOORE

GENERAL COMMISSION MERCHANTS, NORTH WATER STREET, WILMINGTON, N. C.

SOLICIT CONSIGNMENTS OF COTTON, NAVAL STORES AND COUNTRY PRODUCE.

Being Agents for the Manufacturers are prepared to fill, on the most reasonable terms, orders for

GEO. KIDD'S CELEBRATED COTTON GINS,

ZELL'S RAWBONE SUPER-PHOSPHATE, BROWN'S COUNTER, PLATFORM and RAILROAD SCALES.

J. C. MANN,

MANUFACTURER AND DEALER IN STAVES, SHINGLES, LAST BLOOMS, &c.

CASH PAID FOR WHITE OAK AND CYPRESS

timber delivered at his Mill at the foot of Castle Street.

TRWILLIGER & CO.,

Improved Triple Flange Fire and Burglar Proof SAFES.

With Combination and Powder-proof Locks, warranted free from dampness.

Jewelry and Bankers' Safes, Made to Order and fitted with Hardened Steel.

Manufactory, 184 to 182 West Houston Street, Depot, 100 Maiden Lane, near Pearl Street, N. Y.

OFFICIAL.

CONSTITUTION OF NORTH CAROLINA.

ARTICLE IV. JUDICIAL DEPARTMENT.

Section 1. The distinction between actions at law and equity, and the forms of all such actions and suits shall be abolished, and there shall be in this 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 civil action, and every action prosecuted 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. Forfeited issues shall also be abolished, and the fact at issue be tried by order of court before a jury.

Section 2. Three Commissioners shall be appointed by this convention to report to the General Assembly at its first session after this Constitution shall be adopted by the people, rules of practice and procedure to be conformable with the provisions of the foregoing section, and the convention shall provide for the Commissioners a reasonable compensation.

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

Section 4. The judicial power of the State shall be vested in a Supreme Court, Superior Courts, Courts of Justice, and in the Peace and Special Courts.

Section 5. The Court for the trial of impeachments shall be the Senate; a majority of the members shall constitute a quorum, and the judgment shall not extend beyond removal from office, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Section 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.

Section 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 convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attempt shall work corruption of blood or forfeiture.

Section 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Section 9. There shall be two terms of the Supreme Court held at the seat of Government, the first commencing on the first Monday in January, and the second in June, and continuing as long as the public interest may require.

Section 10. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this court; and the court shall have power to grant writs generally, to give effect to the general supervision and control of the inferior courts.

Section 11. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Section 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, and at such times as the General Assembly shall determine.

Section 13. Until altered by the following provisions, the Judges of the Superior Courts shall be: First District—Carrick, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie.

Second District—Tyrrell, Hyde, Washington, Beaufort, Martin, Pitt, Edgecombe.

Third District—Craven, Carteret, Jones, Onslow, Greene, Lenoir, Wayne, Wilson.

Fourth District—Brunswick, New Hanover, Currituck, Bladen, Sampson, Robeson.

Fifth District—Cumberland, Harnett, Moore, Richmond, Anson, Montgomery, Stanley, Union.

Sixth District—Northampton, Warren, Halifax, Wake, Nash, Franklin, Granville.

Seventh District—Person, Orange, Chatham, Randolph, Guilford, Alamance, Caswell, Rockingham.

Eighth District—Stokes, Forsythe, Davidson, Davie, Rowan, Yadkin, Surry.

Ninth District—Catawba, Cabarrus, Mecklenburg, Lincoln, Gaston, Cleveland, Rutherford, Polk.

Tenth District—Iredell, Burke, Caldwell, Wayne, Alexander, McDowell.

Eleventh District—Alleghany, Ashe, Watauga, Mitchell, Yancy, Madison, Buncombe.

Twelfth District—Henderson, Transylvania, Haywood, Macon, Jackson, Clay, Cherokee.

Section 14. Every Judge of a Superior Court shall reside in 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 reasons which he shall report to the Legislature at its current or next session, may require any Judge to hold one or more specific terms of said courts in honor of the Judge in whose district they are.

Section 15. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years; but the Judges of the Superior Courts elected at the first election under this Constitution, shall, after their election, 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.

Section 16. The General Assembly may provide by law that the Justices of the Supreme Court, instead of being elected by the voters of the State, as is herein provided for, shall be elected by the voters of their respective districts.

Section 17. The Superior Courts shall be at all times open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Section 18. 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, all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Section 19. 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 shall act as such officer 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 offices for the unexpired term.

Section 20. All vacancies occurring in the offices provided for by this Article of this Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointee shall hold their places until the next regular election.

Section 21. The officers elected at the first election held under this Constitution, shall hold their offices until the first day of January, 1869, and thereafter, until the expiration of their terms respectively, next ensuing the first day of January, 1870, but their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Section 22. 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, where the sum demanded does not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties, where the sum demanded does not exceed 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 shall cause a jury of six men to be impaneled, who shall try the same. The jury against the judgment shall be returned in any civil action, may appeal to the Superior Court from the same, and, if the judgment shall exceed twenty-five dollars, or imprisonment for more than one month, the appeal shall be to 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 on matters of law. In cases of criminal actions, the jury shall be returned by the Justice, and may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and transmit the same to the Clerk of the Superior Court for his county.

Section 23. When the office of Justice of the Peace shall become vacant, otherwise than by expiration of his term, the Governor may appoint the voters of any district to elect, the clerk of the Superior Court for the county, shall appoint to fill the vacancy for the unexpired term.

Section 24. In each county shall be appointed a Justice of the Peace, who shall hold office for two years, and shall be re-elected by the voters of the county, at the expiration of his term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint a Justice of the Peace until an election can be regularly held.

Section 25. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal to three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State shall be liable to pay the same, and shall not exceed two dollars on the head.

Section 26. The proceeds of the State and County capitation tax shall be applied to the purposes of education and to the support of the public schools, and the amount shall not exceed twenty-five per cent. thereof, and shall be appropriated to the latter purpose.

Section 27. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, and other securities, and all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises and incomes, and the constitution and laws of North Carolina shall not be construed to exempt any person from taxation, when the income is derived, is taxed.

Section 28. The General Assembly shall, by appropriate legislation and by appropriate means, provide for the prompt and regular payment of the interest on the public debt, and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the amount thereof shall be equal to the sinking fund, to be devoted to the payment of the public debt.

Section 29. Until the bonds of the State shall be paid, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing insurrection, or for the redemption of bonds, or for the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject thereof shall have been approved by the State, and be approved by a majority of those who shall vote thereon.

Section 30. Property belonging to the State, or to municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries, and the property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, and the tools, implements, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, to a value not exceeding three hundred dollars.

Section 31. The taxes levied by the State, and the several counties, for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Section 32. Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Section 33. The duty of the General Assembly shall be to provide for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath of affirmation to support and maintain the constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith.

Section 34. All elections by the people shall be by ballot and all elections by the General Assembly shall be viva voce.

Section 35. Every voter, except as hereinafter provided, shall be eligible to office, but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office. So help me God.

Section 36. The following classes of persons shall be disqualified for office: First. All persons who shall deny the being of Almighty God. Second. All persons who have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption or mal-practice in office, unless such persons shall have been legally restored to the rights of citizenship.

Section 37. The Board of Education shall elect officers for each county in the State, whose term of office shall be eight years. The first meeting of the Board shall be held within ten (10) days after their election, and at this and every subsequent meeting, ten Trustees shall constitute a quorum. The Trustees, at their first meeting shall be divided as equally as may be into four classes. The expiration of the first class shall be at the expiration of two years; of the second class, at the expiration of four years; of the third class, at the expiration of six years; of the fourth class at the expiration of eight years; so that one-fourth may be chosen every second year.

Section 38. The Board of Education and the President of the University shall be ex officio members of the Board of Trustees of the University; and the Board of Trustees, constituted by the Board of Trustees of the University, shall be clothed with the Executive Committee under the existing organization of the Board of Trustees of the University. The Board of Trustees shall be ex officio President of the Board of Trustees and Chairman of the Executive Committee of the University. The Board of Education shall provide for the perfect organization of the Board of Trustees.

Section 39. All the privileges, rights, franchises and endowments heretofore granted to or conferred upon the Board of Trustees of the University of North Carolina by the Charter of 1789, or by subsequent legislation, are hereby vested in the Board of Trustees authorized by this Constitution for the perpetual benefit of the University.

Section 40. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University, a Department of Agriculture, and a Department of Mining and Geology.

Section 41. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the term between the ages of six and eighteen years for a term of not less than six months, unless excused by other means.

Section 42. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such residents, shall be exempt from taxation, and no other exemption, or other formal process of any court, issued for the collection of any debt.

Section 43. Every homestead and the dwelling and appurtenances thereto, not exceeding in value one thousand dollars, shall be exempt from taxation, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling or buildings used thereon, owned and occupied by the resident of the State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other legal process obtained on any debt. But no exemption shall be claimed from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Section 44. The homestead after the death of the owner thereof, shall be exempt from the payment of any debt during the minority or his children or any one of them.

Section 45. The provisions of sections one and two of this article shall not be construed as to exempt a laborer's lien for work done, or performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Section 46. Nothing contained in the foregoing section of this article shall operate to prevent the owner of a homestead from disposing of the same by mortgage, or otherwise, or from the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

Section 47. The following punishments only shall be known to the law of this State, viz: Death, imprisonment, with or without hard labor, fines, removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State.

Section 48. The object of punishments being not only to satisfy justice, but also to reform the offenders, and this prevent crime, murder, arson, burglary and rape, and the infliction of a capital punishment shall be deemed a just and equitable punishment, if the General Assembly so enact.

Section 49. The General Assembly shall, at its first meeting, make provision for the erection and maintenance of a State Penitentiary at some central and accessible point within the State.

Section 50. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Section 51. A house or houses of refuge may be established wherever the public interest may require it, for the correction and instruction of incorrigible children of destitute parents.

Section 52. It shall be required by competent legislation that the structure and superintendent of penal institutions of the State, the county jails, and city jails, prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Section 53. Beneficial provisions for the poor, the orphan and helpless, being one of the duties of a civilized and christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their conditions, with suggestions for their improvement.

Section 54. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated and taught some business or trade.

Section 55. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and imbeciles.

Section 56. The General Assembly shall provide that all the deaf-mutes, blind, and the insane of the State shall be cared for; the charge of the State.

Section 57. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all pauper and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Section 58. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the Militia; provided, That persons who may be

Section 59. The Militia shall be organized into companies, battalions, regiments, brigades and divisions, and shall be subject to the call of the State for the purpose of suppressing insurrection, or repelling invasion.

Section 60. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, and for equipping the same when called into active service.

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Section 62. The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service.

Section 63. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, and for equipping the same when called into active service.

Section 64. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the Militia.

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