

RAILROAD COMPANY v. COLLECTOR.

1. Under the provisions of the act of March 3, 1877 (19 Stat. 344), the cost of printing all records in this court, after Oct. 1 in that year, which is paid by the government, must be taxed against the losing party.
2. The appellee, the successful party in this court, caused the printing of the record, after said last-mentioned date, to be done at his own expense, but at a cost no greater than if the work had been done at the government printing-office. *Held*, that such cost be taxed against the appellant.

MOTION to tax the expense of printing the record as part of the costs in this case.

Mr. James K. Edsall in support of the motion.

Mr. Joseph E. McDonald and *Mr. R. P. Ranney*, *contra*.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

The first appropriation by Congress to pay the expense of printing the records of this court was made June 27, 1834. 4 Stat. 695. Since that time until the present term the printing has been done by the government, without charge to litigants. In the appropriation act of the last Congress, however, passed March 3, 1877, it was provided as follows:—

“And there shall be taxed against the losing party in each and every cause pending in the Supreme Court of the United States, or in the Court of Claims of the United States, the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerks of said courts respectively, and paid into the treasury of the United States; but this shall only apply to records printed after the 1st of October next.” 19 Stat. 344.

This provision is still in force, so that now the cost of printing all records in this court paid by the government must, by law, be taxed to the losing party.

The appellee caused the record in this case to be printed after Oct. 1, at his own expense, as the congressional appropriation was exhausted before it became necessary to do the work. The cost was no greater than it would have been at the government printing-office. Under these circumstances, as

the decree below has been affirmed, we think the motion should be granted, and therefore order that the amount paid by the appellee for printing the record in this case be taxed against the appellant.

Motion granted.

EDWARDS v. KEARZEY.

The remedy subsisting in a State when and where a contract is made, and is to be performed, is a part of its obligation; and any subsequent law of the State, which so affects that remedy as substantially to impair and lessen the value of the contract, is forbidden by the Constitution of the United States, and, therefore, void.

ERROR to the Supreme Court of the State of North Carolina.

This action was commenced by Leonidas C. Edwards, March 31, 1869, in the Superior Court of Granville County, North Carolina, against Archibald Kearzey, to recover the possession of certain lands in that county. They were levied upon and sold by the sheriff, by virtue of executions sued out upon judgments rendered against Kearzey, on contracts which matured before April 24, 1868, when the Constitution of North Carolina took effect, the tenth article of which exempts from sale under execution or other final process, issued for the collection of any debt, the personal property of any resident of the State, and "every homestead, and the dwelling and buildings used therewith, not exceeding in value \$1,000, to be selected by the owner thereof." Prior to that date, under statutes since repealed, certain specified articles of small value, and such other property as the freeholders appointed for that purpose might deem necessary for the comfort and support of the debtor's family, not exceeding in value \$50 at cash valuation, and fifty acres of land in the county and two acres in the town of not greater value than \$500, were exempt from execution. The lands in question were owned and occupied by Kearzey as a homestead, and as such were set off to him pursuant to the mode prescribed by the legislation for carrying the constitutional provision into effect. He had no other lands, and they did not exceed \$1,000 in value.