

The Wilson Advance.

FRIDAY, MARCH 31, 1876

H. G. WELLS, Editor

RAILROAD MONOPOLIES.

One of the main objects of government should be to protect its citizens from injustice and imposition. It was never intended by the grant of any charter, that any railroad company should be licensed to practice unjust discriminations and extortions towards any portion of the community. A railroad company is, chartered, and is chartered solely, for the purpose of exercising the functions and performing the duties of a common carrier. The great object is the benefit and convenience to the public without injustice to any individual or class of individuals. On this subject there seems to be an erroneous impression among people. It is too readily conceded that a railroad corporation can operate in any community, after being chartered, in any manner it may choose and discriminate at pleasure in favor of, or against any locality as its interest or inclination may dictate. Such is not the case. No State could with justice confer such extraordinary franchises upon any individual or corporation. Their evil tendency are too transparent to be disputed, and the baneful consequences of such a grant are too unjust to be tolerated.

A case covering this very question has recently been decided by Chief Justice Lawrence, in Illinois, which clearly shows that a State Legislature has power to prohibit unjust discrimination in railway freights, and in this opinion, the other Judges unanimously concurred. The learned Judge, in rendering his opinion, declares that a chartered railroad company stands on the same footing with a common carrier. He then proceeds to show that the duties and liabilities of common carriers are clearly defined by the common law. He says:

"In all commercial countries the law upon this subject is one of the most important branches of legal science, and its principles were established by the Courts of England at an early date. One of these principles is, that nothing excuses the carrier for the non-delivery of the goods received by him, except the act of God, or the public enemy. We do not find it written in the charters of railroads, that they shall exercise their franchises subject to this stringent liability, yet, nevertheless, this court has, only hold them to it, not permitting them to evade it by notice or any means short of a special contract with the shipper. Another well settled rule of the common law in regard to common carriers is, that they shall not exercise any unjust and injurious discrimination between individuals in their rates of toll." In the language of Chief Justice Holt, in the celebrated case of *Coggs vs Bernard*, the common carrier exercises a public employment, and it necessarily follows that he must deal with the public fairly, and without unjust discrimination."

According to this able and learned decision of Judge Lawrence, it is no more necessary to express in a railroad charter that the company shall not unjustly discriminate, than it is that they shall be responsible for the safe delivery of goods. These restrictions are fixed by the common law, and are implied when the charter is granted.

We hold then that the Legislature can enact a law against the unjust discriminations of railway companies, and we are sustained in this opinion by the highest authority in the country. The authority quoted above is amply sufficient, and as evidence of the high reputation of the Supreme Court of Illinois, we can point to the fact that the Supreme Court of our own State has recently referred to two of their decisions as worthy to be followed.

Our last Legislature passed an act to prohibit unjust discriminations, but the law was so conditioned as to allow the railroads to charge what they please to and from all competing points. This proviso destroyed the virtue of the act, and rendered the law a dead letter so far as relief to the injured was concerned. The decision of Judge Lawrence covers this very point. The complaint before him was that the railroad charged a higher rate for transportation sixteen miles less in distance, and it was shown that injustice could be done individuals and families by such charges as clearly as if the charges were different for two individuals at the same time.

There has been no check by the law

of our State to the extortions and unjust discriminations of monopolies, and the people have been imposed on to such an extent, that it has become intolerable. The act of the last Legislature, though inefficient, is evidence of the popular pulse. It is the emerging wedge, and the people will not be satisfied until full protection is guaranteed to them by their law makers. It was never intended that railroads should be engines of oppression. They were intended for the public convenience. Whether expressed in their charters or not, they must be held responsible for the safe carriage and delivery of goods, and prohibited from unjust discriminations. If there is any doubt on this point, (and we do not think there is any) the people of the State are entitled to the benefit of that doubt, for Judge Pearson, in case of Raleigh & Gaston R. R. vs Ried, in substance declares, that the State in granting a charter stands not so much in the relation of one of two contracting parties as in that of an indulgent parent conferring favors upon his children, and yielding to imposition. The consequence of which is, such charters are to be strictly construed against the corporations.

At the same time is the very able opinion of our Supreme Court, delivered by Judge Byrnes in case of *Simonton vs Lanier* at June Term 1874 in quoting Lieber to the effect that "privileges or favors are to be construed so as to be least injurious to the non-privileged, or unfavorable."

SOUND ADVICE.

Although advice on that score has been heretofore unheeded, it is yet the duty of the press of the South to impress on the farmers the ruinous consequences of raising so much cotton, and neglecting to make home supplies. Experience, though the dearest, is the best teacher. The South has been severely taught and with the results of a heavy crop of cotton before us, and hard times the universal cry, it does seem to us that the Southern planters should be thoroughly satisfied with the experiment. It would seem a superfluous task to remind them of the danger of pursuing the same course, which has proved so disastrous in the past, but the following sound and wholesome advice, from the pen of Bishop Pierce is so timely and well expressed that we present it to our readers and respectfully ask a careful perusal. It is taken from the *Southern Advocate*.

Verily King Cotton, like other kings, is consuming the substance of the people. Prosperity in this article of production, it seems, "tendeth to poverty." A very heavy crop has been made, and yet the people are on the "ragged edge" of insolvency. The more we make the poorer we grow. And yet the desperate bet is laid on another crop, in the face of ten years' unbroken uniformity of results. The heathen adage, "Whom the gods mean to destroy they first make mad," is being actualized. No soil, no fertilizer, no seasons, will save the country on the line of its present agricultural policy. The result is just as disastrous on the virgin soil of Texas as on the wasted lands of Georgia. The man who loses money in making ten bags of cotton, will lose yet more in the production of a hundred. This is the fact in experience, in spite of theory and fighting. Forgive this episode, for I am really distressed at the prospects of the country, financially. Bad government may destroy us and our property, but no legislation can lift us out of the present "slough of despond" without home supplies. Bread and meat must be made, not bought. The stomach costs more than the back. Make bread, raise meat, live at home, be self-supporting. Neither inflation, nor contraction, nor the financial plank in the coming platform will save us. Help must come out of the ground in bread-stuffs. You may go to Texas—all cotton will swamp you; you may stay in Georgia and grow fat and rich on peas, potatoes, wheat and corn. Let us all our farmers with all manner of crops, these our crops will be strong to labor, our sheep will bring forth thousands; then there will be no breaking in nor going out in quest of food—plenty and peace will lush "complaining in our streets," and we shall be a happier and better people.

The Connecticut election occurs next Monday. The campaign has been warm and excited and as in New Hampshire the radicals have distributed a large amount of their stolen surplus funds to carry the State. It is expected however that the gallant little New England State will maintain her principles intact and roll up an increased majority. The majority for Ingersolls, democrat, last year for Governor was 6,538.

That the democratic is an economical party is shown by this: "The legislative, executive and judicial appropriation bill cuts off 1,034 clerks from the department in Washington, and saves on salaries \$1,458,455."

The Radical Executive Committee met in Raleigh last week, and appointed James Harris, negro, Thomas Powers, V. A. Lusk and W. H. Wheeler delegates to the Cincinnati Convention. Their State Convention will be held on the 12th of July.

NEW ADVERTISEMENTS.

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FRESH ARRIVAL OF SEASONABLE GOODS AT
Just received at Fulcher's Family Grocery and General Variety Store, on Tobacco Street: SUGAR, CURRED HAM, BUTTER, GILT N. C. HERRINGS, NOVA SCOTIA CANDLES, &c. &c.
TOILET SOAPS, in endless variety, including the WHITE RUSSIAN SOAP, the best and cheapest toilet soap that ever was used. ALSO GENERAL STOCK OF LIQUORS (the "OLD" one) a pure and standard Kentucky Rye Whiskey old and molasses, sold only for medicinal purposes. The best in the market.
For heights and first class goods never stop until you get to FULCHER'S. Do this and you will be happy.

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Agent for the Fountain Run Distillery of Cincinnati, Ohio. Orders taken and filled within one week for all GRADES OF WHISKIES, by the Package at prices to defy any competition.

Sole agent for the Jefferson Brand of Whiskey, which for Bar use, has no superior and which he offers to the trade at prices lower than any, for the same class of Goods.

CIDER AND ALE constantly on draught.

CENTURY WHISKIES: X, XX, XXX, XXXX ALWAYS ON HAND.



Agent for the Sale of the Magic Inexhaustible Ink Stand.

The greatest invention of the age. Certificate from Dimeon, Sherman & Co., Barport & Brothers, Atlantic Mutual Life Ins. Co., and from the editor of this paper. Also from D. Matt Thompson, Principal, Rock Spring Seminary, N. C., and from all parts of the country. It produces an inexhaustible supply of Ink merely by the addition of water in the stand. A *General Trade*. The above is a set of one price \$2.00, the smaller sizes from 50 cents up. Call and see them, always on hand. Orders promptly filled.

SAMB. WATERS, Agent, for this section of N. C.

OLD THINGS MADE NEW. The public should remember that J. B. Clements is better prepared than ever at his DYEING ESTABLISHMENT to dye, clean, and finish all kinds of colored goods. At a very small cost your old clothing can be changed to a fresh and fashionable color.

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AT ALL TIMES. Pure Nitrous Oxide Gas for painless Extracting. Always on hand.

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Soluble Phosphate,

Manufactured by Lorenz & Ritter, of Baltimore, Md. THE BEST FERTILIZER IN THE MARKET.

Standard Guaranteed

FOR 400 LBS. OF COTTON.
\$52.50 PAYABLE NOV. 1ST 1876,
OR
\$47.50 CASH.

Call and see certificates and circulars. SEND ORDERS AT ONCE, THAT WE MAY SUPPLY WHILE WANTED. WE SELL WILSON, EDGEcombe, NASH, GREENE, MITT & WAYNE COUNTIES.

Refer for information as to quality of the Star: F. W. Barnes, H. G. White head, Drs W W Winstead, J J Taylor, N. R Strickland and all others who used the same.

Acid Phosphate,
\$30 Cash. \$37.50 Nov. 1st. '76

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Silicated Super-Phosphate,

Analysis of Cotton Fertilizer,

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|------------------------|-------|------------------------------|-------|
| Soluble Phosphate Acid | 6.55 | Equivalent to Bone Phosphate | 15.17 |
| Precipitates | 3.26 | " " | 7.12 |
| Insoluble | 0.21 | " " | 0.46 |
| Potash | 3.63 | " " | 6.75 |
| Magnesia | 2.51 | " " | 6.33 |
| Silicic Acid | 11.71 | " " | |

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owing endorsement of Baron Justus von Liebig and other great Chemists of Europe and this country, etc. of the leading scientific and agricultural journals of the United States. The U. S. Government has granted a Patent for the discovery of the new ingredient "Infusoria Vegetabile Silica", the sole right to use for 14 years.

We do not believe in one Patent Medicine for all diseases, nor in one Fertilizer for all crops.

Our Formula is altered according to analysis of the plant to which it is to be applied. A different compound is made for Cereals, for cotton, for tobacco, truck &c.

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Represent the N. C. State Life Insurance Co., and will attend promptly to any business in their line. Office in Advance Building.

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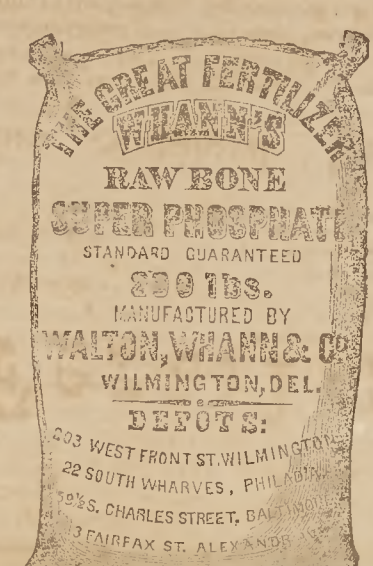
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Special inducements offered to dealers. Agents wanted. Orders solicited. Address, WESTBROOK & Co., P. O. Box 17 Wilson Co., Wilson, N. C. Mar. 2d-4th.

I will sell privately, two unimproved TOWN LOTS, each containing one acre and one pole, lying between Mrs. J. P. Jenkins and the late D. B. Williams' lots, in the town of Nashville. Terms one third cash and the balance in eight months. Title withheld till all purchase money is paid. GEO. D. DRAKE, Hilliardston, Nash county, N. C. Mar. 17. 11.

WHANN'S

RAW BONE SUPER-PHOSPHATE



We again offer this well known Fertilizer to farmers who wish to raise paying crops. After many years of successful application WHANN'S has established itself as the best. It stands confessedly without a superior among commercial fertilizers. IT HAS BEEN TESTED IN ALL SECTIONS OF THE COUNTRY, UPON ALL DIFFERENT AND ON EVERY VARIETY OF CROPS, and by its unrivaled success it has achieved a reputation which few, if any, of its competitors can equal. On cotton, corn and other important crops grown in this State.

FOR SALE BY
M. ROUNTREE & CO.,
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Jan. 21-3m.

WHANN'S

RAW BONE SUPER-PHOSPHATE

As produced highly profitable results. Utilizing the quick and active properties of the best Peruvian Guano and the purest quantities of pure dissolved bone, it is only greatly to be desired the present crop, but it will certainly improve the soil. Farmers who have not yet used WHANN'S are earnestly invited to give it a trial.

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OF LIME



Bradley's Super-Phosphate of Lime has been used in large quantities over a greater extent of country for a longer time than any other

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From Maine to Mississippi and throughout the Eastern British Provinces, it has established a reputation as

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We have sold it for ten years in Wilson and it has given great satisfaction to our customers in the past, as its uniform standard of excellence is a guaranty that it will in the future.

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