

The Daily Journal.

WILMINGTON, N. C., TUESDAY, MAY 4, 1875.

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WHOLE NO. 6,870.

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TUESDAY, MAY 4, 1875.
BY TELEGRAPH.
HEADQUARTERS.
SALES OF GOLD BY THE GOVERNMENT.
RESIGNATION OF THE AUSTRIAN MINISTER.
NOTICE TO MARINERS.
IMPORTANT RAILROAD CASE IN THE SUPREME COURT.

WASHINGTON, May 3—Noon—The Government sells one million and a half of gold on the first and third Thursdays, and one million on the second and fourth Thursdays in May, making a total of five million.
Baron Schwassenburg, Austrian Minister, has tendered his resignation and it has been accepted.
WASHINGTON, May 3—Night—The light and fog bell on Fort Carroll, Patuxent River, Md., will be removed May 6th, to the southwest angle of the fort.
Custis S. Burnham, of Richmond, Ky., has been appointed Assistant Secretary of the Treasury, vice Hastler.

The Supreme Court to-day decided the case of the State of Maryland against the Baltimore and Ohio Railroad Company. The State claimed a deferred payment of five hundred thousand dollars as due for the period between the years 1860 and 1870, being one-fifth of the amount of passenger fare over the Washington and Baltimore branch of the Road. The company refused to pay the amount to the State on the plea that the tax was unconstitutional. This the Court of Appeals of Maryland overruled, affirming the right of the State to the money in question. The Supreme Court holds that the passenger tax was different from a tax on inter-State commerce, which the State could not enforce. The State had a right to impose conditions in the granting of the charter for the road, and it mattered what became of the money. The proportionate amount, or one-fifth of the passenger fare, was a bonus to the State. It was a condition imposed in consideration of the franchise. This the State had a right to do. The Court, in view of the facts presented, could not regard the stipulation between the parties as unconstitutional. The decision of the Court of Appeals was affirmed. Justice Miller dissented from the opinion of the Court, regarding the tax imposed by the State of Maryland as unconstitutional.

202. The Mechanics and Traders Bank of the Union Bank of Louisiana, error, to the Supreme Court of Louisiana. The plaintiff sued in the Sixth District Court of the Parish of Orleans to recover of the Union Bank \$130,000 which they had paid under compulsion of a judgment given by the Provost Court of New Orleans in 1862, when the city was occupied by government troops under Gen. Butler. The argument was that the establishment of the Provost Court, the appointment of the Judge and the proceedings in the case before him were invalid because in violation of the Federal Constitution, which vests the judicial power of the government in one Supreme Court and in such inferior courts as Congress may from time to time establish. It is here held reaffirming the decision in the case of the Grapesplot, that the Court instituted in this case by authority of the President as Commander-in-Chief, to hear try and determine civil causes, was lawfully authorized to exercise such jurisdiction. Its establishment by military authority was held to be a violation of the constitutional provisions referred to above, and it is said that that clause has no application to the abnormal condition of conquered territory in the occupancy of the conquering army. The power to establish by military authority Courts for the administration of civil as well as criminal justice in portions of the conquered States occupied by national forces is precisely the same as that which exists when foreign territory has been conquered, and occupied by the conquerors. What that power is has several times been decided. The case of Liebersdorfer and Hangman vs. Webb, growing out of the conquest of New Mexico, in 1846, is cited as a notable illustration of their powers. There similar courts were established without any legislation of Congress and they were held to be lawfully constituted by this Court. In view of these decisions it is said that it is not to be questioned that the Constitution does not prohibit the creation by the military authority of the Courts for the trial of civil causes during the civil war in conquered portions of the insurgent States. It was but the exercise of the ordinary rights of conquest. The plaintiffs, therefore, were properly subjected to the power of those Courts and had no right of immunity. General Butler being in command in Louisiana, he was invested with all the powers of making war, except so far as they are denied him by the commander-in-chief, and among those powers was that of establishing courts in the conquered territory. It must be presumed that he acted under the order of his superior officer, the President, and that his acts in the prosecution of the war were the acts of his commander-in-chief. Although the order by which the courts were created did not define the nature and extent of his jurisdiction, and while it is true that a Provost Court, ordinarily, has a jurisdiction only of minor criminal offences, still a legal jurisdiction may be given to it, but whether such further jurisdiction was given in this case, the Court are not called upon to determine, having

affirmed the decision below; as to the right questioned, the only point which settles the case to be heard here, this Court declines to inquire whether the Provost Court acted within its jurisdiction or not; that is said to be a question exclusively for the State tribunal. The State Constitution of 1868 ordaining that all judgments on contracts obtained and made in good faith and in accordance with existing laws of the State between the 26th of May, 1861, and the adoption of the Constitution should be valid, impaired (no implied contract on the part of the Union Bank to refund in case the judgment of the Provost Court was void for want of jurisdiction, because if the Court was lawfully established, no such promise was raised. Besides, the Court cannot admit that the Legislature of a State may not validate the judgments of a Court in fact, though in giving the judgment, the Court may have transcended its jurisdiction. Approved.
Mr. Justice Strong delivered the opinion. Mr. Justice Field dissented.

LOUISIANA.
THE LEVEE COMPANIES DEFALUT.

ARREST OF MEMBERS OF THE LEGISLATURE.

New Orleans, May 3—Noon—Both the City and the Louisiana Levee Companies defaulted on the interest due Saturday.
Five persons, members of the Legislature, have been indicted, charged with the intention of influencing votes.

EUROPE.
THE CONTROVERSY BETWEEN GERMANY AND BELGIUM.

TWO GREAT VICTORIES FOR THE CARLISTS REPORTED.

MUTINY ON SHIPBOARD.

LONDON, May 3—Noon—A dispatch from Berlin says: The last Belgian note was highly satisfactory, and terminates the controversy.
The Carlist Committee here has received telegrams reporting great victories by Don Carlos' forces, under command of Saballs, over the Spanish government troops at Breda, Lerida and Santa Coloma. The latter place is in the province of Barcelona. The enemy numbered 4,000 men. They lost five of their chief officers in the first engagement, and 300 men in that at Santa Coloma. Another great victory for the Carlists under Castelles, is reported from Aragon. The government troops are said to have lost all their artillery, and many prisoners. The Alfonsoist general, Delatre, was killed.

LONDON, May 3—Night—The *Sobr. Jefferson*, Borden, from New Orleans for this port, has arrived off Port Haven. The captain reports that the crew mutinied, the first and second mates were killed, and two sailors were wounded and put in irons. One sailor was wounded and chained to the pump. The vessel was worked by three hands.

GOTHAM.
FRIGHTFUL DISASTER ON EAST RIVER.

New York, May 3—Night—The steamer City of Hartford, while passing through East River this morning, ran into the scow *Charles McManis*, No. 5, on which was Capt. Costa, wife and four children, the eldest being seventeen years old. The scow capsized and four children were drowned in the cabin. Capt. Costa and wife were saved by the crew of a passing pilot boat.

New York, May 3—Night—The captain and pilot of the City of Hartford have been held for \$5,000 bail for running down a scow, whereby four children, 15, 6 and 3 years and 20 months, were lost. The father and mother were saved.

MISSOURI.
ACCIDENT TO THE STEAMER ST. LUKE AND LOSS OF LIFE.

St. Louis, May 3—Night—The steamer *St. Luke* struck the *St. Charles* bridge and four persons were lost. Mrs. Liwan, wife of John Liwan, a railroad man of Kansas City or Jefferson City, and her two little girls, aged respectively seven and eight years, were lost on the steamer *St. Luke*, and six or seven dead passengers are supposed to have been, though their names cannot be ascertained.

ALABAMA.
THE SPENCER INVESTIGATING COMMITTEE.

Montgomery, May 3—Noon—The Committee of the Alabama Legislature to investigate Spencer's election, will be in session in Mobile, until Wednesday night, and will then adjourn to this city, and commence on Thursday.

John Bruce, Bristle's successor, commences his first term here to-day.

ELECTRICISMS.

The production of the mills at Lowell, Mass., has decreased 25 to 40 per cent. since the strike. In spinning it has decreased 50 per cent.

Haytien advises report the British Consul arrested and wounded at Port-au-Prince. The English war vessels are in motion for an explanation or retaliation.

A water spout on Sunday lifted the bridges, culverts and track on the Kansas and Texas Road near Elk Creek.

The losses by Saturday's fire at Montpelier will aggregate \$137,000. A desperado killed a policeman at Plymouth, Mass., who attempted to arrest him.

THE FIRE FIEND.
SAW MILL BURNED IN JACKSONVILLE, FLA.

JACKSONVILLE, Fla., May 3—Noon—The extensive steam saw mills of Epfinger, Russell & Co, have been destroyed by fire. Loss \$100,000. Only partially insured.

THE WEST.
A TORNADO DOWN IN GEORGIA.

Augusta, May 3—Noon—The storm struck the up passenger train on the Georgia Railroad as it was leaving Rutledge. Trees were blown across the track. Dr. Montgomery's house near Rutledge was blown down, and a son four years old blown away. John Norton's wife and child were badly hurt at Covington.

NEW ADVERTISEMENTS.
Soda Water.
ICE COLD SODA WATER ON DRAUGHT and in Siphon Bottles, at
JAMES O. MUND'S Drug Store,
Third St., opposite City Hall.
may 4

I Have this Day Received
ANOTHER SUPPLY OF THOSE HAND-MADE Washie Sewing and Cable Wire of the Low-Quarter Shoes of various styles. Also Girls' Goat's Hair Ties and No. 11 Socks. Ladies' Slippers in great variety, from \$1 and upwards. Misses and Children's shoes a specialty.
S. B. Ladies' Dress Slippers only at
CHARLES A. PRICE,
No. 36 Market St., sign of the Golden Foot.
may 4

BRICK.
A NEW KIN JUST BURNED BRICK will compare with the best. Sold at \$7 and \$8 per yard, and \$1 for delivering.
NATHAN & CO.,
OF OLIVER & CUMMINGS.
may 4

For Rent!
ONE OF THE MOST COMFORTABLE six room Houses in the city. Central location.
Address BOX 33,
Wilmington, N. C.
may 4

The Mysteries of the Court of Queen Anne.
BY WILLIAM HARRISON AINSWORTH.
Paper. Price 30 Cents.

The Mysteries of the Court of the Stuarts.
BY WILLIAM HARRISON AINSWORTH.
Paper. Price 75 Cents.
For sale at
A. DAVID,
106-11

HEINSBERGER'S
Live Book and Music Store.
may 4

Nobby Styles.
RECEIVED TO-DAY PER EXPRESS another lot of
MAY 4

Men and Boy's Clothing.
SOMETHING ENTIRELY NEW.
Those who want fine Suits will do well to call early before they are sold.
A. DAVID,
may 4

1854.
Baker Whiskey.
OLD FORT, ALE AND PORTER,
APPLES,
ORANGES and
LEMONS.
FRESH GROCERIES BY EVERY STEAMER.
H. W. SHURE,
No. 31 North Front St.
may 4

Hubs, Spokes and Rims.
BUGY WHEELS, Axles, Cart Wheels, Wagon Axles, Rags, Springs, Sails, Hoops, Shafts, Bugby Bodies, Shot Iron best, Carriage Trimmings of all kinds, Cut Dash Leather, &c. The largest and cheapest stock in the city can be found at the Old Established Hardware House of
JOHN DAWSON,
Nos. 19, 20 and 21 Market Street.
may 2

Buggy Harness,
Wagon Harness, Dray Harness, Cart Harness, Collars, Harness, Backbands, Blind and Riding bridles, Halters, Curry Combs, Horse Brushes, Feather Dusters, Trunks, Bags and Satchels, Summer Lap Robes, Whips, Spurs, and all kinds of Saddlery Goods at bottom prices.
CARPENTER & MALLARD,
Successors to
TODMAN & CO.
No. 2 South Front Street, WILMINGTON, N. C.
April 31

Trunks and Bags
FROM THE CELEBRATED METRO-FACTORY, Sole Agents for this city.
Trunks for Ladies,
Trunks for Gentlemen,
LADIES' SATCHELS,
Fine Grain Leather Bags,
Trunks Seventy-five Cents and up,
BAGS One Dollar and up.
MUNSON & CO.,
CITY CLOTHIERS.
may 3

Spring, MAPPING, Summer.
English and American Oil Cloth, Mosquito Nets, Wire and Tin Meat Safes,
For sale low by
D. A. SMITH & CO.
may 2

NEW ADVERTISEMENTS.
MORE PARTICULARS!

MY ASSORTMENT OF
SPRING AND SUMMER GOODS

IS NOW COMPLETE

IN ALL THE DIFFERENT LINES.

My customers have shown their appreciation of my LOW PRICES by their liberal purchases, for which I'm thankful. STRANGERS not posted, and desiring the value of their money, can get it by calling

— AT —
M. M. KATZ'S, 36 Market St.

NOTICE.
Carolina Central Railway.
EXCURSION TICKETS from Wilmington to Charlotte and return, can now be purchased of the Company's Agent, at \$13 each. Good to return seven days from date of issue.
F. W. CLARK,
General Ticket Agent.
may 2

"PERFECT."
BURNETT'S
Perfect Baking Powder.
Try it—the best brought to this market.
Try it with our "New Process Empire Flour" and "satisfy" yourself it is the "Best."
New Butter to arrive Monday.
From our regular Dairy and "some genuine without our stamp."
100 KITS 100
No. 1 Mackerel
At 93 PER KIT.
ALL GARNED FRUITS and VEGETABLES we have brought down—the prices and selling very low. "Send for prices." The best opportunity to buy Canned Goods ever offered in this market. Send to us and save money.
APPLES, ORANGES and LEMONS,
Parched Java and Laguayra Coffees "to arrive Monday."
Our weekly supply of the Cooked Corned Beef just in. Every housekeeper should have it. Genuine sold by
GEO. MYERS,
11 & 13 South Front Street.
105-11
may 2

Ice Cream! Ice Cream!
I WILL OPEN MY ICE CREAM SALOON on Thursday, April 30.
Ice Cream, made from pure cream, sent to any part of the city at 75 cents per quart.
J. C. LINDSEY,
April 27

Extracts for the Toilet.
GIRLAIN'S EXTRACTS,
Lubin's Extracts,
Parson's 3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-151