

The Wilmington Post.

VOLUME X.

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WILMINGTON POST ADVERTISING RATES.

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AN IMPORTANT DECISION.

The Supreme Court of the United States.

No. 735. *The Union Pacific Railroad Company, appellant vs the United States.*

This was a suit brought by the Union Pacific Railroad Company in the Court of Claims to recover from the United States, under the acts of Congress of July 2, 1864, and March 3, 1871, one-half of the compensation due it for the transportation of mails, troops, supplies, and munitions of war, amounting in the aggregate to \$200,000. As a defense to this suit the government set up a counter claim under the sixth section of the act of July 1, 1862, to five per cent of the net earnings of said road from the date of its completion November 6, 1869, to November 3, 1874, amounting to \$1,400,000. This claim the Union Pacific Company resisted on the ground that its road was not completed in 1869, as alleged by the government, but in 1874, and that the interest upon its indebtedness, as well as its running expenses, should be deducted from its gross receipts in computing the net earnings upon which the United States was entitled to receive a percentage. A trial in the Court of Claims resulted in a victory for the government, that Court holding the road was completed in 1869 and that the government was entitled to receive the difference between half compensation, which, it admitted, was due to the railroad company and the full amount of its counter claim. From that decision the Union Pacific Company appealed. The questions presented to this Court for decision are:

First—When was the Union Pacific Railroad completed?

Second—What should be included in the words "net earnings?" and

Third—How and under what conditions are payments to be made?

The Court holds—

First—That under the act of Congress, the road was completed in 1869.

Second—That the net earnings are all its earnings from all sources, government and otherwise.

Third—That the net earnings thus computed shall be applied, first, to the payment of the interest on the first mortgage bonds of the road, and then to the claim of the government. Also a surplus remaining for one year cannot be carried over to another, under the terms of the act.

The same decision is rendered in regard to the Central Pacific Railroad Company.

One hundred cents for The Wilmington Post for 13 Months.

The Richmond Sun tells a horrible story about the state of things in Virginia, — one of those happy states that never had any rule but Bourbon:—

Everybody within her borders is taxed for being or doing whatever he is or does. Real-estate, personal property, every male over twenty-one years of age, all incomes over six hundred dollars, fifty-two different occupations or kinds of business, merchants, sample merchants, retailers of tobacco, private bankers, attorneys and physicians,—all of these are groaning under the load of taxation; and, yet, we are falling behind more than a million of dollars a year.

A man is taxed in Virginia,—is taxed not only on all the property he has, and then upon all that it yields him, but also on every effort that he makes to get property. The very attainment of one's majority here is celebrated by a signal to the collector to come around and present a tax bill.

Then, again, he is taxed upon the money that he spends, if he spends it for liquor, and the grave even does not relieve him, for there is a tax on property willed or inherited, and on deeds and mortgages.

B'nal Brith

This very important organization of the Hebrews, the name of which means "The Sons Covenant," has been holding its general convention at Philadelphia for several days. Two hundred and fifty accredited delegates were present. The order numbers 23,000, in the United States, and is increasing in numbers from the best element of the Hebrew population.

It is a secret organization, humane in all its purposes, and self protective to its members. It answers the purpose of a life insurance, only that it is less expensive. But it is very broad in its charities as was witnessed in its liberality to the sufferers from the yellow fever. It promises to become one of the most useful of American societies.

LATEST NEWS

Gen. Sherman has just visited Atlanta for the first time since the war. The local papers treat him civilly, and the state officials call on him.

The Teller committee have closed their investigation at Charleston. The result of the inquiries of this committee confirms the charges in regard to the southern elections.

Senator Christiancy, of Michigan, has resigned, and has been appointed Minister to Peru. He goes there on account of his health. Ex Senator Chandler, the old stalwart war-horse, will, it is said, succeed him.

W. L. Saunders has resigned as the editor of the Raleigh Observer, and retired from journalism, on account of ill health. It is said that he is going to try again the curative properties of Arkansas Springs.

There is a terrible plague raging in some parts of Russia. It seems to have originated near the mouth of the Volga, and is sweeping northward. All Europe is greatly agitated about it and are taking energetic measures to check it.

A verdict has been rendered in the case of the Arlington estate against the government. The decision transfers the whole property to the heirs of Gen. R. E. Lee. Ejectments will be issued against the present occupants. The government has appealed.

The Potter committee is bothering about the cipher telegrams, but do not seem inclined to pursue inquiries as to what was charged in the Tribune, and those telegrams were connected with Gramercy Park and Tilden. That is what people want to know about.

They are saying that Jay Gould is in a very tight place, having undertaken "bull" gold and the government and the whole American people, and failed. It is said that since November his losses have been not less than \$100,000 per week, and that he is now holding at fearful losses, piles on piles of stocks.

The Secretary of the Treasury having stated his reasons for removing Collector Arthur and Naval Officer Cornell, these officers have made replies in vindication of themselves which are now before the Senate. It seems probable that the nomination of the present officers of the New York Custom House will be rejected by the Senate.

WASHINGTON, Jan. 29.—The resolution introduced yesterday in the House by Representative Steele, of North Carolina, asking the Secretary of the Interior to furnish the House by what authority the Southern Pacific railroad was being built through the public lands of Arizona territory, is creating some excitement among the friends of that enterprise. On examination of the revised statutes granting railroads the right to build and construct railroads through the public lands of the government, it is ascertained that every sixteenth section is reserved, except by special legislation of Congress. This right the builders of that road have disregarded, and in view of that Mr. Steele will introduce a bill to prevent a further trespass on the public lands by this company. As he is a member of the committee on railroads and canals, he will press it with vigor, and if there is a flaw in the bill by which the road is being constructed it will be speedily shown up and the proper legislation to remedy the evil will be enacted.

How Cheap, only one dollar for a whole year, "The Wilmington Post."

New Amendment to the Constitution.

The following full text of the proposition reported from the Senate Judiciary Committee as a substitute for the amendment as the same subject proposed by the joint resolution, which passed the House under a suspension of the rules on last day of last session.

ARTICLE XVI.—No claim against United States shall ever hereafter be sustained or allowed by Congress, or any dept., officer or court of the U. S. or money paid by the U. S. or from their funds, whether as damages, compensation or otherwise, for or on account of any property, real or personal, used, injured or destroyed by United States troops, or by or through any officer, civil or military, or other persons acting or professing to act under or by authority of the United States or of their enemies; or taken, used, injured or destroyed from any other causes whatever during the existence of the late insurrection or rebellion against the government of the United States, (unless the owner thereof, or in case of any corporation its governing authority and management was during all time of such insurrection or rebellion loyal in fact to the government of the United States, and gave neither aid nor encouragement to the enemy. No pension, bounty, grant, pecuniary indemnity or pecuniary benefit shall ever be paid, provided for, by or under authority of Congress or any State, for or on account of any military or other service or injury suffered in hostility to the government of the United States. No pardon or amnesty, past or future, shall have any effect to take any person, case or claim out of the purview of this article.

Cash, don't fail to send the cash for "The Wilmington Post."

LEGISLATIVE NOTES.

The Senate bill 105 providing for the payment of the mileage and per diem of witnesses in the Swepson and Littlefield case has been indefinitely postponed.

The bill to prevent the desecration of Sundays was passed a third reading in the House.

The bill which practically restores the old fees of the clerks of the county, passed a third reading in the House.

Mr. Richardson, of Columbus, by consent, introduced a bill to create two new townships in Bladen county, which was referred to the committee on counties, &c.

Mr. Waddell, on a suspension of the rules, called up the bill changing the time of holding the courts in the fourth judicial district. The judiciary committee recommended a substitute which was adopted and passed its third reading, and was ordered engrossed for the House.

Mr. Bynum, on a suspension of the rules, presented a substitute from the judiciary committee in regard to the riding of the Superior Court Judges, which was adopted and passed its third reading, and was ordered engrossed for the House.

The bill requesting our Representatives in Congress to secure an appropriation for the improvement of the Cape Fear river, and to make Fayetteville a port of entry passed its readings.

A bill, declaring the right of clerks of Inferior Courts to take probate of deeds to be registered and privy examinations of married women, passed its readings.

The House bill, amending chapter 104, Battle's Revisal, prescribing that the public roads shall be laid off by three Commissioners, who are to be specially appointed, instead of a jury of twelve persons, chosen by the Sheriff, as is now the law. Another provision of the bill repeals the exemption to county officials. On motion of Mr. Cornington, the bill was postponed and made the special order for noon on Tuesday, February 4th.

The bill providing that no lawyer, nor no person indemnified by a lawyer, shall become security on an official bond, has been indefinitely postponed.

The bill to prevent discrimination in freight rates, having been amended to include steamboats, passed the House.

The bill to provide for the revision of the statutes. Discussed in the House by Vaughan, Lockhart, Blocker and others, and rejected 89 to 25.

The bill to improve the Cape Fear and make Fayetteville a port of entry, passed its second reading.

S. R. 177, on sale of intoxicating liquors—no person to sell liquor within one mile of any church or academy in the state, outside of incorporated towns. This bill called out a lengthy debate. Rejected—aye 12 nays 82.

In the matter of creating a new county out of parts of Sampson, Johnston and Wayne, and to be named Vance on motion of Mr. Bryan of this district it was agreed to submit the question to the people of the region interested.

The Secretary of State put in his report. He gets only \$1000, salary, and \$2992, fees this last year.

Mr. Blocker, introduced a bill to protect rafts in the Cape Fear river. To the committee on Propositions and Grievances.

The "Dark Ages" bill, that for establishing that remnant of barbarity the whipping post, was voted down in the House—yeas, 54—nays, 45.

Bill to amend the charter of the Mt. Airy Railroad was read the third time and discussed briefly by Messrs. Vaughan, Ford, Carter of Buncombe and Norment, and passed a third time.

To those who desire to continue reading "The Wilmington Post." The proprietor request you to send in at once to this office the money to pay your subscription. Address: The Wilmington Post, Wilmington, N. C.

THE RAILROAD EXCITEMENT.—The Treasurer's private office was filled yesterday evening until there was scarce standing room by the crowd of interested parties and lookers on in the Railroad war. The committee on Internal Improvements sat patiently and listened to the arguments of Maj. Winder, Maj. R. S. Tucker and E. K. Stamps, Esq., in favor of the extension of the R. & A. L. R. to Charlotte, and of Maj. C. M. Stedman and D. R. Murchison in opposition to granting a charter for such extension. The speeches were interesting and those of Mr. Stamps and Maj. Stedman, (the only ones that we heard) of a high order of ability. Maj. Stedman speaks with peculiar force and earnestness.—Raleigh Observer.

For 52 weeks, send and get the "Wilmington Post" only one hundred cents.

Mrs. Katie Cobb has a prospect of securing a new trial. A respectable lady has been found whom Cobb told confidentially that he had a habit of taking arsenic, and didn't let his wife know it.

In the Nebraska Legislature there is one lady clerk in each House.

The French Crisis

President McMahon has resigned and M. Greys has been elected, receiving in the convention of the two houses 200 more votes than was necessary to his election. M. Greys has entered upon his official duties, and the old ministry have tendered their resignations, but were requested by the new President to remain at least for the present. M. Gambetta has been made president of the Deputies. Marshal McMahon has called to pay his respects to the new President. Immense but peaceful crowds had assembled on the boulevards, and the excitement was great.

The cause of McMahon's resignation was that the new Senate insisted on his making certain changes in the high military commands, which he refused to do. He says in his letter of resignation:

I cannot subscribe to them. Any other ministry taken from the majority would impose upon me the same condition. I consider myself, therefore, bound to shorten the duration of the mandate which the National Assembly confided to me, and I, therefore, tender my resignation. In quitting power I have the consolation of thinking that during the 53 years I devoted to the service of my country, either as soldier or citizen, I have never been guided by sentiments other than those of honor and duty and absolute devotion to my country.

The real object of the Republicans in insisting on the removal of the high military officers is to purge the army of officers opposed to the perpetuation of the Republic.

Every family should have it "The Wilmington Post." One dollar for 365 days.

CITY ITEMS.

Weather is very fine.

The firm of Williams & Murchison of this city, has shipped 25 vessel loads of cotton this season.

Mr. Muse, the local of the Star, who is confined by an affection of the eyes, we regret to learn is no better.

Mr. James Knight Jr., of the Weldon Railroad died last week, much regretted by a large circle of friends.

The store of Hon. Geo. W. Price was badly injured by fire on Monday morning. Loss \$900 Insurance \$350.

About one-fourth of the cotton sold in Raleigh the past season, has been purchased by Wilmington merchants.

Going at one dollar, for 12 months "The Wilmington Post."

Sergeant D. C. Ralston, has been relieved from the Signal Service station here, has left for Dakota, his new station.

A Mrs. Murrill, living on Middle Sound, was seriously attacked by some sort of a disease and died in less than an hour.

The Rt. Rev. T. B. Lyman, Assistant Bishop of this Diocese, will preach this morning, at St. James' Church, at 11 o'clock.

An old negro 70 years old named James Moses, sentenced to be hung for committing a rape, has been pardoned by the Governor.

The committee who visited Raleigh in behalf of the interest of Wilmington have all returned much wiser than they were, if not so flush.

FIRE.—A colored man, whose name we could not learn, was burned out on Wednesday last, in Brunswick county, just this side of Smithville.

Every person in the state should have "The Post," the price is so low that all can pay for it.

Edward W. Taylor, Sheriff of Brunswick county, has paid to the state treasury \$1,419 55 for public taxes, and \$1,332. 79 for special taxes.

Col. Thomas B. Long, Special Agent for the Postoffice Department, was in the city Friday last, looking well and enjoying his labors very much.

The Navassa Guano Company, the W. C. & A. Railroad, and the C. C. Railroad, are establishing a telephone between this city and Meares Bluff.

"Excelsior Band" of this city has new instruments in the express office. The excelsior band is composed of young colored men, of very excellent musical talent. We wish them continued success.

Gen. Colston, after a long absence in Egypt where he distinguished himself in the military service of the Khedive, was received on his arrival in town by his old students and other citizens. We learn that it is the purpose of the General to deliver some lectures on Egypt.

NEW ADVERTISEMENTS.

Ed. Kidden

The "visiting statesman" who paid their respects to Raleigh the past week we produce in their communications to Representative Scott, for the energetic manner in which he looks after the interests of Wilmington.

Mr. Jas. H. Chabourn, one of the wealthiest gentlemen in the city, who has resided in Wilmington for thirty years, visited Raleigh, the Capital of the state, for the first time, the past week. He is certainly to be congratulated.

The cruise in which the barque Concordia was being drawn up the ways of Cassey & Ross's ship yard, broke and the vessel soon went down into the river, causing a good deal of excitement but doing not much damage.

The Charlotte Observer says: "Miss Davis, of Wilmington, and Miss Pickens, of Edgefield, S. C., both of whom have many acquaintances in Charlotte, are visiting in Atlanta. Night before last an elegant ball was given in their honor at the Kimball House."

MISSIONARY SERVICES.—There will be missionary services at St. Mark's Church on next Monday evening, on which occasion Rev. Wm. G. Boone, Episcopal Missionary to China, will preach. Bishops Atkinson and Lyman are both expected to be present in the Church. The public are respectfully invited. Services commence at 8 o'clock Seats free.

Opinions were filed by the Justices on Monday in the following cases: State vs. Lewis James, from New Hanover; reversed.

Elijah A. Tew vs. Rebecca A. Tew, from Sampson; affirmed.

F. W. Ketchner vs. Henry Fairley et al., from Richmond; judgment affirmed.

SOUTH ATLANTIC.—The January number has been laid on our table, looking fresh as usual. Contents—Mrs. Preston's "Old Songs and New," by Paul H. Hayne; a Benediction, James C. Lamb; Eugene Aram, Esq. W. H. Williams; The Jordan & W. L. Johnstone; An Episode in Cape Fear History, George Davis; &c., &c. The article by Mr. Davis will command attention in this region.

COL. MCGRAE'S LECTURE.—The long talked of address was delivered on Friday at the Opera House. The subject "Genius and Fate," occupied nearly two hours in delivery, and was listened to with wrapt attention by a large audience. The speaker is a rare orator—on this occasion almost a magician. He took a range among nearly all the prominent characters of letters, in art, in statesmanship and in war. When he closed, his audience seemed to be in a maze to which they had witnessed Homer, Dante, Milton, Shakespeare, &c., Demosthenes, X-axes, Scipio, Napoleon, Hannibal, Wellington, Lee, Grant, Washington, Jefferson, Clay, Burke, Bacon, Pitt, Fox, Sheridan, Mirabeau, Lafayette, Hamlet, Ophelia, Shylock, Desdemona, Falstaff, and a thousand other celebrities, all moving along in one great, mixed up crowd, so near to gether that the stately Catherine could punch Cardinal Wolsey under the ribs, and Wellington could hob-knob with Alexander the Great. As gentlemen walked homeward, they mistook the lamp posts for the Duke of Wellington, and the stone posts for the shorter Napoleon, and a respectable old fellow under an umbrella for Cervantes. So great was the hallucination that the next morning it was found that most of the audience had been dreaming that they had been in a grand levee in which there had been hand shaking with Homer who had come down from the snow-capped Parnassus, and Napoleon who had got away from St. Helena, and Queen Elizabeth and Anne Bolyn and the wife of the Thane of Cawdor.

Physicians now admit that "The shield is nobler than the spear." How much better then to shield the system against bilious attacks, by using Dr. Harter's Liver Pills, than to cure the disease when firmly seated.

Woods Household Magazine (Vol. 16) for 1879, enlarged to 100 pages, contains the cream of the world's literature arranged in twenty departments, for the entertainment, instruction, and profit of every reader. Yearly, \$2.00; sample copy, 10 cents. Order from newsdealers or direct. Unprecedented terms free to agents. Send 10c. for outfit, worth \$1. S. S. Wood, Tribune Building, N. Y. City.

"Gentlemen of the jury," said an Irish barrister, "it will be for you to say whether this defendant shall be allowed to come into court with unblinking footsteps, with the cloak of hypocrisy in his mouth, and draw three shillings out of my client's pocket with impunity."

NEW ADVERTISEMENTS.

2 XMAS 1878 XMAS 2

Let the Good Citizens of Wilmington pause and think.

THE POPULAR GROCERY HOUSE

GF

BOATWRIGHT & M'KOY.

57 AND 8 NORTH FRONT ST.

HAVE ON HAND OVER

2 Tons Candy 2

EVERY GRADE

1 One Ton Nuts 1

OF EVERY DESCRIPTION.

Crown, Dehosa, London, Layers, Loose, Muscatel and Seedless Raisins in any quantity.

New Citron, New Turkish Prunes, New Crop Currants.

Gordon & Dilworth's Shaker and Ginger Preserves, Marmalades, Fruits, &c., &c., &c.

English, German and American Cheese.

Pure Old Brandies, Wines and Cordials, Scotch and American Whiskeys, for Egg Nog.

English and American Crackers of every kind.

Apples, Oranges and Lemons in sufficient quantity to furnish every one.

Our Three Dollar Brand "B" Select Whiskey has improved by age.

Our Four Dollar Brand Summerdean Whiskey has no equal in the city. Our Old Rye and Baker Whiskeys are equal to any in America.

Our Goods have been selected with great care especially for the

HOLIDAYS

Remember the best.

CHRISTMAS PRESENT

you can give the poor is a choice lot of

Family Supplies.

Call on us and we promise to give the

BEST AND FRESHEST GOODS.

AT THE VERY LOWEST PRICES.

BOATWRIGHT & M'KOY,

5. 7 AND 8 NORTH FRONT STREET.

December 22 1878