THE CLARION.

WEDNESDAY, FEBRUARY 27, 1884.

[CONTINUED FROM FIRST PAGE.

HOUSE—THIRTY-NINTH DAY.

THURSDAY, February 21, 1884.

House met pursuant to adjournment.

An act to amend chapter 15, laws 1880, to provide for the enumeration of the whole number of inhabitants of the State. Passed.

Senate bill—To change the time of holding the terms of the chancery court of Jefferson county. Passed.

To amend the act to divide Yalobusha county into two circuit and chancery districts and for other purposes. Passed.

To amend section 2294, Code. Passed.

To amend section 2757, Code—imposes a fine on all municipal officers of the State for violation of duty. Passed.

Restricting the remarking or rebranding of any stock in Sharkey county in such a manner as to remove or deface the mark or brand of the original owners. Indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

The Governor has approved the following entitled bills:

An act to incorporate the Meridian and Brunswick Railroad Company.

To recognize the Warrior Coal Fields Railroad Company and to expedite and aid in the construction of said railroad in the State.

To incorporate the Terry, Brandon and Northeastern Railroad Company.

To incorporate the Helena, Memphis and New Orleans Railroad Company.

To incorporate the Moss Point, Scranton and East Pascagoula Railroad Company.

To incorporate the Memphis, Oxford and Columbus Railway Company.

To incorporate the Tombigbee Railroad Company and to declare its powers and privileges.

To authorize mining or manufacturing companies to construct, own and operate railroads, tram roads or canals not exceeding 15 miles long.

Resolution—Requesting the House of Representatives to transmit to the Senate for the use of the Committee on Penitentiary and Prisons, the testimony taken by the House Committee on Penitentiary and Prisons.

To incorporate the Caledonia Branch Railroad Company.

To incorporate a street railway in the city of West Point.

To authorize the city of Vicksburg in this State to contract with the Memphis and Vicksburg Railroad Company or any such other railroad company as said Memphis and Vicksburg Railroad Company may hereafter become merged into or a part of by consolidation or otherwise, for the location of the machine shops of said company at said city and for other purposes.

Consideration of bills continued:

To amend section 29 Code, in relation to larceny of live stock. Passed.

To prevent cruelty to children, and for other purposes. Indefinitely postponed.

To create a lien law in favor of livery and feed stable keepers and owners and for other purposes. Passed.

To amend section 1415 Code, in relation to monthly rules in chancery court so far as the same applies to Marshall county. Indefin tely postponed.

To amend an act to incorporate the New Orleans and Baton Rouge, Vicksburg and Memphis Short Line Railroad Company. Passed.

To prevent the double assessment and collection of taxes on the sale of property. Passed.

By Mr. Orr—To exempt from taxation all money of non-residents loaned on mortgage or deeds of trust in Mississippi. Judiciary.

At 2:05 p. m., the House adjourned.

NIGHT SESSION.

To authorize the working of public roads in Lauderdale county by contract. Passed.

To amend chapter 29, Code. Passed.

To legalize a sale made by the board of supervisors of Sunflower county. Passed.

To secure to persons in possession of lands sold under the decrees of chancery courts, the crops planted or growing on such lands at the time of sale. Indefinitely postponed.

To amend section 2063, Code. Passed.

To amend section 1774 and 2460, Code, to make the same apply to courts of chancery. Passed.

To amend section 1403, Code, in relation to preference cases in the Supreme Court. Indefinitely postponed.

To extend certain privileges to the owners of Coopers Wells. Passed.

For relief of the sureties of the late C. E. Bent, of Warren county. Passed.

To amend the laws of this State in relation to the action of forcible entry and unlawful detainer. Passed.

To amend an act providing for the employment of a stenographer by the circuit clerks of Hancock and Perry counties. Passed.

In relation to confirmation of sales under decrees in chancery. Passed.

To amend section 1720, Code, in relation to motions for new trials in circuit court. Indefinitely postponed.

By Mr. Outcry—To amend an act to provide for the leasing of the Chickasaw school lands. Referred to Committee on Public Lands.

To amend section 265 Code, in relation to distribution of Mississippi Reports. Passsd.

To amend and extend the provisions of section 2355 Code. Relates to appeals from justices of the peace in criminal cases. Passed.

To amend section 2418 and 2475 Code, in reference to issuance of attachment by justices of the peace. Passed.

At 7:30 adjourned.

SENATE—THIRTY-EIGHTH DAY.

FRIDAY, Feb. 19th, 1884.

The Senate met pursuant to adjournment, Lt.-Governor Shands in the Chair.

All members present except Messrs. Boone and Mitchell.

The privileges of the Senate were extended to Messrs. Gen. S. D. Lee of the A. & M. College; J. R. McIntosh, L. A. Ragsdale, J. G. Levey, J. J. Shannon, J. H. Lewis, E. H. Dial, W. M. Hancock and George S. Covert, all of Meridian.

REPORTS OF COMMITTEES.

The Committee on Corporations through Mr. Martin, requested the reference of—

House bill 472—To the Committee on Education.

The reference of—

House bill 657—To the Committee on Public Health and Quarantine.

They recommended the passage of—

Senate bill 190—To define the limits of the town of Beauregard.

Senate bill 230—To incorporate the Mississippi and Yazoo River Packet Company.

Senate bill 250—To amend and reduce into one, the several acts in reference to the corporation of Shuqualak.

Senate bill 279—In relation to prosecutions for violation of city ordinances in the city of Aberdeen.

Senate bill 281—To incorporate the town of Centreville, in Wilkinson county.

House bill 416—To incorporate Martin, Claiborne county.

House bill 471—To amend the charter of Okolona, and for other purposes.

House bill 483—To amend the charter of the town of Hazlehurst.

House bill 496—To incorporate the town of Sandersville, Jones county.

House bill 502—To amend the charter of the town of Bogue Chitto, Lincoln county.

House bill 535—To extend the corporate limits of Kosciusko.

House bill 646—To amend the charter of Waynesboro in Wayne county.

House bill 678—To amend the charter of McComb City.

House bill 679—To incorporate Hattiesburg, Perry county.

House bill 734—To incorporate town of Franklin, Holmes county.

House bill 755—To incorporate Gloster City, Amite county.

House bill 812—To incorporate the town of Haidelberg, Jasper county.

House bill 643—To incorporate the Wanesoogah, Alcorn county.

House bill 638—To incorporate anew the city of Starkville, Oktibbeha county.

House bill 760—To incorporate the town of Buena Vista, Chickasaw county.

House bill 769—To amend the charter of Biloxi, Harrison county.

Mr. Burkitt called up Senate Resolution relative to changing the hour of meeting of the Senate. The resolution was lost.

Leave of absence was granted to Mr. Boone from day to day and to Mr. Martin on account of committee duty.

Mr. Kyle moved that two additional members be added to the select committee to whom bills were referred relative to supervision of railroads.

The motion prevailed, and on motion of Mr. Guyton Mr. Hyer was added to the committee.

The Senate proceeded to the consideration of the special order, to-wit:

House bill No. 229—To incorporate the Board of Levee Commissioners for the Yazoo, Mississippi Delta, and for other purposes.

The Senate considered the bill in Committee of the Whole, with Mr. Simonton in the chair.

The committee rose and reported the bill back to the Senate without amendment and recommended its passage.

On motion of Mr. Simonton the Senate proceeded to the consideration of the bill.

Mr. Jaffarie offered the following amendment which was taken up on motion of Mr. Sykes: Amend section 4 by inserting after "levee" in 4th line the words in Bolivar county.

Mr. Reynolds offered an amendment providing for the consolidation of the two levee districts upon such plan as might be agreed upon by a majority of each of the two boards of commissioners, and providing for the government of the same.

On motion of Mr. Sykes, this amendment was tabled. The bill was then passed.

Messrs. Dillard and Keith were added to the Select Committee to consider bills relating to Railroad Supervision.

Mr. Sykes, by leave, introduced a bill (No. 808) to amend chapter 29, Code, in relation to the preservation of game and oysters.

At 2:30 the Senate adjourned till 10 a. m. to-morrow.

HOUSE—FORTIETH DAY.

FRIDAY, February 22, 1884.

House met pursuant to adjournment.

INTRODUCTION OF BILLS.

Mr. Houston—To authorize the trustees of the State Lunatic Asylum to make fire escapes. Benevolent Institutions.

Mr. Moore of Issaquena—To create the office of Inspector of Weights and Measures in this State. Judiciary.

Mr. Christmas—To provide for the proper assessment and collection of taxes on land. Judiciary.

Mr. Cameron—To amend section 469 Code. Ways and Means.

Mr. Govan—Joint resolution in relation to confederate soldiers who were killed or died from wounds or disease in the confederate army. Passed.

Mr. Askew—To amend section 934 Code, in reference to tolls. Corporations.

Mr. Williams—To amend section 1141 Code. Appropriations.

Mr. Bassett—For the relief of the deaf and dumb children of W. G. Spivey. Education.

Mr. Hollingsworth—To amend section 903 Code. Judiciary.

Mr. Boswell—To declare what shall be a lawful fence in the county of Sharkey. Corporations.

Mr. Robinson—To establish a House of Reformation for juvenile delinquents and for other purposes. Penitentiary.

Mr. Enochs—In relation to the enrollment of chattel liens. Judiciary.

Mr. Applewhite—To amend section 608, Code, in relation to privilege tax on railroads. Ways and Means.

Mr. Dickson—To allow ferrage and tolls to members of the board of supervisors. Fees and Salaries.

Mr. Sanders—To amend section 833, Code, in relation to time allowed to remove gates across public roads. Agriculture.

Mr. Crawford—To empower administrators and executors to make title to lands where the deceased died leaving bond for title at a funeral day. Judiciary.

Mr. Kittrell—To amend section 479, Code, in regard to list of personal property to be furnished by tax-payers. County Affairs.

Mr. Crump—To create an additional constable in Clay county. County Affairs.

Mr. Love—To abate certain levee taxes upon lands held by the State in the Yazoo delta. Levees.

Mr. Guynes—To amend section 833, Code, in regard to gates on public roads. Roads and Ferries.

Mr. Govan—To amend section 1047, Code. Railroads.

To amend section 1103, Code, in relation to publishing of applications for license. Temperance.

To amend section 585, Code, so far as it applies to the city of Grenada. Indefinitely poitponed.

To amend section 585, Code, so as to repeal the privilege tax on retail dealers in Soda Water. Indefinitely postponed.

To increase the revenues of the State and to enforce the collection of poll and personal delinquencies. Indefinitely postponed.

To encourage and promote the sale of real estate in the State of Mississippi. Indefinitely postponed.

To amend section 585, Code. Indefinitely postponed.

To amend section 445, Code, so far as the same applies to Attala county. Passed.

To prohibit certain banks from the charging 15 per cent. on their loans. Judiciary.

To amend section 875, Code. Indefinitely postponed.

To amend section 594, Code. Indefinitely postponed.

To amend act amendatory to section 585, Code, in relation to traffic license. Passed.

To incorporate the Delta Jute and Fibre and Manufacturing Company of Washington county. Passed, after animated discussion of several hours on the question of exempting the company from tax for ten years:

YEAS—Messrs. Atwood, Askew, Baker, Baird, Barksdale, Boswell, Brien, Butler, Caldwell, Coates, Cook, Cory, Cowan, Crawford, Crump, Dale, Denham, Dyer, Eason, Flowers, Govan, Harper, Henry, Hollingsworth, Horton, Hughston of Choctaw, Houston of Monroe, Hoyle, Hudnall, Lewis, Magruder, McCool, McLeod, McNeely, Miller, Mitchell, Montgomery of Oktibbeha, Moore of Issaquena, Moore of Yalobusha, Myers, Nash, Norfleet, Norrel, Odom, Orr, Parker, Peets, Peyton, Pope, Powe, Robinson, Russell of Clay, Settle, Simpson, Spencer, Waldrip, Watlington, Watson, White, Wilson. Total—60.

NAYS—Messrs. Alexander, Applewhite, Bassett, Beeman, Bell, Bolton, Cameron, Clemens, Currie, Dickerson, Enochs, Evans, Gordon, Gore, Guynes, Howard, Huff, Johnson of Carroll, Jones, Kendrick, Kitrell, Lamkin, Love, Mullins, Murry, Nabers, Reagan, Rogers, Rowan, Russell of Rankin, Sanders, Selman, Strahan, Underwood, Watts, Whitman, Williams, Williamson, Mr. Speaker. Total—39.

At 1:55 p. m., the House took a recess until 3:30 p. m.

EVENING SESSION.

House met pursuant to adjournment.

An act to require railroad companies to inclose their roads or build cattle guards in certain cases was taken up. Passed.

Mr. Brien—An act making it the duty of jurors to affix the penalties in criminal prosecutions. Judiciary.

Mr. Houston—To incorporate the Helena, Water Valley, Aberdeen and Birmingham Railroad Company. Passed, after a protracted and earnest debate as to the term of exemption from taxation, which was finally fixed at ten years.

At 6:30 p. m., the House adjourned.

Enforcement of Contracts.

Mr. Baird, of Marshall, has introduced in the House:

AN ACT for the enforcement of contracts between employer and employe, and for other purposes.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That whenever any person shall receive any supplies or advances from any landlord, lessor or employer upon the faith of any contract to make a crop upon the premises owned or controlled by such landlord, lessor or employer, and shall without just cause or excuse, violate such contract without paying the landlord, lessee or employer the fair market value of such supplies and advances, and all actual damages sustained by said violation of contract, said landlord, lessor or employer, to secure the payment of such sums, shall have a prior and paramount lien upon all crops of corn, cotton or other agricultural products raised in whole or in part by the labor of said person whenever and upon the premises of whomsoever the same may be raised in the State; Provided, that the lien herein provided for shall be enforced within twelve months from the date at which such supplies or advances were furnished or damages sustained.

SEC. 2. Be it further enacted, That it shall not be lawful for any person in this State knowingly to hire or contract with, decoy or entice away, directly or indirectly, any tenant, cropper or employe, who is at the time under contract or in the employ of another, before the expiration of the time for which they were employed; and any one violating the provisions of the first clause of this section shall be liable to the party who originally had, and was entitled to the services of said tenant, cropper or employe, by virtue of a previous contract, either verbal or written, in any and all sums of money or supplies furnished said tenant, cropper or employe or his family, and for such other damages as said employer may sustain by the loss of the labor of said tenant, cropper or employe.

SEC. 3. Be it further enacted, That if any employer, having contracted with any tenant, cropper or employe to furnish him with lands or supplies for himself or family, shall knowingly, designedly and with intent to defraud such tenant, cropper or employe without good and sufficient cause, or refuse to furnish him according to contract, he shall be liable to said tenant, cropper or employe in such damages as he may sustain.

SEC. 4. Be it further enacted, That this act shall take effect and be in force from and after its passage.

The Secretary of State of New Mexico refuses to administer the oath to legally elected members of the Legislature, so say dispatches to Senators Vest and Cockrill and others from Santa Fe. Some Mormonism in that, probably.

A FIGHT between the city authorities of Birmingham, Ala., and the Louisville and Nashville R. R. Company is pronounced as inevitable, caused by the location of a passenger depot by the latter.

THE CHALMERS-MANNING CASE.

REMARKS OF

Hon. E. Barksdale in the House of Representatives, February 15th, 1884.

MR. BARKSDALE. Mr. Speaker, I have been a dispassionate and impartial listener to the able discussion of the question before the House. I had not intended to enter the arena of debate. I do not intend to do so now, further than to give the reasons for the vote that I shall cast and to avail myself of the opportunity of offering an amendment to the resolution accompanying the report of the committee.

Reserving my judgment upon the paramount question of the right of the people of the Second Congressional District of Mississippi to be represented by the person of their choice when that question comes to be considered upon its merits for final adjudication by the House, I shall upon the question as it now stands cast my vote to declare that the claimant holding the certificate has in virtue of it the *prima facie* right to the seat pending the contest on its merits.

In the course of this discussion *prima facie* evidence has been defined to be such evidence as of itself is sufficient to establish the fact, if uncontradicted; but is controvertible. Unquestionably that definition is correct; but the *prima facie* evidence is controvertible when the issue comes to be tried upon its merits to determine whether the person holding the certificate is the duly elected member.

Hence the ingenious and labored arguments of gentlemen to show that the certificate of Mr. Manning is founded on a mistake, or error, or fraud, as they may choose to have it, are not applicable to the question as it is now presented to the House. They will be relevant when the question is considered on its merits.

The rule has been established, and confirmed by invariable custom, that the person to whom the certificate has been awarded is entitled to hold and to discharge the functions of the office of Representative until the House, in the exercise of its prerogative as the judge of the election, returns, and qualifications of its members, decides the case on its merits.

Doubtless abuses are often committed by officials in the discharge of this important trust. Possibly they have been committed in the present instance. But I submit that to depart from the rule and set aside the certificate before it is judicially decided to be void is to deprive the body of the only means of ascertaining its membership and perfecting its organization. McCrary, in his standard work, American Law of Elections, says:

If the party holding the ordinary credentials to an office could be kept out of the office by the mere institution of a contest, the organization of a legislative body, such for example as the House of Representatives of the United States, might be altogether prevented by instituting contests against a majority of the members, or what is more to be apprehended, the relative strength of political parties in such a body might be changed by instituting contests against members of one or the other of such parties. These considerations have made it necessary to adopt and to adhere to the rule that the person holding the ordinary credentials shall be qualified, and allowed to act pending a contest, and until a decision can be had on the merit.

As to Mr. Chalmers, neither the committee, nor any member of the committee, has asserted that he has even the color of a title to a seat pending the contest; and therefore he is not a party to the present proceeding.

I will add that, in view of the extraordinary disclosures contained in the papers relating to the case, the House owes it to its own integrity, to the claimants themselves, and especially to the people of the district, to institute searching and vigorous inquiry into the merits of the case without delay. The right of the people to be represented by the person of their choice overtops all other rights. It is imprescriptible and inalienable, and it is usurpation to deny or to delay its exercise. Let the House make haste to address itself to that question.

THE SPEAKER. The gentleman's time has expired.

MR. BARKSDALE. One moment more.

MR. RANNEY. I will yield to the gentleman from Mississippi for one minute.

MR. BARKSDALE. I wish to offer an amendment reported by the majority of the committee, and to obtain a vote upon it if possible under the rules, which I will ask the Clerk to read.

The Clerk read as follows:

Resolved, That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested election case of J. R. Chalmers vs. Van H. Manning.

Mr. BARKSDALE. Now read the words which I desire to add.

The Clerk read:

And the case on its merits proceed before the committee, with instructions to report as early as possible.

So that the resolution will read:

That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested election case of J. R. Chalmers vs. Van H. Manning, and that the case on its merits proceed before the committee, with instructions to report as early as possible.

The Veto at Winona.

WINONA, MISS., Feb. 18, 1884.

A large and enthusiastic meeting of the citizens of Montgomery county, circuit court being in session, met at the Courthouse, after due public notice, had the following proceedings:

On motion of Maj. Frank Hawkins, Col. O. J. Moore was called to the Chair.

On his further motion Capt. B. F. Jones and Capt. Jno. W. Ward were elected Secretaries.

On motion of Capt. B. F. Jones, Capt. R. F. Holloway, Maj. Frank Hawkins and Capt. W. H. Witty were appointed a Committee on Resolutions, who, after due deliberation, made the following report:

Whereas, It is the sense of this meeting that the action of His Excellency, Gov. Robt. Lowry, in refusing to approve the bill enacted by the Legislature of Mississippi, for the supervision of railroads, was a wise, statesmanlike and patriotic act; and

Whereas, It is the desire of the people to offer some public recognition of their appreciation of the wisdom, sense of right, faithful obedience of law, and the moral courage which prompted our Chief Executive to fearlessly, and with a deaf ear to the clamors of demagoguery, and in justice affix his veto to a measure repugnant to justice and law, and contrary to the best interest and material development of our State; therefore, be it

Resolved, That in his action we recognize a broad spirit of statesmanship, a fine moral courage, a just recognition of law, and a supreme desire to hold dear the best interest of the people of Mississippi, and a determination to stand firm and unmoved in the discharge of duty when constitutional rights are sought to be violated, and when passion, prejudice and ignorance ruthlessly assail justice and right. That in his action he has the hearty support and endorsement of this people, and that for that act he has deserved the approbation and gratification of all citizens of this State who rejoice in her material and social development, advancement and prosperity.

On motion of B. F. Jones the preamble and resolutions were unanimously adopted.

On motion the Secretaries were instructed to forward a copy of these proceedings to his Excellency, Gov. Robt. Lowry.

On further motion the Winona Times, Advance and Argus, and the Jackson papers were requested to publish the same.

On motion the meeting adjourned.

O. J. MOORE, Chairman.

B. F. JONES,
JOHN W. WARD, Secretaries.

JUST now the papers in all the country are speaking the praise of Columbus and her manufacturing enterprises. Every mail brings us words of cheer and encouragement. The annual meeting of the stockholders of the Eagle and Phoenix Mills has given a fresh impetus to our fame as a manufacturing city, and doubtless all the other factories can make a showing equally as favorable. This is what the St. Louis Republican says of the report:

Another encouraging evidence of the growth of manufactures in the South is furnished in the adjoining State of Georgia. In the last report of the Eagle and Phoenix Cotton Factory at Columbus it is stated that the company's surplus assets are $2,000,000. Notwithstanding the depressed condition of the cotton goods trade last year, the company increased its capacity by 800 bales a year, made various repairs and paid a dividend of 8 per cent. Its sales exceeded those of the year before $217,000, and its net profit, free of all expenses, taxes and bad debts, was $93,823. It has done and is doing so well, that it is contemplating erecting another mill on the Alabama side of the river, and the proposition will shortly be submitted to the stockholders.]

A physician in Vienna operated for cataracts several months ago on a man in his one hundred and second year, and restored his sight, the operation being the first of the kind on record. More recently the same physician repeated this operation on a man ninety-six years of age, and with the same success.

COTTONS has nothing to do with the intermarriage of races even in the District of Columbia. Every one to his own taste, as the old woman said she kissed the cow.—New York Truth.

LAWS

—OF THE—

STATE OF MISSISSIPPI.

[PUBLISHED BY AUTHORITY.]

AN ACT in relation to the public roads in the County of Madison, and for other purposes.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the board of supervisors of Madison county shall have power, if a majority of said board shall deem it expedient to exercise the power, and when adjudged expedient it shall be their duty to provide for the construction, repair and working of the public roads and bridges and turnpikes in said county, or any district or part thereof by contract; such contracts to be for not less than one year nor more than five years. Such contracts may be let privately or publicly, and shall require contractors to execute bond with approved security conditioned to well and truly keep and perform their contracts and comply with the duties required of them by law, and the lawful orders of said board. They may assess and collect taxes for this purpose either upon the entire county or any district thereof, and when assessed upon any district to be appropriated alone for the public roads and bridges in said district; they may turn over to such contractors the convicts convicted of misdemeanors, and such other convicts as they may obtain from the State penitentiary, and execute bonds for the safe keeping, proper treatment and the payment of the hire and expenses of such convicts and exact from contractors to whom such convicts may be delivered, bonds of like condition and by appropriate regulations enforce the proper and humane treatment of such convicts; they may appoint any and all officers to carry into effect the system adopted by them, fix the time and compensation of such officers or have them removed at their will and pleasure; they may divide the public roads into sections and let them in whole or in part; they may cancel contracts when contractors fail to perform the duties imposed upon them, or perform them in such a negligent manner that the public are inconvenienced thereby, or when any contractor removes from the county, or becomes insolvent or dies, and relet such contracts; and are hereby vested with all necessary powers to execute the system adopted by said board.

SEC. 2. Be it further enacted, That the board of supervisors of Madison county may cause a list to be made of all persons in the county liable to be worked on the public roads under the general laws of the State, and in the vicinity of the public road of the county, they have their usual place of abode, such lists to be made whenever such board shall deem the same expedient, and may assign such list to any contractor; and the persons so listed and all other persons living in the vicinity of the public road or bridge let to such contractor and not listed are hereby required to work on the public roads and bridges to which they may be assigned by the board of supervisors under the direction and control of the contractor, and at such times and places as may be appointed by him not exceeding ten days in any one year, except in cases where the roads or bridges are injured or out of repair by storms, freshets or other casualty, and then for a sufficient length of time to repair such injury, not exceeding five days in all in cases of such emergency. That if any person after being summoned as now prescribed by law shall fail or refuse to work he shall be guilty of a misdemeanor and on conviction shall be fined for each day's failure the sum of three dollars, to be paid to such contractor, and if said fine and costs be not immediately paid, the justice before whom such case is tried shall deliver such person to such contractor to be worked by him at the rate of half a cents per day until such fine and costs be paid, and such contractor may use such force and other means as may be necessary to compel such person to work out such fine and cost. Any person liable to work on the public roads may discharge himself from such duty by the payment of a commutation tax to be fixed by the board of supervisors upon which he is liable to work, not exceeding ten dollars in any one year; such tax to be paid either into the county treasury or to the contractor as may be determined by the board of supervisors and notice paid at the time fixed by such board or contractor. That in making assignment of persons liable to work on the public roads and bridges the board of supervisors shall assign each person to the public road or bridge in the vicinity of which he has his usual place of abode as near as can conveniently be done.

SEC. 3. Be it further enacted, That if any contractor neglects or refuses to keep in repair any road or bridge which he has contracted to keep in repair, the board of supervisors may employ some one else to do the necessary work and in such event such contractor so failing shall be liable on his bond for the amount of such work and twenty-five per cent. damages thereon and a reasonable attorney's fee for prosecuting the suit if any suit be brought.

SEC. 4. Be it further enacted, That each member of the board of supervisors shall receive four dollars per day for each day necessarily occupied by him in inspecting and receiving roads and bridges: Provided, said supervisor's work shall be ordered by a full board and spread upon the minutes of said board and not exceed twenty days in any one year.

SEC. 5. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved February 16, 1884.

AN ACT to regulate the place of trial of writs of habeas corpus.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That writs of habeas corpus when granted on the application or in behalf of any person detained upon a criminal charge under the laws of this State, the judge or chancellor shall make the writ returnable at the county seat where the offence is alleged to have been committed; provided, that if at the time such writ is made returnable the circuit judge or chancellor shall be holding the term of any called or regular session of any court he may make such writ returnable at such place as he may designate in his fiat commanding said writ.

SEC. 2. Be it further enacted, That in the event the party in custody is entitled to his discharge by reason of any defect or irregularity in the proceedings for commitment the chancellor or judge trying the case if in his opinion the crime has been committed by the party may hold him over for further proceeding.

Approved, February 16, 1884.

AN ACT to prevent the sale of vinous, spirituous or malt liquors in the town of Serepta and within three miles of said town.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That it shall be unlawful for any person or persons to sell, give away or dispose of in any manner, any vinous, spirituous or malt liquors in the town of Sarepta, Calhoun county, Miss., and within three miles of said town; and any person so selling giving away or disposing of any vinous, spirituous or malt liquors within said town or limits of three miles therefrom, shall be guilty of a misdemeanor, and on conviction by any court of competent jurisdiction, shall be fined in any sum not more than $100, or be imprisoned in the county jail not more than sixty days, or by both such fine and imprisonment, in the discretion of the court; provided, that nothing in this act contained shall prevent any regular practicing physician from keeping and using such quantity of alcohol, brandy, whisky, liquors and wines as may be actually needed for medicinal purposes in his practice, nor to prevent any keeping and using liquors, brandies, whiskies and wines at homes for the purpose of dispensing hospitality.

SEC. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved February 16, 1884.

AN ACT to authorize the Board of Supervisors of Wilkinson County to procure a new and complete map of the several townships of said county.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the board of supervisors of the county of Wilkinson be authorized and empowered, in their discretion, to procure a new and complete set of maps of the several townships of said county, and may be allowed therefor reasonable compensation to be paid by the county treasurer upon a warrant which may be issued.

SEC. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved February 16, 1884.

AN ACT to authorize and empower the Boards of Supervisors of Pike and Newton counties to levy a tax sufficient to pay the present outstanding school warrants of said counties and for other purposes.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the boards of supervisors of Pike and Newton counties are authorized and empowered at the time when they next meet for the purpose of levying the county tax for the year 1884, to levy a sufficient tax to pay all outstanding school warrants due by said counties issued prior to the year 1884.

SEC. 2. Be it further enacted, That when the said boards shall have ascertained the outstanding school warrants by said counties shall have been paid, the said boards of supervisors of said counties are hereby authorized at the time thereafter when they annually meet to levy a tax for county purposes, also to levy a tax sufficient to pay any outstanding school warrants of previous years which may be due by said counties; Provided, the levy at any time in this act mentioned for the payment of outstanding school warrants as aforesaid, shall never exceed a tax of two mills on the dollar; Provided further, that nothing herein contained shall authorize the payment of any warrant illegally issued.

SEC. 3. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, February 16, 1884.

AN ACT to enable the Board of Supervisors of Pike County, in their discretion, to compromise an indebtedness due said Pike County by C. C. Gibson.

Whereas, At the February term, 1882, of the circuit court of Pike county, a judgment in suit No. 3031 of said circuit court was rendered for the use of Pike county against J. L. Travis as principal on his official bond as sheriff, and C. C. Gibson as his surety thereon, for the sum of seven hundred and fifty dollars, and costs of suit; and

Whereas, It is alleged that there are equitable considerations in favor of said C. C. Gibson, why said judgment may be compromised as to him; therefore,

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the Board of Supervisors of Pike county, may in their discretion, compromise said judgment against said C. C. Gibson upon such terms as to them may seem equitable and just.

SEC. 2. Be it further enacted, That nothing in this act contained shall in any manner affect the rights of the State Revenue Agent in and to said judgment, and that the board of supervisors of said county cannot in any manner compromise the interest of the revenue agent in said judgment.

SEC. 3. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, February 16, 1884.

AN ACT to change the time of holding the Chancery Court of Pike county.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the chancery court in the county of Pike shall be held on the first Mondays of June and December in each year and continue twelve days, if business requires.

SEC. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 16, 1884.

AN ACT in reference to notice of the building of bridges by boards of supervisors.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That in the notice required to be given by section 870, in Code of 1880, it shall be sufficient to state the place where the bridge is to be built, and refer to the specifications on file in the clerk's office without setting out such specification in full.

SEC. 2. That this act shall take effect from and after its passage.

Approved, February 16, 1884.

AN ACT to authorize the Treasurer to receive certain monies into the Treasury.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the Auditor of Public Accounts be directed to issue his receipt warrant for, and that the Treasurer of the State be authorized to receive into the Treasury, the sum of two hundred dollars from Robert C. Patty, former Treasurer, and the sum of three hundred dollars from J. A. Tyson, present Treasurer of the town of Macon, which sums had been collected by them, under a misapprehension of the law, from parties licensed to retail vinous and spirituous liquors (said monies to be credited to the common school fund.)

SEC. 2. Be it further enacted, That the payments so made by parties licensed have the same force and effect as the same had been made, at the proper time, to the tax-collector of Noxubee county.

SEC. 3. Be it further enacted, That this act be in force from and after its passage.

Approved, February 16, 1884.

AN ACT to amend Section 407 of the Revised Code of 1880 with regard to sureties on official bonds in Coahoma county, Mississippi.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That section 407, Revised Code, 1880, be so amended as to permit parties owning land of sufficient value in Tunica and Bolivar counties, being otherwise qualified to become and qualify as sureties on official bonds in Coahoma county; Provided, That the sureties qualifying under the provisions of this act by signing any such bond, as aforesaid, shall be held thereby to have conferred jurisdiction on any and all courts of said county of Coahoma in any suit or proceedings at law, or in equity that may be instituted against them for any breach of the penalty in condition of any such bond or bonds.

SEC. 2. Be it further enacted, That this act take effect and be in force from and after date.

Approved, February 16, 1884.

AN ACT to authorize the Board of Supervisors of Rankin county to cancel a certain bridge bond.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the board of supervisors of Rankin county are empowered and authorized to cancel a certain bridge bond entered into by J. S. Melvin and J. T. Longmire by order of said board upon a contract to build a certain bridge in Rankin county, and their sureties be and the same are hereby relieved from any and all liability upon said contract and said bond.

SEC. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, February 16, 1884.

AN ACT to amend section 1258 of the Code of 1880 in regard to the sale of the homestead.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That section 1258 of the Revised Code of Mississippi be amended by inserting after the first word in said section the word "conveyance," and that this act take effect from and after its passage.

Approved February 14, 1884.

AN ACT to change the time for holding Chancery Courts in Noxubee and Winston counties.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That section 1796 of the Code of 1880, be so amended as to read as follows as to Noxubee and Winston counties, to-wit:

In the county of Noxubee on the fourth Mondays of April and October, and continue twelve days.

In the county of Winston on the second Mondays of April and October, and continue twelve days.

SEC. 2. Be it further enacted, That all process and publication made returnable to said courts as now provided for by law, shall be as effectual as if made returnable to said courts at the times now provided for.

SEC. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, February 16th, 1884.

AN ACT to amend section 463, Revised Code of 1880, concerning pay of assessors.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That section 463, of the Revised Code of 1880, be and the same is hereby amended as follows: By striking out all after the words "provided further" and inserting the following: That the board of supervisors in every county shall allow the assessor five cents for each individual assessed, payable out of the county treasury.

SEC. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved February 16, 1884.

AN ACT to create three Justice of the Peace Districts in the Fourth Supervisor's District of Hinds county, and to provide for the election of a Justice of the Peace in each of said Districts, and for other purposes.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the fourth supervisor's district of Hinds county shall be divided into three districts for the election of justices of the peace, and that there shall be one justice of the peace elected hereafter for each of said districts.

SEC. 2. Be it further enacted, That the boundary of the first of said districts shall be the same as the boundary of the voting precinct of Raymond as it is fixed by the board of supervisors of said county; and the boundary of the second of said districts shall be the same as the boundary of the voting precinct of Lebanon as fixed by the board of supervisors, and the boundary of the third of said districts shall be the same as the boundary of the voting precinct of Dry Grove as fixed by said board of supervisors. Provided that if the board of supervisors shall hereafter change the boundary of said voting precincts, the boundary of each of said justice districts shall be commensurate with the corresponding voting precinct.

SEC. 3. Be it further enacted, That the electors of each of said districts shall vote for the justice of the peace to be elected in the particular district in which they reside.

SEC. 4. Be it further enacted, That the board of supervisors of said county are authorized and required, as soon as practicable after the passage of this act to order an election to be held in the Lebanon District for the election of a justice of the peace for said district to hold office during the ensuing term.

SEC. 5. Be it further enacted, That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, February 16, 1884.

AN ACT permitting non-resident sureties on the official bonds of county officers in Tunica county.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That as to any official bond of any county officer of Tunica county, or officers for any sub-division of said county, hereafter executed or required, if the sureties offered thereon are otherwise sufficient, it shall be no cause of objection that such sureties, or any of them, are non-residents of this State; Provided said sureties own real estate in said county, and shall only be taken on any bond to the extent of the value of said real estate in said county.

SEC. 2. Be it further enacted, That any such non-resident surety may execute such bond, and make the affidavit required of him as a surety, before any of the officers enumerated in section 1878 of the Revised Code of 1880, as authorized to swear non-residents to answer in chancery. And all of the provisions of said section 1878 of said Revised Code are hereby made applicable to this act.

SEC. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved February 16th, 1884.

AN ACT prohibiting the sale or giving away intoxicating liquors in the county of Clarke.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the giving away or selling of wine, whisky, brandy, beer, or of any intoxicating liquor, whatever, or of any preparation of the same, in any form of a beverage, and especially of the preparations known as bitters, by whatever name, now or hereafter called, in any quantity, or for any purpose, in the county of Clarke, is hereby prohibited, and made penal; provided, that prohibition shall not extend to the giving of such liquors for the administration of Lord's Supper, or when given by a practicing physician as medicine in cases of actual sickness, or in dispensing private hospitality, within the domestic circle, and in the family residence of the giver. But no sale of such liquors shall take place within said county, for these or any other purposes.

SEC. 2. Be it further enacted, That for each and every violation of this law, the party offending, shall upon conviction, be fined not less than fifty, nor more than one hundred and fifty dollars, or be imprisoned not less than twenty days, nor more than six months in the county jail, or by both such fine and imprisonment, at the discretion of the court. Every device or subterfuge, which the jury in the circuit