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THE WEEKLY CLARION.

BY HAMILTON, POWER & CO.

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Laws of the United States.

JACKSON, MISS.

Gov. Throckmorton has approved a joint resolution of the Texas Legislature, inviting labor and capital into the State, for the development of the great resources of Texas.

At a special convention of the Diocese of Maine, held at Gardiner on Tuesday, Rev. A. Healy, of New York, was unanimously elected Bishop.

The Washington Republican and Evening Star, Presidential organs, both denounce the stories about the Mexican treaty, as stock-jobbing fabrications.

The Memphis and Little Rock Railway Company has executed a contract with Gen. Forrest and his associate, which contemplates the absolute completion of the Memphis and Little Rock Road, within fourteen months.

THE STATE ENGINEER.—We are pleased to learn that Capt. T. S. Hardee has been appointed by Gov. Humphreys the State Engineer of Mississippi, under an act of the Legislature authorizing the compilation of a new State map.

THE HIGH COURT ADJOURNED.—The following notice, from Mr. Livingston, will be of interest to many of our readers:

THE STATE OF MISSISSIPPI,
HIGH COURT OF ERRORS AND APPEALS,
October Term 1866.

MONDAY, November 5, 1866.
It is ordered by the Court, that the business of the Third District be set for the first Monday in January next, at which time the same shall be taken up and proceeded in according to the Rules of the Court, until which day this Court is ordered to be adjourned.

A true copy from the Minutes.
Attest: SAMUEL LIVINGSTON, Clerk.

The editor of the New York News has been shown a machine invented by Mr. P. F. Milligan, by the application of which to railroad bridges, culverts, trestlework, etc., the engineer, as Mr. Milligan claims, can see at a glance, as he approaches each and every bridge, culvert, etc. First—whether there has been a freshet, and how high the water has been. Secondly—whether the track has settled from its proper or sound position, and, if so, how much it has gone down. And thirdly—if the bridge, culvert, etc., be burnt down or swept entirely away. The absence of the lamps is proof positive that they are gone, and calls on the engineer to stop his train.

Matilda Herron, the actress recently gave the Southern Relief Fair at St. Louis a lot of antique lace for which she had been offered five thousand dollars. In a letter to the President of the Association, she says:

In giving this dear relic to the Southern matrons and orphans, I feel that I am giving them a bit of my heart. I kept it out of the celebrated set I recently sold for my only child. In giving it to the orphans of the American heroes, I feel I dedicate it to as holy and sweet a purpose.

The New York World advises us to yield quiet obedience to all constitutional laws, to maintain order, to protect and encourage the freedmen by equal laws and to abstain as carefully from agitating questions of Federal politics as if they had no concern in them. Their only hope of redress is through justice. When it becomes known that they are determined to fight with dignified reserve; that they will neither humiliate themselves nor the peace of the country; that they will furnish no food to agitation, that they will demean themselves as lawless citizens, and patiently await their further humiliation, the Radicals will be embarrassed and nonplussed, and their responsibility of keeping the freedmen permanently dissolved will be home to that party, and make it the object of general detestation.

A wagon containing five hundred pounds of powder recently blew up while crossing the plains. The wagon was torn to fragments and scattered in every direction, its hubbing the largest piece found. All that could be found of the driver was a piece of a foot, a joint of his finger and a fragment of his skull. Three yoke of oxen were torn to pieces and two other yoke badly burned.

The South and National Politics.

A proposition made by some of our Southern contemporaries that the Press and people of the South pay no further attention to political matters but devote themselves exclusively to improving their material fortunes until the development of the purposes of our "northern masters," is attracting some attention North. Such journals as the New York Times depreciate a course of that kind. It would say the Times "be a most unfortunate thing that such a vast body of the American people should settle down into indifference upon such vital matters of popular concern. It is absolutely essential to the proper working and permanent continuance of our free institutions that the whole people of the country should at all times take an active interest in them. Our Southern fellow-citizens may, and unquestionably do, feel greatly discomfited in their recent political hopes; but it cannot and will not be long until they are enabled to renew their activity upon a field in which, while they have made several terrible blunders, they have also taught the country some of its most valuable lessons."

"It is very true, Mr. Raymond, we have taught you many valuable lessons, and if we could now persuade you to look at things as they are—see, as the Richmond Whig says, the real condition of the South—be shown the interior of our household and business affairs—could see how straitened we are in our circumstances—could learn how many families that hitherto knew, experimentally, little of life save its enjoyments and luxuries, are now brought face to face with its sorrows and privations—could see the struggle that is going on in every household for the bare necessities of life, the economy that is practiced, and the patient endurance of old and young, male and female—if you could see how eager all are for some honest employment, that will yield a bare livelihood—could see how tolerant those who owned hundreds of slaves, who were at their beck and call, now are of the freedmen in their newly acquired privileges, and with what cheerful good humor they conform to the new order of things—treating these former slaves with the utmost kindness: if, too, you could see the perfect indifference of all classes to politics, their freedom from passion and partisanship:—if, we say, the Northern people could, by a miracle, be shown these things, you would marvel at the excitement and frenzy pervading your section, and pounce upon the miserable beagles advocating the adoption of measures oppressive to the South and calculated to produce another revolution. The Southern people have labored to this end since the meeting of Lee and Grant at Appomattox, but they might as well have been singing psalms to the dead sleeping in the ancient catacombs. We want to see our people comply with the laws, remain true to the great principles of the government, and following the advice of the World and Baltimore Gazette, stand aloof; accepting nothing, rejecting nothing, recognizing no right of the North to exact more from us than what has already been conceded, performing no act that might be construed into an assent to Northern domination, and quietly abide our time. We are disgusted with Northern teachery and corruption, and should stand apart from the political contest now going on in the North until we can take our place in the councils of the nation unshorn of a single right exercised by any Northern State.

The United States District Court, Judge Hill presiding, Hon. Robert Leachman, District Attorney, is in session but will probably adjourn during the week. The Grand Jury have been organized and are doubtless considering sundry cases that have been brought to their notice. No civil business will be disposed of at this time, but remains continued to the next regular May term.

Rev. Sylvanus Cobb, the well known Universalist clergyman, died in Boston, yesterday, aged eighty-eight years.

Twenty-eight thousand dollars of money stolen from Paymaster Glenn, United States Army, in Nevada, has been recovered.

BY TELEGRAPH.

REPORTED EXPRESSLY FOR THE CLARION.

WASHINGTON, Oct. 31.—The New York Times' correspondent says Sherman has accepted the military and diplomatic mission to Mexico and will accompany Mr. Campbell, the new Minister, to that country.

The Arizona, from Aspinwall, has arrived bringing three millions and a half dollars in specie.

A French war steamer has arrived from Mexico with a large number of sick and wounded, who were placed in the foreign hospitals and vessels by the Imperialists.

Honduras has decided to remain neutral in the war between Spain, Peru and Chili.

TORONTO, Oct. 31.—The Episcopal church at Brantford, Canada West, was sacked by the Fenians on hearing of the sentence of Lynch and McMahon.

NEW ORLEANS, Oct. 31.—The last news respecting the Empress Carlotta gives the bare hope of her recovery.

The condition of Mexico is no better though the Imperialists have been successful in all the engagements mentioned.

MONTEAL, Oct. 31.—At a public dinner last night Gen. Sir John Mitchell made a speech recommending the fortifying of Montreal, Kingston and points West. Also that the volunteer movement be extended over entire British America.

The British papers are discussing Seward's letter regarding the Fenian trials. They say it will do the prisoners more harm than good.

BALTIMORE, Oct. 30.—The trial of the Police Commissioners is still progressing. All parties are anxious to get through with it. The Governor said he would sit until midnight to accommodate the counsel.

Latest advices from Candia say the fighting between the Christians and Turkish troops continues.

PRAGUE, Oct. 29.—An attempt was made on Saturday to shoot the Emperor, Francis Joseph, on leaving the Theatre. The attempt was foiled by an Englishman and placed under arrest.

LONDON, Oct. 31.—The Times again gives the reference of the claims of the United States for property destroyed by the Alabama, to a joint commission. It thinks it would be an act of policy if not of justice.

NEW YORK, Oct. 31.—Gold, 46. Cotton heavy. Middling, 38 1/2 @ 40.

LIVERPOOL, Oct. 31.—Cotton steady. Middling uplands, 15d.

DUBLIN, Oct. 31.—Mr. Bright, the Reformation advocate, arrived here, and was the recipient of a grand banquet. In his speech he urged strongly the application of proper remedies to remove the Irish grievances.

PARIS, Oct. 31.—It is stated, Napoleon informed the Empress Carlotta to urge Maximilian to cede two of his provinces to the United States in order to consolidate his rule in Mexico.

ROME, Oct. 31.—The Pope has declared an allocation condemning the conduct of Italy and declaring his readiness to die in defence of right. He says if necessary he will seek the free exercise of his ministry in another land.

PARIS, Nov. 1.—A decree has been issued appointing Commissioners to reorganize the French army. Napoleon will preside.

LONDON, Oct. 31.—The Turks claim great victories over the Christians in Candia. Large submissions were being made by the Christians to Turkish authority.

LIVERPOOL, Oct. 31.—Sales of cotton, 13,000 bales at 14 1/2 @ 15d. for middling uplands.

LIVERPOOL, Nov. 1.—The cotton market is heavy with sales to-day of 8000 bales.

BALTIMORE, Nov. 2.—Gen. Grant returned to Washington last night. He had an interview with both the new and old Boards of Commissioners. There was a large force on duty last night. Special policemen were sworn in and houses strongly guarded. Beyond an assault on a policeman there was no disturbance. The city is quiet to-day. The new Commissioners have not yet appeared nor applied to be sworn in. The Mayor refuses to re-organize the new Board.

WASHINGTON, Nov. 2.—Sanford Conover alias Chas. A. Denham, was arrested in New York yesterday and brought to Washington to-day. He is charged on the affidavit of W. H. Roberts of having fraudulently procured Roberts to commit to memory and swear to a false statement before the House committee as to matters implicating Jefferson Davis in the murder of President Lincoln. Conover, it will be recalled, gave great testimony before the military commission on the trial of assassination conspirators.

BALTIMORE, Nov. 2.—James Young and Wm. T. Valcott have been commissioned as new Police Commissioners, and were sworn before Judge Norton of the Superior Court. There was no opposition. The counsel for the old commissioners said they would offer no impediment to their taking the oath.

The old force remains on duty yet and the Police stations are strongly guarded. All is quiet but much interest is manifested as to the result of the issue. Mr. Young is President of the Conservative City Convention.

NEW YORK, Nov. 2.—Col. Roberts has issued an address to the Fenians, calling on them to work and organize into regiments. Strange events are in the near future, and you know not how soon you may be called upon to strike for Ireland.

Cotton heavy. Sales of 1500 bales at 38 1/2 @ 40. Gold 46 1/2.

WASHINGTON, Nov. 2.—Four negroes, who murdered Mr. Lynde in Prince George county, Maryland, were executed to-day in upper Marlborough. They confessed their crime.

NEW YORK, November 3.—Cotton quiet at 39 1/2 @ 41. Gold, 47 1/2; exchange, 109 1/2.

PARIS, Nov. 2.—The Presse says that the alliance between Prussia and Russia is complete.

The Italian Press are denouncing the allocation of the Pope against Italy's conduct. It is reported that Count Rissoldi will soon resign his position in the Italian ministry.

It is said in Paris that Montholon has been ordered from Washington to Lisbon and that Berthemy will succeed him.

LONDON, Nov. 2.—Consols 89 1/2, fives 62 1/2. LIVERPOOL, Nov. 2.—Sales of cotton this week 56,000 bales; to-day, 10,000, closing dull; middling uplands 15 pence.

BALTIMORE, Nov. 3.—A Radical mass meeting last night adopted an address to the country, declaring that they were anxious to maintain peace, and that all doubts relating to the removal of the Commissioners should be decided by the courts, and also bitterly denouncing the action of Governor Swann in attempting to remove the Police Commissioners and accusing him of the purpose of throwing political power into the hands of the sympathizers and abettors of the rebellion. The new Police Commissioners to-day went to the old Commissioners' office where their appearance was a signal for a tumultuous demonstration of disapproval by the now largely increased crowd. They handed in their demand for the possession of the premises and then returned to the Conservative Headquarters, to receive a reply, and were received with loud cheering from the crowd. It is now understood that they were an organization of a new force. Five or six members of the old police force resigned last night and to-day reported to the new Commissioners. There are reports of the arrival of troops on the Washington Road. Much excitement prevails, and a deep feeling everywhere exists, but thus far there has been no disturbance.

PHILADELPHIA, Nov. 3.—A regiment of troops passed through here this morning, en route for Baltimore.

NEW ORLEANS, Nov. 3.—Gold 148 1/2. Cotton steady, sales 21,000 bales; middling 35 @ 36.

The crops in Texas have nearly all been gathered. More has been saved than was expected, but cotton is still very short. The Indians have appeared in Bandera county and are driving the settlers in.

Flake's Galveston Bulletin, the organ of the Radical Congress, comes out again in favor of negro suffrage or impartial suffrage based on education.

WASHINGTON, Nov. 3.—The parole granted to Mr. Davis some months ago, giving him the privilege of the grounds of the Fortress, has been extended through Executive clemency, in removing all surveillance over him, and the guard from his rooms in Carroll Hall at night. Instructions to this effect have been sent from Washington to Gen. Burton, the commandant of the Post, directing his imprisonment of anything less than severity, and paving the way, it is generally presumed, for his final parole and release.

All the guards over him, both day and night, have been removed, and he now enjoys perfectly untrammelled liberty, and every possible means of comfort and pleasure while held a prisoner in the Fort. It is said that he has expressed great gratification at this action of the government, and already contemplates vacating Carroll Hall and taking up his residence with Mrs. Davis, in the apartment assigned him shortly after his arrival.

BALTIMORE, Nov. 3.—The new commissioners were arrested this afternoon on a bench warrant issued by Judge Bond, on the charge of attempting to break the peace, and upon refusing to give bail in the sum of twenty-five thousand dollars, were committed to jail. Sheriff Thompson was also committed. The new commissioners will get out a writ if habeas corpus which will bring the question before the courts. The writ can scarcely be returned before Monday. The city is now quiet, notwithstanding several riotous demonstrations occurred this evening when the fact became known that the new commissioners had been arrested.

NEW YORK, Nov. 3.—Gold 48 1/2. Cotton dull at 39 1/2 @ 40. Sales 12,000.

WASHINGTON, Nov. 1.—Secretary Seward and nearly all his family, left here yesterday evening, to take the remains of his daughter to Auburn.

Mr. Bogy, the newly appointed Commissioner of Indian Affairs, assumed the duties of his office to-day.

NEW YORK, Nov. 1.—The steamship Eagle, from Havana, has arrived.

The Government agent commissioned to buy two monitors from the United States, is a passenger on the Eagle.

Well authenticated reports reached Havana of the landing of a cargo of negroes near Lynchova and Cardenas. The Governor-General sent officers to investigate it.

BALTIMORE, Nov. 1.—The Governor has decided to remove the Police Commissioners. He says if it is necessary to enforce the decision he will call on the United States for troops: there is great excitement on the streets, and indications of trouble.

NEW YORK, Nov. 1.—Gold, 48 1/2. Cotton dull at 39 1/2 @ 40.

NEW YORK, Nov. 1.—Foreign advices by the Australian say the cotton crop of Egypt will be very large.

The cattle plague has almost died out in England.

A Paris correspondent says the Empress Carlotta's malady began on her voyage from Vera Cruz.

The famine continues in India and now the cholera has broken out in the famine districts.

BALTIMORE, Nov. 1.—It is not yet ascertained if the new Commissioners are. It is understood, however, that they have been organized and will make their appearance during the day. The old Commissioners have their full force out and will resist the new force when they undertake to take possession of the station houses, marshal's offices, &c. A body of 400 dismounted cavalry, which arrived yesterday to embark for Texas, are now at Fort McHenry, and rumor says they will be retained here in case of an emergency. There is considerable feeling manifested, some approving and others disapproving and bitterly denouncing the action of the Governor.

Gen. Grant and Constock have arrived here.

TORONTO, Nov. 1.—The trial of eight Fenian prisoners has been postponed until the second week in November, to enable their counsel to obtain evidence. The Crown's counsel is not ready to proceed against the others.

NEW YORK, Nov. 1.—Cotton is firmer on the reports of frost in Georgia. Sales to-day, 3,500 bales. Middling 39 1/2 @ 41.

Private advices from Mexico announce disaffection in a Mexican regiment organized with Austrian officers, who murdered all of the latter and went over to Ponferrada, at Oaxaca. The Austrian band at the Capitol has ceased to give its open concerts, because of the riotous conduct of the populace. The Emperor, by reason of sickness and distress of mind as to the health of the Empress, has shut himself up in the castle of Chapultepec. His abdication is momentarily expected.

LONDON, Nov. 2.—The Times, of Tuesday, again urges a reference of the claims of the United States for property destroyed by the Alabama to a joint commission, and thinks that it would be an act of policy if not of justice.

Cotton quiet but steady. Sales 7000 bales. Money market unchanged. Consols, 89 1/2 @ 90 1/2.

BERLIN, Oct. 30.—The King has directed the celebration of the solemn fete on the 11th of November, on account of the restoration of peace.

LIVERPOOL, Oct. 29.—Cotton steady, sales ten thousand bales, middling uplands 15 pence.

WASHINGTON, Nov. 4.—Governor Swann with Montgomery Blair and Mr. Lathrop, counsel for the newly appointed Baltimore police commissioners, arrived last evening and had an interview with the President to-day. Swann, General Grant, Stanton and the Attorney General were also in conference with the President.

LONDON, Nov. 3.—A large fund has been raised for the relief of the Quebec sufferers.

LIVERPOOL, Nov. 3.—Cotton active, middling uplands have advanced to fifteen and a quarter. Sales to-day, 10,000 bales.

PARIS, Nov. 3.—The rumored change in the Washington embassy is fully confirmed.

ST. PETERSBURG, Nov. 3.—The Military and Naval forces of Russia have been ordered to be raised to their full strength.

MADRID, Nov. 3.—It is said that Spain contemplates a coup d'etat.

VIENNA, Nov. 3.—The Hungarian Diet has been convoked for the 19th instant.

TORONTO, Nov. 3.—The excitement relative to the Fenian trials is moderating.

Lombden was tried to-day. The Court Room was densely crowded. Verdict, not guilty.

NEW YORK, Nov. 4.—The grand total of the registered voters of this city is 125,162.

BALTIMORE, Nov. 4.—Noon.—The counsel for the new commissioners have made application before Judge Barton of the Court of Appeals for a writ of habeas corpus. The writ cannot be served till to-morrow. The law of Maryland on the subject of habeas corpus provides that the officer having the party shall not get a hearing before Tuesday or Wednesday. It is not known what course he will pursue. It is presumed that if the commissioners are brought before Judge Barton to-morrow, the counsel will enter into a discussion of the points involved. The city continues remarkably

DECISIONS OF THE HIGH COURT

OF ERRORS AND APPEALS.

APRIL TERM, 1866.

Reported Expressly for the Clarion.

John Funston,
9777,
Josiah Metcalf,
Error to the Circuit Court of Tallahatchie County.

HON. W. L. HARRIS DELIVERED THE OPINION OF THE COURT.

The defendant in error commenced his action of ejectment in the Circuit Court of Tallahatchie County, to recover possession of the land in the declaration mentioned, from the plaintiff in error. To this declaration the plaintiff in error filed the general issue and the case was set for trial on the 1st day of March, 1866, a motion for a new trial which was refused, and bill of exceptions taken and allowed and a writ of error prosecuted to this Court.

The errors assigned are that the court erred in overruling the motion for a new trial; that the court erred in excluding which was agreed to be considered by counsel, as an authenticated copy of the records of the commissioner of the General Land Office, showing or tending to show that the patent to Trewella was issued upon a regular certificate for the purpose of the land in question by him from the U. S. on the 15th October 1851, when the U. S. was still the owner in fee thereof.

The second assignment is that the court erred in overruling the motion for a new trial. From the evidence appearing in the bill of exceptions it appears that the plaintiff below derived his title from a patent issued by the Secretary of the State of Mississippi to one Middleton, and the 15th day of February 1853, and authorized to be issued by an act of the Legislature of the State of Mississippi, dated the 5th March 1852.

The land in question was swamp or overflowed land, claimed by defendant in error to have been granted to the State of Mississippi by the act of Congress of the 25th Sept. 1850, and the plaintiff below adduced evidence to show that he had title regularly under said patent.

The defendant below introduced a patent from the U. S. for the same land dated the 30th day of March 1858, and then offered to show that this patent was issued upon a certificate of purchase by the patentee of the land in dispute (No. 2985), dated the 15th day of October 1851, under the act of Congress, entitled "an act for the relief of purchasers and locators of swamp and overflowed lands, approved the 23d September, 1850, grants to the State all swamp and overflowed lands lying within the limits of the State, at the date of its passage; and that it is not necessary that a patent should issue to the State of Mississippi, in order to render the patent from the State to its vendee evidence of a legal title. But it is there held, that under the second section of the act of Congress, the title to the swamp and overflowed lands so granted should be ascertained and located by the authority and with the approval of the Secretary of the Interior, and that the proof in that case showed a substantial compliance with that act, and a sufficient designation of the lands embraced in it, and vested a complete legal title to the land in despite of the patent under the State, without a patent from the United States to the State of Mississippi.

In the case before us a wholly different question is presented. The plaintiff below claims title to a tract of land, not only not patented to the State of Mississippi, under the second section of the act of Congress, but omitted from the patent of the 23d September, 1850, grants to the State all swamp and overflowed lands lying within the limits of the State, at the date of its passage; and that it is not necessary that a patent should issue to the State of Mississippi, in order to render the patent from the State to its vendee evidence of a legal title. But it is there held, that under the second section of the act of Congress, the title to the swamp and overflowed lands so granted should be ascertained and located by the authority and with the approval of the Secretary of the Interior, and that the proof in that case showed a substantial compliance with that act, and a sufficient designation of the lands embraced in it, and vested a complete legal title to the land in despite of the patent under the State, without a patent from the United States to the State of Mississippi.

To the admission of this evidence counsel for plaintiff below objected, which objection was sustained by the Court, and this presents the real point in issue here.

It is true, as held by this Court in the case of *Fere vs. Williams*, 32d Miss. 533, that before the ascertainment of the title to the land in dispute, the title should be ascertained and located by the authority and with the approval of the Secretary of the Interior, and that the proof in that case showed a substantial compliance with that act, and a sufficient designation of the lands embraced in it, and vested a complete legal title to the land in despite of the patent under the State, without a patent from the United States to the State of Mississippi.

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The evidence offered by the defendant below, and ruled out by the Court, tended to show why the land in controversy was not patented to the State of Mississippi. That before the ascertainment of the title to the land in dispute, the title should be ascertained and located by the authority and with the approval of the Secretary of the Interior, and that the proof in that case showed a substantial compliance with that act, and a sufficient designation of the lands embraced in it, and vested a complete legal title to the land in despite of the patent under the State, without a patent from the United States to the State of Mississippi.

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