THE WEEKLY CLARION.

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"MY WIFE."

What is my wife like? Stay and hear.
Her eyes are soft, and dark and brown;
Limpid and lustrous, and as clear
As stars from Heaven shining down
On this dull world. And for her size—
She's not so tall but she must raise
Her lips to mine, and I can gaze
Right downwards in those loving eyes.
Her hair is like a veil of light,
All crispy, golden, soft and fair;
And falling round her shoulders white
In waving masses rich and rare.
Her hands! what artist e'er could paint?
So dainty-tipped, so small and thin;
Soft-palmed, and sweet with perfumes faint,
And white as wax the satin skin.
And then her foot is slender, small,
And arching like a serpent's crest;
The semblance likes me not at all,
So choose the smile you best admire. But gaze not over-bold;
My wife is but a modest girl,
As true as steel and pure as gold,
Though fair as Ocean's fairest pearl.
And can you guess her greatest charm?—
A rare one too; but be it known,
Her heart, and soul, and mind, my wife
Is mine—all mine and mine alone.

From the Mobile Register.

What Southern Lands can be Made to Produce.

We notice, with a great deal of Satisfaction, the numerous experiments that are being made by Southern farmers of heavy manuring and high culture of poor land. In the last number of the Southern Cultivator, the results of several experiments of this kind—made in different sections of the South, and by different persons—are recorded, and they are so satisfactory, and so specially encouraging to the dwellers upon the poor pine lands of the South, that we copy a few of them.

The first is an experiment of Mr. C. A. Peabody, of Russell county, Ala., on a half acre of land planted in cotton. The produce of this half acre, as certified by a committee of citizens, and reported to the East Alabama Agricultural Society, was 2,149 pounds of clean seed cotton. The treatment of the soil as described by Mr. Peabody, was as follows:

"The half acre planted in cotton as described, was a piece of old pine land, light sandy soil—would produce with ordinary culture and common seed, about three hundred pounds to the acre, seed cotton. I sow-peaned the piece last winter. In the spring I turned the manure under with a turn-shovel plough, and followed with a sub-soil. About the middle of April I crossed the piece with the scooter, and followed with the sub-soil again. The 25th of April I opened furrows three feet apart, and in the bottom of the furrow put in two hundred pounds of Pacific Guano; threw two furrows on this, with a turn-shovel, and over the Guano planted the seed. I planted three seed to a hill, fifteen inches apart, and thinned out to a stand of two stalks. When the cotton was up three inches high, I ran around it with a scooter, and finished the middles with a horse-hoe. The variety of cotton planted was the Dickson, hybridized by my long staple. In the early season, the crop suffered as much as sub-soiled land would suffer from the drought, and later suffered from too much rain. The 14th of September the worms took it, stripping every leaf and young boll, lessening the product nearly one-half.

The next experiment was also made in our State. The account is copied by the Cultivator from the Macon (Ga.) Journal, as follows:

Col. Walter H. Mitchell, of this place, who has just returned from a trip to Alabama, gives us an account of a yield of cotton on five acres of land in Bullock county, near Union Springs, that deserves mention. The land was improved by thorough ploughing, to the depth of fifteen inches, enriched by the application of 2,500 pounds—500 pounds to the acre—of a mixture of Peruvian Guano and Phosphates, and worked at least once a week. The hill system of planting was adopted, and the yield was fifteen bales of clean, beautiful cotton, of fine quality, each bale weighing 500 pounds.

We may talk ourselves hoarse in inviting immigration, and putting on paper the great advantages of our country, but such facts as these are and will prove more persuasive than it all.

The other is an experiment by a "young planter" in Orangeburg District, S. C., and we give it in his own language:

Editors Southern Cultivator:

Allow me to submit as a young planter, an experiment of a quarter of an acre. I planted the gourd seed corn on four feet rows and two feet on the bed, after applying hog pen manure at the rate of two four-horse wagon loads to the acre, and twenty bushels of cotton seed—say five bushels.

I got a very good stand, but had to transplant half the quarter acre, which threw the transplanted stalks at least two weeks behind the original stalks. I then gave it the usual ploughing and work, when I applied seventy-five pounds of Peruvian guano, or at the rate of three hundred pounds to the acre. I gathered two hundred and fifty weight of blades and fifteen bushels of splendid corn. Some ears measure ten to eleven inches, and weigh from one pound to twenty ounces, and have from twenty to twenty-six good and perfect grains. My belief, in regard to the use of Peruvian guano, is that no quantity less than a ton can or will injure corn or cotton, if applied broadcast and thoroughly ploughed under.

In our opinion, this "young planter" has found out the true secret in regard to the successful application of Guano. It should be applied broadcast and thoroughly ploughed under, thoroughly incorporated, and as evenly as possible, throughout the soil. It is impossible for any crop to derive the food and stimulant needed to sustain it through all the stages of its growth, when the guano is applied merely in the hill or the drill; nor will the land be permanently improved by such an application. Put apply broadcast and liberally, plough it deeply, and mix thoroughly with the whole soil, and your whole land will be made permanently rich. By this treatment, we verily believe our poor, neglected pine hills can be made as productive as any lands in the South, and as valuable for the production of cotton.

An Important and Valuable Compilation.

The Banner of the South and Planters' Journal, of Augusta, Ga., has commenced the publication of a very valuable and interesting Roster of Regiments, Battalions, Batteries and Division Staff Organizations of Longstreet's Corps, prepared by General R. H. Alexander, late Chief of Artillery of Longstreet's Corps.

This Roster gives in detail the engagements in which the several regiments, battalions and batteries participated, with the number engaged, the number killed, wounded and missing, and other interesting facts and incidents in connection with the movements of this celebrated army corps. Every member of this corps should have and preserve a copy of this "roll of honor," to be transmitted to posterity as a full and complete vindication of the valor, prowess, and heroic deeds of the members of this distinguished branch of General Lee's noble army of patriot soldiers.

The author earnestly requests members of the old Corps to examine carefully this Roster, and begs that they will point out any unintentional errors which he may have committed, and supply any defects which may be found in the preparation of the work. He desires to have the "Roster" perfect, and indulges the hope that the surviving members and friends of the Corps will lend him their aid in securing that result. Communications on the subject may be addressed to him personally at Columbia, S. C., or through the columns of the Banner of the South and Planter's Journal.

The first number embraces Law's celebrated Alabama Brigade, composed of the 4th, 15th, 44th, 47th and 48th Alabama regiments, and the 6th North Carolina.

What it Costs to Build Railroads—Try a Mile!

Here is a statement of the cost per mile of railroads, which is plain enough for anybody to understand. It is from the Centerville Citizen: "The rails used on the C. and S. W. railroad are 24 feet in length, weigh 48 pounds, and cost, delivered here a little over four cents a pound or $18 a rail; 440 rails, costing $7920; 440 joints, costing $170; 10 kegs of spikes, at $8 per keg, or 4 cents for each spike; 2500 ties at 40 cents each, $1250, are required in making one mile of track. This, with $425 for laying it, makes a total of $10,985, exclusive of right of way, bridges and cattle-guards. In some parts of the country the grading costs as high as $9000 a mile. The construction of thirty miles of road through Appanoose county cost over a half a million of dollars."

The Columbus (Miss.) Index says:

The New York Herald favors a sweeping amnesty bill, including Jeff. Davis and all the rest of the Southern leaders. The terror in which Mr. Davis is held by the mean and cowardly Administration recalls the redoubtable Cid of old, who won battles of his enemies even after his brave spirit ceased to animate his sturdy frame.

Mr. Samuel Bellsinger shot and killed Mr. Mahony on the 25th, at Lake City, Fla., of which place both parties were residents. Deceased made the attack and shot first. Mrs. Mahony claimed that Bellsinger squeezed her hand during a dance the evening previous. B. denies intending insult and offered to apologize, but M. would not allow it.

J. J. COULSON,
vs.
S. D. HARRIS, Sheriff and Tax Collector.

DISSENTING OPINION OF MR. JUSTCE SIMRALL.

I am constrained to dissent from the views announced by the majority of the Court, as to the jurisdiction of the Chancery Court to entertain a bill of injunction. I plant myself on what has been, as I understand, the uniform, unbroken practice in this State, as far back as our judicial records extend; unquestioned and unchanged until now, the habit of the bar, (perhaps from the first organization of the State government,) to bring these suits in equity. The useage of the judges, circuit and appellate, and of the chancellors, to grant the injunction and to adjudicate the cases upon their merits, is to my mind as conclusive in favor of the jurisdiction, as a direct adjudication of the Supreme Court. I am not able to conceive, or state a clearer evidence of the right of equity cognizance over a particular subject, than that the bar have been accustomed to bring that subject before the court, and the court time and again has adjudicated upon it. Each additional decision, is a fresh assertion of the power of the court over the subject, and a cumulative assurance to suitors, with confidence to bring their plaints before that tribunal.

It is no answer to say that the jurisdictional question has been now raised for the first time. The chancery bar of this State has been eminent for thirty years and more, for talent and learning; and it is not to be supposed that an usurpation as this, is now claimed to be should or could have crept in unnoticed and unawares. Besides every motion to dissolve, and demurrer, to the bill bring directly to the judicial mind, the question of the equitable right to interpose. Hardly a tax case can be found, either in the courts of original or appellate jurisdiction, where this point was not raised in the record.

The community look to this court for the true and permanent expositions of the law. If we vacillate, if we overturn the usages of practice, if we unsettle what the bar and the public have been induced to believe was assured and settled, we extend an invitation to suitors to embark in speculative adventurers and to count the chances of successful results. Judges should ever remember, that if they shall expect their decisions to be accepted as declaratory of the law, they should not, except for the most mighty and commanding reasons, depart from what has been handed down to them in the practice of their predecessors. It is but little less important, that the utterances of this court, as the ultimate expositor of the law, should be uniform and consistent, than that they should be right. Perhaps nothing so tends to shake public confidence, to impair the usefulness of legal tribunals, and to bring them into disrepute, as the imputation of vacillation in their decisions. It gives force and point to the sneers about their "uncertainty." Nor is the reason or necessity of departing from the old and accustomed paths realized. It is simply a question, whether a "right" shall be litigated in one court, rather than another. No mischief serious, or otherwise can result from adhering to the old practice.

I proceed now to refer to the cases that have been brought to this court, or rather those of them, to show that the jurisdiction has been so long, and so often exerted, that it ought not now to be considered open to cavil or doubt. Bank of United States vs State of Mississippi—et al 12 S. M. 467 (in 1849) was a bill enjoining taxes; such also was Body vs. Fugua et al, 24 Miss. Rep. 498 (1852)—Alcorn vs. Hamer, 38 Miss. Rep. 745. (1860.) There were other cases unreported. Newman, sheriff and tax collector, vs. Robertson, (three cases) Newman vs. Peale, (two cases.) Also, Donnell vs. Bailey, 24 Miss. Rep. 387, (1852.) In Anderson vs. Slate, in referring to the point under discussion, the Chapter I. quotes the case of Osborne vs. Bank, 9 Wheat, 738, as an authority for the jurisdiction. O'Donnell vs. Bailey (seppra) was an injunction against a threatened sale for taxes.

An analysis of these numerous cases will show, that in some of them the taxes were chargeable on lands, in others on personal effects. In some of them imposed for local objects, by local authority; in some of them the collector was actually proceeding to enforce payment by sale; in others he was about to so proceed or threatened to do so. Some of these cases were brought into tais court on demurrer to the bill; others or motion to dissolve the injunction; others again on final hearing. Some have contested the tax for the want of authority to impose and collect it; others for an improper assessment. If the records of the Superior Court of Chancery, of the several vice Chancery Courts, and the Chancery Courts of the various counties were searched for the last thirty years, the assertion is ventured that a vast multitude of these injunction suits would be found, where the right of parties was litigated and decided. Two cases as late as 1869—Read vs. Beal, sheriff and tax collector, and Lick vs. State reported in 42 Miss. Reports, were most elaborately argued at the bar, and lengthy opinions delivered by the court and yet not a doubt was hinted, that the bill of injunction was not the appropriate remedy. I am confident, therefore, in the opinion that the court transcends its official duty, in the presence of this long practice, this great weight of authority, in *now* entertaining the question of jurisdiction, and taking by surprise a great number of suitors who have brought their cases here through the Chancery Courts. There are perhaps now pending on the docket of this court fifteen or twenty tax cases from every quarter of the State, every one of which were brought in the Chancery Courts.

The legislative opinion concurs with the professional and judicial on this subject. Hence we find the legislature as late as the 9th of July last (1870) in the revenue bill, regulating, in some particulars, suits enjoining taxes. Sec. 22, page 37, of acts—declares "All causes which may hereafter be commenced, in which it is sought to delay or *enjoin* the collection of taxes, imposed by competent authority shall be regarded as preference cases, and upon the dissolution of the injunction, ten per cent damages, an amount of taxes enjoined, shall be imposed. *Suit by injunction* is here distinctly recognized as a known, usual and *accustomed remedy.* The act proposes to guard the revenue from delay in collection by the interposition of an untenable or frivolous injunction, under a penalty. It is declaratory by the law making department of the government, that this form of remedy does exist, and arms the court with additional power to protect the public interest.

I should be the better reconciled to the conclusion attained by the majority of the court, if the jurisdiction, so long exerted and recognized here, was purely exceptional, and had no support elsewhere.

Mr. Eden after enumerating a great number of circumstances, in which the injunction is proper, adds: "It would be difficult to enumerate them all, for in the endless variety of cases, in which a plaintiff is entitled to relief, if that act consists in restraining the commission of, or continuance of some act of the defendant, the court administers it by means of the writ of injunction." Vanover et al vs. Justices of Inferior Courts was the injunction of a tax for public buildings imposed by the inferior court of Terrell county, Georgia; in response to the objection made to the jurisdiction Lumkin, J. for the court, said: "we approve the remedy resorted to in this case, as not only more complete than any other, but the only one which meets the exigency of the case, 27 Geo. Rep. 357. The question was made in Miller vs Gorman 38 Penn. Rep. 313, in reasoning the court intimate that the enforcement of taxes is by quasi judicial means and observe "that injunction to restrain proceedings at law, is one of the most common heads of equity jurisdiction. If the remedy at law is adequate, injunction will not be granted. "It may be said damages may be recovered against the Supervisor, but it will only be after payment of the tax, and why would equity permit a plain breach of statute duty, in order that it might be redressed at law."

One great purpose of equity jurisdiction (perhaps the most beneficent) is to present cirulcity of actions, and unnecessary litigation. In Boyce executors vs. Grundy 3d, Peters Rep. 210, it was said, repeated in Watson and Sutherland 7 Wallace Rep. 78. "It is not enough that there is a remedy at law, it must be plain and adequate, *as practical and efficient to the ends of justice, and its prompt administration as the remedy in equity.*" In Commonwealth ex rt alone of Rawle's vs. Supervisors, in the same court mandamus was refused because the relator had ample remedy by injunction to restrain the collection of the tax and sale of the property. In Cowgill vs. Long, 15 Ill. Rep. 202; Shirley vs. Salin, 20 Ill. 357; Ottawa vs. Walker, 21 Ill. Rep. 610, injunction was conceded to be a proper remedy, if the tax is not authorized by law. But where irregularities occur in the acts of the collector, or assessor, parties will be left to their suit at law.

In New Hampshire, 1 Foster, 87—injunction was sustained, restraining the Town from collecting a tax for a purpose not authorized.

In Ohio, Burnett vs. Cincinnati, 3 Ohio Rep. 73, the subject underwent a full examination at the argument and by the court; after presenting various considerations in favor of the jurisdiction, the court concluded: "We think it stands upon the general principles that govern the court with respect to which no other adequate remedy can be extended." In response to the suggestion made at the argument, "That the revenue might be interfered with," the Court say—"Such considerations furnish no reason why the court should not interpose. The application is addressed to its sound discretion, and there is no reason to apprehend that injunction will be allowed on trivial grounds. The case of Osborne vs. Bank of U. States, 7 Whekt, is a case directly in point for enjoining taxes," &c., &c. In the late case of Culbertson vs. Cincinnati, 16 Ohio Rep., 577. The injunction was sustained, because the taxes were not assessed in accordance with city ordinances.

The courts in Wisconsin hold that chancery will not enjoin a tax legal and just, for the errors and irregularities of the ministerial officers. Such was 11 Wisconsin Rep. 497, and cases there cited. In 25 Conn. Rep. 238, the injunction was denied because the warrant for collection was confined to *personal* property, but the intimation is quite distinct, that it would be otherwise if the taxes affected real estate. Indeed the authorities, so far as I have examined them, are quite uniform, that taxes may be enjoined which bind real estate, for thereby a cloud is incepted to be cast on the title.

The case in 30 Penn. Rep. 227, agrees with the others in that. The injunction was refused, because the party or his privy, had already tried the question by appeal to the Court of Common Pleas, whose decision was final.

The Supreme Court of Pennsylvania in a case quoted, treat the assessment and collection of taxes as quasi judicial proceeding.

In Griffin vs. Mixon, 38 Miss. Rep., 424, it is expressly declared that assessment and collection by sale is both judicial and executive or ministerial, that the machinery of assessing and making out the lists of taxes, are essentially judicial, and in nature of judgment, and if not so, there would be no power of sale conferred on the officer.—Therefore the court held the act of 1850, which forfeited lands to the State for non-payment of taxes, as unconstitutional and void, because, it was depriving a party of private property "without due course of law." On the ground then of enjoining proceedings at law, in order that the plaintiff may be let in to make a defence, which he has had no opportunity to make, the party would stand upon a well established equitable principle.

Perhaps the most potent reason for the injunction in the Wheeling Bridge case, 13 How. S. C. Rep. 657, was that the wrong complained of was continuous, and would be ever recurring; so that suits for redress at law would be very numerous. Do not the revenue laws fall within the same reason? Generally the taxes are imposed without limit as to time. If illegal and wrong, it partakes of perpetuity; and the injury does not terminate with a single collection; but may continue from year to year. It was this view of the subject which weighed so heavily with Mr. Justice McLain in Wood vs. Dodge, 6 McLain Rep., 146. It is very worthy of observation that this decision was made by that eminent judge, after the cases in the Supreme Court of the United States quoted by the majority of the court in their opinion, and in which he took part. He places the equity upon two grounds. 1st. that the collection of the tax was to be "*annually repeated.*" 2nd, the remedy at law to recover the money back is not adequate. It is subject to delay, and the contingent solvency of those to whom it may be paid. A continued repetition of a wrongful act under color of authority, is of itself ground for this preventive remedy. It prevents the harrassment and expense of a multiplicity of suits. In 1 Parsons vs. Wright, and Ind. and Belf. R. R. Co., 6 McLain, Rep. the equity of the bill was "that an illegal tax had been imposed injurious to the stockholders, and on this ground they ask relief. In Woolsey vs. Dodge, Supra., speaking of this matter of the continuousness in reference to its unlawful assessment and collection, the same learned judge used this emphatic language: "And this trespass is to be repeated illegally? What a spectable for a law-abiding people? *What stronger ground than this for an injunction?*"

It has been the uniform practice of the Legislature to impose taxes without limit as to time. Taking the chapter of the Revised Code as illustrating the fact, the 10th Art. of Sec. 3, p. 72, is as follows: "For the support of the Government of this State the following taxes shall be assessed and collected, 16 cents on the advalorum value of all lands"—and so on with all the subjects of taxation. The tax on land is a charge superior to all other liens. Taxes unpaid on the 1st April shall be enforced by distress and sale. Subsequent revenue laws passed from time to time are but amendatory of this, and all of them contain the feature that the tax imposed continues from year to year; and does not expire at a time limited.

The act of Dec. 5, 1865, under which most of the cases pending in this court arose has distinctly this characteristic. The first section is—"the following taxes shall be assessed and collected to-wit: 10 cents on each $100 value of real estate, then follows the rate imposed on the other subjects. The 22d sec., on each and every license granted to retail vinous and spirituous liquors, sells" nothing the rate. This tax and all others are due 1st April, and collected by distress and sale as provided in the code. *They are continuous.* Of this character also is the last revenue act of July, 1870. So that this perpetuity of taxes from year to year is a fixed feature of our financial system, and brings the case within the rule laid down in the Wheeling Bridge case—a familiar and undisputed ground for injunction.

Thompson vs. Pacific Railroad Co., 9 Wallace 581, was the last case in the Supreme Court of the United States on this subject. The sole question made by the bill was whether certain taxes imposed by the State of Kansas on the railroad were legal. A preliminary injunction had been granted. The case was argued by able counsel on both sides; and it was not questioned that chancery was the proper forum.

This review might be extended to much greater length. This much will suffice to show that the jurisdiction, which is now for the first time to be denied, has been exerted in many of the States and in the courts of the United States, exerted too after the fullest argument and maturest consideration; exerted not by virtue of statutes, but on the ordinary principles which govern the court. I have not made the examination for the purpose of showing, that upon the might of authority we have been right in this State. I take leave of the subject, however, impressed with the conviction, that it is the most beneficial, adequate, and expeditious mode of litigating the subject. All the cases concur that if the collector enforces the collection, when the tax-payer is not bound by law to pay, he is personally liable in trespass, or for money had and received. The question of "right" can hardly be tried at law until he has collected in half, or all the taxes. He subjects himself to as many suits as he has made collections. It is no defence that he has paid the money over to the county or the State. The county, or State ought to hold him harmless. *But there is no legal mode of enforcing repayment from the State.*

With all these embarrassments, and multiplicity of suits, to my mind it seems clear, that the complete mode is to test the right in advance by bill in chancery.

It is doubtless for some or all of these reasons, that, with the unbroken approbation of the bar, the bench, and the legislature, the Chancery Court has from the beginning been resorted to for relief.

Supported as the jurisdiction has been, by so many and cogent reasons, such conclusive authority here, and sustained by so much elsewhere, whatever my own opinion might be, if it were a new and original question, I should not feel myself at liberty to entertain an individual opinion; but would content myself with accepting the law as it had come down to me, and so transmit to my successors.

The majority of the Court, denying the jurisdiction of the Chancery Court, I forbear to discuss the other questions made in the case.

An Infamous Enactment.

How infamous in a Republic should the the party be held that confers upon its candidate for President the power in time of peace to suspend the writ of habeas corpus, and declare martial law over the whole or any part of the country at his own will and pleasure to be the sole judge of the time, occasion and necessity. Grant has been put in possession of despotic powers with the army and navy placed at his control to enforce his decrees; and all for the purpose of enabling him to re-elect himself.—Cincinnati Enquirer.

Snubbed.

BOSTON, May 6.—The order pending in the Legislature for a public reception to President Grant was tabled to-day.

Letter from Judge Watts.

SENATE CHAMBER.
JACKSON, Miss., May 8, 1871.

Editor of The Clarion:

My attention has been called to a communication addressed to me and published in THE CLARION, styled a "Protest of Attorney General Morris." Had this communication been signed by some anonymous or irresponsible writer, I might not have thought proper to refer to it. But coming from the highest law officer in the State, and "Ex-officio member of the State Board of Education," I have thought proper to take this notice of it.

It is well known to the Senate, that I differ in politics from the Superintendent of Public Education as well as the Attorney General, and the action taken by me in introducing the resolution of inquiry of the former cannot be attributed to a desire on my part to screen a political friend from punishment for misconduct, or public obliquay for malfeasance in office.

Until a short time past, I had no acquaintance with the Superintendent. He was placed in office by the dominant party without my consent, and was elected by the same votes that elected the Attorney General. In the course of my official duties I have occasion to call upon the Superintendent of Education for the purpose of suggesting the names of proper persons as County Superintendents of Public Schools, in my Senatorial District, and I uniformly found that officer courteous and polite and seemingly well disposed to deal fairly in his appointments. I had heard charges of extravagance in his office, and I am not prepared to deny that those charges are untrue. In fact, from what I have heard and seen, I am of opinion that they ARE TRUE. But of whom or what department of the State Government under the rule of the present party in power may not the same charge be truly made? Extravagance, reckless extravagance, which politicians stigmatize as *public plunder*, have marked its career from its commencement to the present time—and the people in every town and county and neighborhood in the State now groan under a burden of taxes, almost too heavy to be borne, proceeding from this extravagance. In this particular I do not look upon the Superintendent worse than other members of his party. With the details of his office, or conduct in it, I had not and do not now have any knowledge. I heard reports of corruption in the management of his office for private gain with the public funds, made against him. But these charges were vague and assumed no definite shape; that while I am not prepared to credit them, I can only say, that in these particulars he does not stand alone in his party obnoxious to such charges. They have been made almost without exception against every public officer connected with it. In this State of things, without supposing that the charges against the Superintendent would take a definite shape at any time, or for a moment thinking that they would ever come before the Senate in the shape of charges or impeachment, I introduced the resolution of inquiry. I did this at the instance of the Superintendent, who stated that he was entirely innocent and desired an investigation; that his character was suffering from general charges made against him with no opportunity for defence, and that he wished a committee of the Senate to examine into his office, and report upon his case; and he asked that I would offer a resolution for the appointment of such committee. Without much reflection, and acting on the impulse that every man charged with crime had a right to be heard, and fearing that a refusal to act might be atributed to political enmity, or partizan spite, I introduced the resolution, but in doing it I stated that I would not be made chairman of nor placed upon the committee.

I had heard no suggestion that an impeachment was thought of, or contemplated, and I have not yet heard that such action is at all probable. I acted upon the simple impulse of dealing fairly with a political opponent—of giving a man against whom rumors and indefinite charges of official misconduct had been made an opportunity to be heard, and in so acting I had no thought whatever of any probability of a contingency that his conduct would ever be brought before the Senate as a judicial tribunal.

From the letter of the Attorney-General I think now there is such a possibility—I cannot say a probability, that this may hereafter occur, and under such circumstances it would perhaps be well that the Senate should proceed no further in the inquiry, as the Attorney General has now given to these charges that sanction of his official name, and in a modest way has seen fit to call the attention of the Senate to its duties, he will pardon me, I have not doubt, for suggesting that it now becomes his duty as the highest law officer of the State, who should see that crime is unmasked and properly punished, at once to bring his charges of official misconduct against the Superintendent before the House of Representatives, to the end that the question may be fully investigated and the alleged offender, if guilty, tried and punished for crime, or if innocent that he may be so declared and his character relieved from the imputations under which it now rests. This duty, as the Attorney General has seen fit to come forward as the public accuser of the Superintendent, he owes to the people of the State who are deeply interested in this matter. He owes it to himself that the charge thus publicly made should be speedily tried. He owes it to the accuser, that if innocent, his reputation may be freed from the odium of the crime imputed to him. He owes it to impartial justice that no man be accused of crime without an opportunity of being heard, and he owes it to the Senate whose official action he has arraigned upon a suggestion that they were about to act politically in a matter which should be brought before it for judicial action.

I have thought proper to say this much that my action in this matter should not be improperly construed.

Respectfully,
JOHN WATTS.

FRUITS OF RADICAL TEACHINGS.

Nameless Outrages by Negro Fiends.

DALLAS, Gaston Co., N. C. April 22.

Editor of the Southern Home: On the night of the 15th inst., two negroes went to the house of Mr. Fred. Costner, an old, respectable citizens of this county, who has been living with his son and daughter-in-law; and while one of the villains forcibly detained the young man on the outside, the negro inside the house attempted to violate the person of Mrs. Costner. He was thwarted in his hellish purpose by the cries of her husband and father-in-law, who were calling for the gun. These scoundrels, (one of whom was afterwards discovered to be Caldwell Hartgrove) then ran off, and on the same night went to the house of Mrs. Sarah Stroup, a widow lady, and demanded admittance, and when Mrs. S. asked "who was there?" they replied that "it did not make a d—d bit of difference; if she did not open the door, they would break it down." Mrs. Stroup then told her daughter, a girl thirteen or fourteen years of age, to open the door. The negroes entered and asked if she had any company, to which she answered, "Nobody but the children." One of the negroes pointing to the girl, said "Do you call that a child?" and then addressing the girl, "Come here, d—n you, and let us see how heavy you are!" In the meantime, Hartgrove had seated himself on the bed by Mrs. S., who had retired, and presenting a pistol, told her to be quiet. The other negro then threw the child on the floor, and laying a knife by her side and saying, "If you are not quiet, I'll cut your d—d throat," outraged his powerless victim. Hartgrove was then released from guarding Mrs. S., and he in turn violated the child. Here H. was recognized, and he has since been arrested, and is now in jail.

A Civil Rights Decision by a Federal Judge—Common Carriers have the Right to Regulate their own Affairs.

NASHVILLE, Tenn., May 2, 1871.

On complaint of Geo. Carter and wife, colored, Maj. Compton, a conductor on the Louisville and Nashville railroad, and others, were indicted in the federal court, now sitting here, for forcibly ejecting them from the ladies' car on said road. The defendants' counsel moved to quash the indictment. After argument of the motion, Judge Trigg decided in favor of the defendants. They were discharged on the ground that common carriers had the right to regulate their own affairs. He decided further that the plaintiffs might sue for damages, a jury to determine whether their rights had been infringed.

The Meaning of the Act to Authize the Correction of Erronous Assessment and Valuations.

The following opinion of the Attorney General, dated April 20th, on the act requiring Boards of Supervisors to correct erroneous assessments and valuations, did not see the light until it appeared in this day's issue of the official journal (May 12,) at the instance of the House of Representatives, by resolution of Mr. Roane of Calhoun. It has never been held that the Board were authorized to institute new assessments or levy new taxes, but it has been contended that it was their duty to correct errors, both in the valuation and the assessment of property; and this accords with the opinion of the Attorney General as expressed in the passage we have emphasised with italics.—His opinion is the law, until over-ruled by the Courts and all whom it may concern are required to govern themselves accordingly, whatever may be the attempt of the Auditor to render the act inoperative in the interest of the Ring.

The inference from the letter of the Attorney General is no less conclusive that the majority who compose the Legislature are not Solomons and that there are altogether too many ignoramians and asses employed in the revenue service:

ATTORNEY GENERAL'S OFFICE.
JACKSON, Miss., April 20, 1871.

Hon. H. Musgrove,
Auditor of Public Accounts:

SIR:—In answer to your request of yesterday. I respectfully submit that the Act, a copy of which accompanies your note, authorizing Boards of Supervisors to "correct erroneous assessments," does not authorize any further revision of the assessments than shall be necessary to correct "errors."

I think it perfectly clear that under the power here conferred, the Board may correct any error either in the value fixed upon taxable property, or in the assessment of taxes thereon, and that such error should be corrected whether it arises from the fault of the Assessor or of the Board of Equalization. But the Act does not authorize any new assessment or new levy of taxes, however absurd or wicked the first assessment may have been. And in this respect, I submit that the Act itself is grossly defective. It is true that the present revenue laws are a vast improvement so far as State taxes are provided for, upon any revenue system ever enforced in this State. Indeed it is the only equal and equitable system the State has ever had. But it is equally true that by multiplying their per cent. on the State taxes for county, school and other local purposes, the Board of Supervisors have, in some instances, manifested a spirit of wanton and reckless injustice, or, to say the least, a hopeless incapacity to discharge or comprehend the important duties of their office. For all the errors (not to give them a harsher name) committed by the Board of Supervisors in levying taxes, the Act should have provided some means of correction. But it has failed to do so; and unless an amendatory Act shall yet be passed, the corrections to be made must be limited to such errors as may have been made by Assessors or by the Board of Equalization.

Respectfully,
J. S. MORRIS,
Attorney General.

The Citizens of Panola County and Ozanne, the Imported Sheriff.

The citizens of Batesville, Panola county, have held a meeting and appointed a committee composed of Messrs. Thomas P. Brown, Simpson Lester and W. G. Nelms, to inyestigate and report upon the false and slanderous publication of U. Ozanne, the carpet-bag Sheriff of the county, in relation to the shooting and arrest of John Murdock. The committee do not justify Murdock, but they have cited abundant facts to show that Ozanne acted in a most cowardly and unofficer-like manner throughout and that he has attempted to save himself from merited infamy by unblushing falsehood. We regret that our limited space will not permit us to comply with the request of the meeting to publish the proceedings in full. The following extract from the report of the Committee will show the conclusion arrived at and the estimate placed upon the statements and conduct of the disreputable wretch, Ozanne:

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The foregoing is a full and correct statement of this affair as it occurred, and is given by eye witnesses.

Ozanne says he came very near being mobbed in our town. That is a base falsehood. There was not the least indication of any such thing. He also asserts that it took great caution to prevent a repetition of the Meridian affair. There was not the least indication of such a thing, except in his own distorted, *base, black,* imagination. The whites and negroes in this section are on as friendly terms as citizens could be. He also states that a posse of blacks are the only ones that he can rely on and that they have no arms. This is a wilful and base lie, for there are a great many more arms among the negroes in this section than among the whites. There are many blacks who witnessed this affair, and not one declares from the statement here made.

In conclusion, we would say that the letter of Ozanne is, in a great measure a *wilful, base and malicious LIE!* We do not pretend to shield Murdock in violating the laws of our State, but we do, as law-abiding citizens earnestly protest against any man, or set of men, clothed with official authority, coming into our town and shooting indiscriminately into the houses of our citizens and thereby endangering their lives when there was not the least necessity for it, and when the party they are trying to arrest is so drunk that he can be arrested by a ten year old boy without any shooting, which was the case in the Murdock affair.

We now, as peaceful and law-abiding citizens, call upon Governor Alcorn to give us that protection to which we are entitled by law, and not to permit officers of his appointment to outrage, and endanger the lives of our people, and disturb the quietness of our town.

Finally, we would state, that the man who wrote the the letter which has called forth this reply, (Ozanne), is a character too destitute of truth and the common attributes of a gentleman, that the most degraded vagabond is respectable when compared with him.

THOS. P. BROWN,
SIMPSON LESTER, } Committee,
W. G. NELMS,

The meeting resolved to send a copy of the report to the Panola Star, the Pilot and THE CLARION for publication.

The Old John Brown of the Republican Party Speaks a Plain Word to the Mongrel Legislature.

From Flournoy's Equal Rights.

The Legislature.

Is the above body never going to adjourn? Its course is altogether unjustifiable. When it does adjourn let it be final. One of the plagues will be removed when it ends.—We do not care a snap whether it is Republican or Democratic—we have had too much of it. The people are disgusted with it and demand its dissolution. Let it go. As a general thing it has proved to be nothing more than a body to register the edicts of Alcorn. And we do not hold the members responsible, farther than the servility that has marked the course of the majority of them. The negroes, the majority of the carpet-baggers, and one or two scalawags have vindicated their manhood.

Truly Loyal Ku Klux.

SCRANTON, Pennsylvania, May 10.—Three dead laborers were found in a swamp, beaten and kicked to death. Other outrages occurred. The police and military are in strong force, but the irritation is great.

INTERESTING CORRESPONDENCE.

Letter from Jefferson Davis—The Ladies of the Memorial Society Know no Such Word as Fail.

From the Nashville Banner.

Major H. T. Massengale, Secretary of the Tennessee Industrial exposition, received the following letter yesterday in answer to an invitation extended to Ex-President Jefferson Davis to be present at the exposition:

MEMPHIS, Tenn., April 25, 1871.

H. T. Massengale, Esq.: I have the honor to acknowledge yours of the 22d inst., inviting me to attend the "Tennessee Industrial Exposition," to be held in the next month. Business engagements require me to leave in a few days for Maryland, and deprive me of the pleasure to which you have so kindly invited me. Please offer my sincere thanks to the association for their courteous consideration, and believe me to be very truly and respectfully yours.

JEFFERSON DAVIS.

After the receipt of the above letter, Gen. George W. Gordon was requested by the Memorial Society and the managers of the exposition to go to Memphis and urge Mr. Davis to be present on memorial day and at the exposition. Gen. Gordon accordingly left on the evening train for Memphis.

CRYSTAL SPRINGS AND YAZOO CITY RAILROAD.

Town Meeting at Bolton.

All the Friends of the Road to Meet at Bolton on the 17th of May, 1871.

At a preliminary meeting of the citizens of Bolton and vicinity to take into consideration steps to co-operate with our sister towns, Raymond, Dry Grove, Crystal Springs, Brownsville and Yazoo City, on the subject of the proposed Yazoo City and Crystal Springs railroad, held at Bolton on the 28th day of April, 1871.

Col. T. A. Melton was requested to act as President, Dr. A. L. McKay, as Vice Peesident, and Dr. J. Alexander as Secretary.

The following gentlemen were appointed a committee by the President to draft resolutions expressive of the views of the meeting: Col. C. E. Mount, J. Otis Smith and J. B. Hardgrave. The committee reported the following resolutions which were adopted:

1. Resolved, That the citizens of Bolton and vicinity, actuated by a zeal for the prosecution of the benefits to accrue from the recent charter granted to the Yazoo City and Crystal Springs railroad company, granted by the Legislature of this State at its present session, most heartily hail the same as our ardent desire for its success.

2. Resolved, That it is the opinion of this meeting that no more feasible or practical route was ever suggested to traverse this State, being through the heart of the richest portion of the region, and a valley of the Yazoo and Big Black not fertile, with no great bridges of importance, nor hills to encounter, but few bridges to construct—that then the plan meets with our hearty concurrence.

3. Resolved, That while the present benefits may not flow to those most deeply interested on or near the proposed line, yet the ultimate benefits to accrue from the completion said railroad, demands our earnest cooperation for its success.

4. Resolved, That we design to aid and assist with our limited means in the construction of said road with all the energy.

5. Resolved, That this meeting adjourn to the 17th of May, 1871, to which delegates from the various towns and vicinages, are invited to attend at this the most central point, where full discussion may be had of the practicability, means, &c., and manner of devising the mode of building this great artery of commerce and wealth.

6. Resolved, That the Yazoo Banner, Crystal Springs Herald, Times and Herald, Vicksburg, CLARION and Pilot, Jackson, and Hinds county Gazette be requested to publish the foregoing, to the end that all may be notified to attend, where they will find suitable accommodations.

On motion the meeting was then adjourned to the 17th of May, with the request that representatives be present from all portions of the proposed line.

T. A. MELLON, Pres't.
J. ALEXANDER, Sec'y.

A Minister Murdered in Church and the Congregation Dispersed at the Muzzle of the Revolver.

From the Fort Smith New Era.

The most damnable outrage heard of for a long time was perpetrated last Saturday at Chocoville, a quiet and flourishing village in the Southern part of this country near the Indian line. We have the following particulars from E. E. Henderson, Superintendent of Public Instruction for this District, who returned last evening from a visit to Waldron and passed through Chocoville yesterday as the murdered