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THE WEEKLY CLARION.

VOLUME XLIII. JACKSON, MISSISSIPPI, WEDNESDAY, MARCH 17, 1880. NUMBER 11.

TERMS OF ADVERTISING:

SPACE.	1 W.	2 W.	3 W.	4 W.	3 M.	6 M.	1 YR.
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Four in.	4 00	6 00	9 00	12 00	20 00	35 00	60 00
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LAWS

OF THE

STATE OF MISSISSIPPI.

[PUBLISHED BY AUTHORITY.]

AN ACT to approve, adopt and make of force, in the State of Mississippi, a Revised Code of Statutes, prepared by authority of the Legislature therof, and to provide for its publication:

SECTION 1. *Be it enancted by the Legislature of the State of Mississippi*, That the Revised Code of the Public Statute Laws of the State of Mississippi, prepared under its authority by J. A. P. Campbell, and reported to the Legislature by him, and revised and reported by a Joint Committee of the two Houses, appointed for that purpose, and adopted by the two Houses of the Legislature, the draft whereof, as adopted, is now in the hands of said committee, be and the same is hereby adopted and declared to be the Code of Mississippi, to take effect and be of force as therein provided.

SEC. 2. *Be it further enacted*, That the said Revised Code be deposited by the said committee in the office of the Secretary of State, and it shall be carefully preserved by him as the Revised Code of this State, adopted and declared to be such by this act.

SEC. 3. *Be it further enacted*, That J. A. P. Campbell, the commissioner who prepared the said Code, shall superintend and direct its publication, and shall arrange and number the chapters and sections, prepare suitable marginal notes, and references to decisions of the Supreme Court of the State, as far as is appropriate, and he shall make a full and accurate index, and for his said services, he shall be allowed the sum of three thousand and five hundred dollars, payable when the work shall be completed; and the Auditor of Public Accounts shall issue his warrant therefor, which shall be paid out of any money in the treasury not otherwise appropriated; and the said sum is hereby appropriated for that purpose.

SEC. 4. *Be it further enacted*, That the said J. A. P. Campbell and the Governor of this State, are hereby appointed commissioners to contract, on behalf of the State, on the best terms they can obtain, for the printing, presswork and binding of five thousand copies of the said Code in the best style of law-book printing, and to be, in all respects, equal to the Revised Code of 1857, and when the prescribed number of copies of said Code, as contracted for, shall be delivered to the Secretary of State, and he shall so certify, and the Governor shall certify that the printing and binding of the copies conforms to the requirement of this section, the Auditor of Public Accounts shall issue his warrant, in favor of the said commissioners, for such sum of money as the Governor shall certify to be required to pay for the printing, binding and delivering of such books, and this shall be taken as an appropriation of such sum.

SEC. 5. *Be it further enacted*, That the said commissioners, if they find it to the interest of the State, may contract for the printing of five thousand copies of the said Code, and for the binding of three thousand copies of said Code, leaving the remainder unbound, and to be bound thereafter, from time to time, as may be called for by the State; and, if it shall be found that the marginal notes and references to decisions will too greatly increase the cost of the publication of the said Code, they may in the discretion of the said commissioners, be dispensed with. Said commissioners shall contract with the State Printer, at a price not to exceed two dollars and a half a copy for printing, binding and delivering the copies of said Revised Code, if they shall be satisfied that such contract will be properly executed according to the requirement of this act.

SEC. 6. *Be it further enacted*, That there shall be printed, with said Code, and at such place as the said J. A. P. Campbell shall determine, this act, and the Constitution of the United States, and the Constitution of this State, and the acts of Congress prescribing the time and manner of electing Senators in Congress, and those relating to naturalization, and the authentication of the records in each State, so as to have effect in other States.

SEC. 7. *Be it further enacted*, That all acts of a public and general character passed at the present session of the Legislature, shall be incorporated in and made part of said Revised Code, and if there shall be any conflict between such acts and said Code, said acts passed as acts separate from the said Code, and not as part of it, shall prevail, and conflicting provisions of the said Code shall yield thereto; and the said J. A. P. Campbell shall incorporate all of said acts in the said Code, at the appropriate place for each, so as to effect the purpose of this section, but this shall not be held to affect the provisions of the said Code as to the manner of contesting elections.

SEC. 8. *Be it further enacted*, That when the required number of copies of the said Code shall have been delivered, the Secretary of State shall distribute the same in the following manner, to-wit: fifty copies shall be deposited in the State Library, one copy shall be transmitted to the Executive of each State and Territory of the United States, ten copies to the Library of Congress, five copies to the State University, and one copy to each of the following officers, to-wit: the Governor, members of the present Legislature, Secretary of State, Auditor, Treasurer, Attorney-General, District Attorneys, Judges of the Supreme Court, Chancellors, Judges of the Circuit Courts, the District Judge of the United States in this State, Clerk of the Supreme Court of this State, and of each Circuit and Chancery Court of this State, and Clerk of the Circuit and District Courts of the United States in this State, and the Marshals of said Districts, the Superintendent of Public Education, the Commissioner of Immigration and Agriculture, the Commissioner of Swamp Lands, Sheriffs, Justices of the Peace, Coroners, members of the Board of Supervisors, Treasurers, Assessors, Surveyors, and one copy to the Code Commissioner, and also one copy to the State Reporter, and the residue shall be deposited in the Secretary of State's office, to be sold by him at three dollars per copy, and he shall make a report thereof to the succeeding Legislature.

The printing of the Code shall be completed by the first day of October, one thousand eight hundred and eighty, and shall on or before that day, be delivered to the Secretary of State for distribution, whose duty it shall be to distribute the same in the manner now provided for the distribution of the laws and journals of the Legislature.

The copies distributed to the said officers of the State Shall remain the property of the State, and attached to the offices respectively; and they shall be delivered to the successors in office of said officers.

SEC. 9. *Be it further enacted*, That the Secretary of State shall, without delay, deliver to the said J. A. P. Campbell certified copies of all of the acts mentioned in this act, and shall furnish such copies as each act is copied, and such copies shall be on one side only of each page of paper, and with such marginal space or space between the sections as may be indicated by the said J. A. P. Campbell to be proper, and copies of all of said acts, and of any other acts required by the said J. A. P. Campbell, shall be furnished within sixty days after the passage of this act, and for furnishing such copies the Secretary of State shall be entitled to eight cents for each hundred words.

SEC. 10. *Be it further enacted*, That the Governor of the State shall take out a copyright of the Code, in the name of the State, and all others, except by authority of the State, are prohibited from printing the same.

SEC. 11. *Be it further enacted*, That the acts in said Code entitled, "An Act in relation to public revenue," "An Act in relation to registration of persons entitled to vote," and "An Act in relation to elections," shall take effect and be in force from and after the passage of this act, and from this date shall supercede all prior acts and parts of acts therein revised or repugnant to the provisions therein contained; and "An Act to divide the State into judicial districts for Circuit and Chancery Courts," and so much of "An Act in relation to Circuit Courts," and of "An Act in relation to Chancery Courts," as changes the time of holding courts, shall take effect and be of force on the first day of next July, and shall supercede other laws on the same subject.

SEC. 12. *Be it further enacted*, That none of the acts contained in said Revised Code shall be printed in the pamphlet acts of this session of the Legislature, except those specified in the last section as taking effect on the passage of this act, or on the first of July next.

SEC. 13. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved March 5, 1880.

AN ACT making appropriations to defray the expenses of the State Government for the years 1880 and 1881.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the expenses of the State Government for the years 1880 and 1881:

For salaries of the Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, Superintendent of Public Education, and their deputies and clerks, as authorized by law, for the year 1880, twenty thousand eight hundred and thirty-three dollars and thirty-four cents	$20,833 34
For salaries of the same for the year 1881, twenty-five thousand dollars	25,000 00
For salary of the Lieutenant Governor for the year 1881, eight hundred dollars	800 00
For salaries of the Superintendents of the Lunatic Asylum, Blind Asylum, and the Deaf and Dumb Institute, for the year 1880, three thousand three hundred and thirty-ty three dollars and thirty-six cents	3,333 36
For salaries of the same for the year 1881	4,000 00
For salary of the Superintendent of the Penitentiary for the year 1880, eight hundred and thirty-three dollars and thirty-four cents	833 34
For salary of the same for the year 1881, one thousand dollars	1,000 00
For salaries of the Judges of the Supreme Court for the year 1880, eight thousand seven hundred and fifty dollars	8,750 00
For salaries of the same for the year 1881, ten thousand five hundred dollars	10,500 00
For salaries of ten Circuit Court Judges for the year 1880, twenty thousand eight hundred and thirty-three dollars and forty cents	20,833 40
For salaries of the same for the year 1881, twenty-five thousand dollars	25,000 00
For salaries of ten Chancellors for the year 1880, twenty thousand eight hundred and thirty-three dollars and forty cents	20,833 40
For salaries of the same for the year 1881, twenty-five thousand dollars	25,000 00
For salaries of eleven District Attorneys for the year 1880, eleven thousand dollars	11,000 00
For salaries of the same for the year 1881, thirteen thousand two hundred dollars	13,200 00
For salary of the Judge of the eleventh Judicial District for the year 1880, five hundred dollars	500 00
For salary of the same for the year 1881, six hundred dollars	600 00
For compensation for extra clerk for office of Secretary of State, during the session of the Legislature of 1880—60 days, at three dollars per day, one hundred and eighty dollars	180 00
For services of Hon. A. M. Clayton as attorney for the State in the case of the Mississippi Mills vs. sheriff of Copiah county, in the Supreme Court of the United States, two hundred and fifty dollars	250 00
For the suppert of the Lunatic Asylum, for each of the years 1880 and 1881, sixty-seven thousand five hundred dollars, for both years, one hundred and thirty-five thousand dollars	135,000 00
For the support of the Deaf and Dumb Institute, for each year, 1880 and 1881, nine thousand five hundred dollars, for both years, nineteen thousand dollars	19,000 00
For the support of the Asylum for the Blind for each of the years 1880 and 1881, eight thousand two hundred and fifty dollars, for both years, sixteen thousand five hundred dollars	16,500 00
The Alcorn University, &c., including interest on Agricultural Land Scrip, for each year, eight thousand dollars, for both years, sixteen thousand dollars	16,000 00
For the State Normal School at Holly Springs, for each year, 1880 and 1881, three thousand dollars, for both years, six thousand dollars	6,000 00
For the Fire Companies in the city of Jackson, for each of the years 1880 and 1881, one thousand dollars, for both years, two thousand dollars	2,000 00
Provided, That this appropriation to the said Fire Companies, shall be distributed to said companies as may be agreed upon and ordered by the Mayor and Board of Aldermen of the city of Jackson in council assembled, and that all acts in conflict herewith are hereby repealed.	
For commissions for assessing for each year, 1880 and 1881, twelve thousand dollars, for both years, twenty-four thousand dollars	24,000 00
For distributing laws and journals, postage and express charges for the Departments, fuel and gas for the Capitol, and contingent fund for all State officers, except the Governor, five thousand dollars for each year, for both years ten thousand dollars	10,000 00
Provided, That no part of said last appropriation shall be drawn or expended for any purpose whatever except upon proper vouchers approved by the Governor, and only in the public service, and a detailed report of such expenditures shall be given in the annual report of the Auditor of Public Accounts; each officer shall keep itemized accounts of expenditures on this account.	
For Executive contingent fund for both years, six thousand dollars	6,000 00
For the State Library each year, eight hundred dollars, for both years, sixteen hundred dollars	1,600 00
For repairs on the Capitol, eight thousand dollars	8,000 00
For repairs on the Governor's mansion, three thousand dollars	3,000 00
For interest on the Chickasaw school fund for the years 1880 and 1881, one hundred and thirty thousand four hundred dollars	130,400 00
For interest on insurance deposits, to-wit: $259,905, at 4 per cent, for each year ten thousand, five hundred dollars, for both years, twenty-one thousand dollars	21,000 00
For printing of the acts and journals, and other printing for the several departments for the year 1880, fifteen thousand dollars	15,000 00
For printing for the several departments for the year 1881, seven thousand dollars	7,000 00
For expenses of member of the State Board of Registration not residing at the capital, one hundred and fifty dollars	150 00
For salary of Swamp Land Commissioner for the year 1880, eight hundred and thirty-three dollars and thirty-four cents	833 34
For the salary of the same for the year 1881, one thousand dollars	1,000 00
For salary of Commissioner of Immigration and Agriculture for the year 1880, eight hundred dollars	800 00
For salary of the same for the year 1881, one thousand dollars	1,000 00
For Supreme Court reports for the years 1880 and 1881, (and for deficit for same on last appropriation for this purpose, of six hundred and eighty dollars,) Provided, That not more than four dollars per page shall be paid for the number of pages in one copy for each volume	8000 00
For the Clerk of the Supreme Court for recording opinions of the Court for the years 1880 and 1881, payable only on the order of the Court, six hundred dollars	600 00
For the Clerk of the Supreme Court in State cases, each year one hundred and fifty dollars, for both years	800 00
For deficit in appropriation for Clerk of Supreme Court, for costs in State cases, one hundred and fifty dollars	150 00
For books and blanks for Supreme Court, in addition to unexpended balance, four hundred dollars	400 00
For special officers for attendance on Supreme Court, for year 1880 to 1st November, one hundred dollars	100 00
For marshal of Supreme Court from 1st November, 1880, to January 1st, 1882, six hundred dollars	600 00
For pay of the porter of the capitol, for each of the years, one hundred and fifty dollars, for both years	300 00
For salary of Adjutant-General for the year 1880, four hundred and sixteen dollars and sixty-eight cents	416 68
For salary of same for the year 1881, five hundred dollars	500 00
For Secretary of the Board of Trustees of the Lunatic Asylum, for each year, two hundred dollars, for both years, four hundred dollars	400 00
For payment of outstanding bonds due 1st January, 1881, one hundred and fifty thousand dollars	150 000 00
For interest due 1st January, 1881 on outstanding bonds, thirty thousand dollars	30,000 00
For payment of outstanding bonds due 1st January, 1882, one hundred and twenty-five thousand dollars	125,000 00
For interest due 1st January, 1882, on outstanding bonds eighteen thousand dollars	18,000 00
For relief of J. W. Pinson, for services as District Attorney pro tem., in accordance with an act approved February 28, 1880, seventy-five dollars	75 00
For the four clerks in Auditor's office one hundred dollars each in addition to their present salaries, for each year, four hundred dollars, for both years, eight hundred dollars	800 00
For 170 copies each of the Clarion and Comet newspapers furnished the Legislature, three hundred and forty dollars, for both Clarion and Comet, six hundred and eighty dollars	680 00
For refunding, with interest, to J. P. Carter, A. B. Hurt, J. J. Green, W. M. Brame, Sarah Carter, J. B. Abney, W. R. Boyd, and Wm. M. Bracey, for lands sold for taxes when no taxes were due, or was not liable for taxes, and paid into the State Treasury, according to section 59 of an act entitled an act in relation to public revenue, approved March 5th, 1878, two hundred and thirty dollars and fifty cents	230 50
For the purchase of apparatus for the State Normal School at Holly Springs, five hundred dollars	500 00
For support of Normal Department of Tugaloo University for each year, two thousand dollars; for both years, four thousand dollars, to be disbursed under the direction of the Board of Visitors thereof	4,000 00
For special officers of Supreme Court, deficiency in appropriation for 1878 and 1879, sixty-six dollars	66 00
For the Sheriff of Hinds county for attendance on Supreme Court when specially required, and keeping prisoners by order of said Court, as provided by law, for the years 1880 and 1881, two hundred dollars	200 00
For C. A. Brougher for services in ascertaining the indebtedness of the State to the Seminary Fund, fifty dollars	50 00
For transporting pupils of the Deaf and Dumb and Blind Asylums for the years 1880 and 1881, five hundred dollars	500 00
For deficit for Secretary of the State Board of Registration for 1879, fifty dollars	50 00
And for said Secretary for the year 1880, one hundred and fifty dollars	150 00
For the porter of the Supreme Court, for the years 1880 and 1881, three hundred dollars	300 00

SEC. 2. *Be it further enacted*, That the appropriations made by this act for repairs on [the Capitol] and Governor's Mansion shall be disbursed only on the order of the Governor, who is hereby authorized and requested to let out the contracts for such necessary repairs for the best interests of the State.

SEC. 3. *Be it further enacted*, That the Auditor of Public Accounts be and he is hereby required to issue to J. J. Green, liquidating levee scrip to the amount of thirty-eight dollars and ninety-three cents, and No. 1 levee surplusage certificates to the amount of two hundred and twenty dollars and seventy-eight cents, on account of levee scrip paid by said J. J. Green to the levee commissioners, for the purchase of lands improperly sold for taxes and conveyed to said Green by the levee commissioners.

SEC. 4. *Be it further enacted*, That the Treasurer is authorized to use any money in the treasury whether belonging to the general or any special fund for the payment of any warrants drawn under this act; Provided, there is a provision of law for replacing the same before required for use on account of the fund to which such money properly belongs; and with the approval of the Governor, the Treasurer may use any surplus funds in the purchase of bonds not due, when part or all of the interest can thus be saved to the State.

SEC. 5. *Be it further enacted*, That the Treasurer shall pay from such sums in the treasury not otherwise appropriated to the following parties as follows, to-wit: To Robert Davenport, collector of Prentiss county, taxes overpaid for 1879, $500, or so much thereof as the Auditor may find to be due said collector on final settlement. To Marshal Thermond $9,45.

To H. M. Taylor, for services with Joint Committee on Public Buildings, fifteen dollars	15 00
To Sergeant-at-Arms for sundries for Capitol and Senator Chamber during session as follows:	
To George Fraser, forty dollars	$ 40 00
To E. Murrell, eighteen dollars	18 00
To S. Lemly & Son, twenty-one dollars and forty cents	21 40
To H. M. Taylor, two dollars	2 00
To E. V. Seutter, three dollars and fifty cents	3 50

SEC. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved March 6, 1880.

CHAPTER III—[New Code.]

AN ACT in relation to registration of persons entitled to vote.

The election districts, heretofore established by the county board of registration in each county, shall continue to be the election districts, unless altered by the Commissioners of Election of the county, whose duty it shall be to establish such districts, and alter, and change the same, from time to time, as may be proper.

It shall be the duty of the board of supervisors of each county to cause an entry to be made on the minutes of the board, at some meeting, as early as convenient after the passage of this act, defining by metes and bounds the several election districts in the county, and suitably designating each of them and establishing one voting place in each of said election districts, which election districts and voting places shall be those heretofore designated by the county board of registration.

Each election district shall be either the district for the election of a member of the board of supervisors, or a sub-division of such district, and there shall not be more than one voting place in each election district.

The books of registration of the electors of the several election districts in each county, and the poll books, as heretofore made out, shall be delivered by the county board of registration in each county, if not already done, to the clerk of the circuit court of the county, who shall carefully preserve them as the records of his office; and the poll books shall be delivered in time for every election to the commissioners of election, and after the election, shall be returned to the said clerk.

The clerk of the circuit court of each county shall register on the registration book of the election district of the residence of such person any one entitled to be registered as an elector, on his appearing before him, and taking and subscribing the oath required by article seven and section three of the Constitution of this State, and printed at the top of the pages of the registration books, which subscription of the oath aforesaid, shall be by the person writing his name or mark in the proper column of said book.

No person shall be registered for any other election district than that in which he resides at the time; and when an elector duly registered, shall change his residence to another election district in the same county, he may be registered in the election district to which he has removed, by appearing before the clerk of the circuit court of the county and requesting him to erase his name from the register of electors in the election district of his former residence, and to place it on that of his present residence, which said clerk shall do.

No person who has been convicted of bribery, perjury, forgery, grand larceny or any felony, shall be entitled to be registered, or if registered, the name of such person shall be erased from the book of registration on which it is found by the clerk of the circuit court.

Whenever any person shall be convicted in any circuit court of any of said crimes, said clerk shall thereupon erase the name of such person from the book of registration. And whenever any person shall be convicted of any of said crimes in any other court in any county, the presiding judge thereof shall certify the fact in writing to said circuit clerk, who shall thereupon erase the name of such person from said book and file said certificate as a record of his office.

A full pardon shall restore any person whose name has been stricken from the register of qualified electors, or who has been denied registration because of conviction of any felony, to his right to vote, and, upon application, his name shall be placed on the register of qualified electors of the proper county.

If the commissioners of election shall order a change in the boundaries of any of the election districts in the county, they shall at once cause the register of voters in the election districts affected by such change to be so changed as to conform to the change of districts, and to contain only the names of qualified electors in the election districts, as made by the change of boundaries.

No change of the boundaries of an election district shall be made within one month before any election to be held in such district, and any change made shall be certified to the board of supervisors, and entered on its minutes.

At the time of entering the name of anyperson on the register of electors in any election district, the clerk of the circuit court shall enter such name in its order on the alphabetical list of voters in such election district, so as to preserve the list of all qualified electors in such district in their alphabetical order, for convenience of reference.

Any person who shall knowingly procurehis registration as a qualified elector, when he is not entitled to be registered as such, or under a false name, or as a qualified elector in any other election district than in that in which he resides, shall, on conviction, be imprisoned in the penitentiary for a time not to exceed ten years.

Any false entry on the books of registration made knowingly, and any unauthorized erasure or alteration therein, shall be punished as provided for the alteration of any public record, kept in any public office.

When the registration books now on hand shall be filled so as to contain no more names of persons registered, the board of supervisors of the county shall procure others like those heretofore in use, to be kept and used as herein directed, or shall cause the books now in use to be enlarged or added to, so as to contain the names of persons registered; and the board of supervisors shall cause new poll books, containing an alphabetical list of the names of voters in each election district in the proper order of said names, to be made from time to time as may be necessary or proper; and in case of the destruction or mutilation of the register of voters, so as to make it proper to have the names of electors on the old register transcribed on a new one, the said board shall cause it to be done at the expense of the county, and the new register so made shall have the same effect as the old one.

The circuit clerk shall be entitled to such compensation for his services as registrar of the county, not to exceed fifty dollars in any year, as the board of supervisors of the county may allow.

United States Supreme Court.

Important "political" cases decided—The West Virginia Jury Law—Judge Rives' Action in Virginia reversed—The indictment of Judge Coles—The Haynes Murder case.

WASHINGTON, March 1, 1880.

No. 753. Taylor Strauder vs. the State of West Virginia in error to the Supreme Court of Appeals of West Virginia. Strauder, the plaintiff in error, a negro, was indicted in the Circuit Court of Ohio county, W. Va., in October, 1874, for murder. When his case came up for trial he filed a petition for its removal to the United States Circuit Court upon the ground that the exclusion of colored citizens from juries by the act of the State Legislature of March 12, 1863, was virtually a denial of his right to the equal protection of the laws. His petition was denied, the case went to trial, and he was found guilty and sentenced. Upon appeal the Supreme Court of Appeals of West Virginia affirmed the jugment. The case was then brought here upon a writ of error, the plaintiff in error maintaining that the act of the State Legislature, which excludes colored men from juries, is in violation of the fourteenth amendment of the constitution, and that he was entitled to have his case removed to the United States Circuit Court. This Court, after fully considering the fourteenth amendment—its nature, intention and scope—holds:

First—That the statute of West Virginia, which, in effect, singles out and denies to colored citizens the right and privilege of participating in the administration of the law as jurors, because of their color, though qualified in all other respects, is practically a brand upon them affixed by the law, and is a discrimination against that race forbidden by the amendment. It is a denial of the equal protection of the laws to the race thus excluded, since the constitution of juries is a very essential part of the protection which the trial by jury is intended to secure. The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine—that is, of persons having the same legal status in society as that which he holds.

Second—That where as here the State statute secures to every white man the right of trial by a jury selected from and without discrimination against his race, and at the same time permits or requires such discrimination against the colored man because of his race, the latter is not equally protected by law with the former.

Third—That section 641 of the Revised Statutes, which provides for the removal of a case from the State to the Federal courts, when the defendant for any reason is denied in the State courts any right secured to him by any law providing for the equal rights of citizens of the United States, is not in conflict with the federal constitution. The judgment of the lower court is reversed, with costs, and the cause remanded, with intrustcions to reverse the judgment of the Circuit Court of Ohio county. Mr. Justice Strong delivered the opinion, Judges Clifford and Field dissenting.

THE VIRGINIA CASE.

No. 3, original, Ex parte Commonwealth of Virginia, petitioner.—This was a petition for a writ of mandamus to compel Judge Rives, of the United States District Court for the Western District of Virginia, to restore to the State authorities two colored prisoners, named Reynolds, indicated in the State courts for murder, and taken by Judge Rives out of the possession of the State officials and held for trial in the federal court on the ground that they (the prisoners) had been denied in the State tribunals such a trial by competent jurors, without distinction of race or color, as the laws of the State guaranteed to them. The action of Judge Rives in removing the case of the prisoners to the federal court was based on section 641 of the Revised statutes. This Court, in a long and carefully prepared opinion by Justice Strong, considers that section in connection with section 1,977 and 1,978, and holds:—

First—That the object of these statutes, as of the constitution which authorizes them, was to place the colored race in respect of civil rights upon a level with whites. They made the rights and responsibilities, civil and criminal, of the two races exactly the same.

Second—That the prohibitions of the fourteenth amendment have reference to State action exclusively, and not to any action of private indivuals. Section 641 was also intended for the protection of the colored race against State action, and against that alone.

Third—A State may act through different agencies, either by its legislative, its executive or its judicial authorities, and the prohibitions of the amendment extend to all actions of the State denying equal protection of the laws whether it be action by one of the agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive or the judicial department of the State. The mode of enforcement is left to its discretion. It may secure the right—that is, enforce its recognition—by removing the case from a State court, in which it is denied, into a federal court, where it will be acknowledged.

Fourth—That the fourteenth amendment is broader than the Statute which authorizes the removal. Section 641 does not apply to all cases in which equal protection of the laws may be denied to a defendant. The removal authorized by the statute is a removal before trial or a final hearing. To judicial infractions of the constitutional amendment, made after the trial has commenced, section 641 has no applicability. It was not intended to reach such cases. They wereleft to the revisory power of this court.

Fifth—Therefore, the denial or inability to enforce in the judicial tribunals of a State rights secured to a defendant by any law providing for the equal civil rights of all persons citizens of the United States, of which section 641 speaks, is primarily, if not exclusively, a denial of such rights or an inability to enforce them resulting from the constitution or laws of the State, rather than a denial made manifest at the trial of the case. In other words, the statute has reference to a legislative denial or an inability resulting from it.

Sixth—The constitution and laws of Virginia do not exclude colored citizens from service on juries. The petition for removal, therefore, did not present a case for removal under section 641.

Seventh—The defendant in this case moved in the State Court that the venire be so modified that one-third, or some portion of the jury, should be composed of his own race. The denial of that motion was not a denial of a right secured to him by any law providing for the equal civil rights of citizens of the United States, or by any statute, or by the fourteenth amendment. A mixed jury in a particular case is not essential to the equal protection of the law. It is a right to which any colored man is entitled that in the selection of jurors to pass upon his life, liberty or property, there shall be no exclusion of his race, and no discrimination against them because of his color. But that is a different thing from that which was claimed as of right and denied in the State Court—viz., a right to have the jury composed in part of colored men. From these principles it follows that the Federal Court had no rightful jurisdiction of the case, and that the writ of mandamus for the restoration of the prisoners to the State authorities must be granted, and the Court so orders.

No. 4. Original ex parte the Commonwealth of Virginia and J. D. Coles petitioners.—This is a petition for writs of habeas corpus and certiorari to bring before this Court the case of Judge Coles, indicted in the Federal Court for the Western District of Virginia upon the charge of excluding all colored citizens from jury duties on account of their race, color and previous condition of servitude, and in violation of the act of March 4, 1875. The petitioner alleges that his arrest and imprisonment upon this indictment were unwarranted by the constitution of the United States and in violation of his rights and the rights of Virginia, whose judicial officer he is, and that the inferior court had no jurisdiction to proceed against him. This court, after a careful examination of the act of March 4, 1875, which provides for the trial and punishment of officers who excluded citizens from the jury list on account of race or color, holds that that act is authorized by the Thirteenth and Fourteenth amendments to the constitution, for the enforcement of which Congress is given power to pass appropriate legislation. The Court also holds that the inhibition contained in the Fourteenth amendment means that no agency of the State nor of the officers or agents by whom its powers are exerted shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition, and, as he acts in the name and for the State, is clothed with the State's power, his act is that of the State. Otherwise his constitutional inhibition has no meaning and the State has clothed one of its agents with power to amend or evade it. The constitutional amendment was ordained to secure equal rights to all persons, and to insure to all persons the enjoyment of such rights power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured. Such is the act of March 4, 1875, and it is fully authorized by the constitution. The act of the defendant in selecting jurors was a ministerial, not a judicial act, and being charged with the performance of that duty, although he derived his authority from the State, the defendant was bound in the discharge of his duties to obey the federal constitution and the laws passed in pursuance thereof. Justices Strong delivered the opinion, Justices Clifford and Field dissenting.

THE MURDER OF HAYNES.

No. 720. The State of Tennessee, plaintiff in error, vs. James M. Davis.—On a certificate of division of opinion from the United States Circuit Court for the Middle District of Tennessee. This case arises out of the indictment in a Tennessee State Court of the present defendant in error, James M. Davis, a deputy collector of internal revenue, for the murder of James B. Haynes, a citizen of Tennessee, on the 29th of August, 1878. Davis filed a petition for the removal of his case from the State to the Federal Court, under section 643 of the Revised Statutes, on the ground that the killing was done in self-defence, and while he was engaged in the discharge of his duties under the authority of the internal revenue laws of the United States. The Judges in the court below certify a division of opinion upon three questions—namely, First, is an indictment of a revenue officer found in a State court for murder under the circumstances alleged in this case removable to this Court under section 643 of the Revised Statutes? second, if so, is any mode of procedure prescribed by Congress? and third, if not, can a trial of the guilt or innocence of the prisoner be had here?

This Court holds that the petition for removal was in conformity with the statute, and upon being filed the prosecution was removed to the United States Circuit Court for that district. The United States, the Court holds, is a government with authority extending over the whole territory of the Union, acting upon the States and the people of the States. While it is limited in the number of its powers, so far as its sovereignty extends it is supreme. No State can exclude it from exercising any authority conferred upon it by the constitution, obstruct its authorized officers against its will, or withhold from it for a moment the cognizance of any subject which that instrument has committed to it. The general government must cease to exist whenever it loses the power of protecting itself in the exercise of its constitutional powers. It can act only through its officers and agents, and they must act within the States. If, when thus acting and within the scope of their authority, those officers can be arrested and brought to trial in a State court for an alleged offence against the law of the State, yet warranted by the federal authority they possess, and if the general government is powerless to interfere at once for their protection—if their protection must be left to the action of the State Court—the operations of the general government may at any time be arrested at the will of one of its members. No such element of weakness is to be found in the constitution. If the case, whether civil or criminal, be one to which the judicial power of the United States extends, its removal to the Federal Court is no invasion of State domain. On the contrary, a denial of the right of the general government to remove them, to take charge of and try any case arising under the constitution and laws of the United States, is a denial of the conceded sovereignty of that government over a subject expressly committed to it. It is a denial of a doctrine necessary for the preservation of the acknowledged powers of the government. The power to remove is as ample in criminal as in civil cases.

This Court therefore holds, in answer to the certified questions of the Court below, that the case is properly removable to the federal court, and that a trial of the guilt or innocence of the prisoner may there be had. Mr. Justice Strong delivered the opinion. Justices Clifford and Field dissenting.

Mr. Justice Field dissents from the opinion of the Court in the case of Strauder, and in that of Coles, petitioners.

Federal Supervision of Elections.

DECISION OF THE SUPREME COURT UPON THE SUPERVISORY POWER OF THE GOVERNMENT IN CONGRESSIONAL ELECTIONS.

WASHINGTON, March 8.—The decision rendered in the United States Supreme Court to-day in the case of Albert Siebold et als., election judges of the city of Baltimore, who were convicted in the United States circuit court for the District of Maryland, upon the charge of interfering with supervisors of election and United States deputy marshals, and sentenced to various terms of imprisonment, and who now petition this court for writs of habeas corpus and certiorari on the ground that the statutes under which they were indicted and tried, generally known as the "Federal Election Laws," are unconstitutional and void.

This court, in a long opinion by Justice Bradley, holds:

First—That the federal election laws are constitutional and valid.

Second—That the circuit courts have jurisdiction of indictments under these laws.

Third—That under the constitution Congress has supervisory power over the regulations made by the States for the management of congressional elections, and may either alter, modify or add to them, or make entire new regulations.

Fourth—That in the exercise of such supervisory power Congress may impose new duties on the officers of election, or additional penalties for a breach of duty, or provide for the attendance of officers to prevent frauds and see that elections are legally and fairly conducted.

Fifth—That the exercise of such power can properly cause no cessation of regulations or jurisdiction, because the authority of Congress over the subject is paramount and supercedes all inconsistent regulations of the State.

Sixth—That there is nothing in the relation of State and National sovereignties to preclude the co-operation of both in a matter of elections of representatives.

Seventh—That Congress has power, under the constitution, to vest in the circuit courts the appointment of supervisors of election.

Eighth—That the provision which authorizes deputy marshals to keep the peace at elections is not unconstitutional, and that the national government has the right to use physical force in any part of the United States to compel obedience to its laws.

Ninth—That the supervisory power of Congress includes the power to compel State officers of election to observe such State laws, with regard to the election of representatives, as Congress may have left unchanged.

Petitions for habeas corpus and certiorari are denied.

A similar decision was rendered in the case of Augustus F. Clarke, an election judge of the city of Cincinnati, in which the constitutionality of the federal election laws was also rendered.

DISSENTING OPINION OF JUDGE FIELD.

Justice field dissented from the opinion of the court in both the federal election law cases and read a long opinion, in which he maintained that it is not competent for Congress to punish a State officer for the manner in which he discharges the duties imposed upon him by State laws, as in the case of the election judge Clarke.

The judicial power of the government, he argues, is limited by the constitution to "cases in law and equity arising under the constitution and laws of the United States," and to certain other cases which the constitution enumerates. It cannot be enlarged by congress so as to embrace cases not enumerated by the constitution. Furthermore, the Federal law to punish a State officer for the manner in which he performs the duty imposed upon him by the State, asserts a power inconsistent with and destructive of the independence of States in a matter over which their authority has never been surrendered.

If the federal government can punish violation of the laws of a State it may also punish obedience to them, and graduate the punishment according to its own judgment of their propriety and wisdom. It may thus exercise supervision over the legislation of States subversive of all their reserved powers. If the federal government can do this, the tenth amendment is a delusion, and the States may at any time be degraded to a level of municipal corporations existing at the will of Congress.

After some further remarks upon the character of the federal legislation since the war, and its bearing on the reserved rights of States, Justice Field says that until the recent decisions in the Virginia cases, he could not have believed that the former carefully considered and repeated judgments of this court upon the propositions of the constitution and upon the general character and purposes of that instrument, would be disregarded and overruled.

But these decisions in the Virginia cases do, in his judgment, constitute a new departure, and without intending any disrespect to his associates, Justice Field is of the opinion that the rules laid down in these and in the present cases, tend toward the conversion of our federal system into a consolidated and centralized government. Justice Clifford concurs in Justice Field's opinion.

Value of Red Clover.

Very few plants produce as much or as valuable food for stock as red clover. It makes excellent hay, although it is more difficult to cure than common grasses. Hogs will not do well on grass, but they will thrive in a clover pasture. They will even eat large quantities of clover after it is cured. The cheapest way to cure hogs during the summer is to give them the run of a clover pasture well supplied with water. Clover produces a large amount of milk which has a pleasant aroma. Sheep are very fond of clover, either in the green or dried state. Clover affords in this region excellent pasturage for all kines of stock late in the season. Many of the grasses that produce much food in the early part of the season afford very little after the drought that ordinarily prevails during August. Clover, however, takes a "second start," and grows very rapidly on the occasion of the first considerable rainfall.

Most crops exhaust the fertility of the soil very rapidly, but growing clover tends to render land more productive. No plant produced by farmers take so large a proportion of its sustenance from the atmosphere as clover. It appropriates various gases, hurtful to man, from the air, and supplies the places they occupied with oxygen and perfume. The roots of clover extend deep into the ground, and bring to the surface substances that the roots of other plants do not reach. On these accounts clover is the best crop to raise for plowing under. The cheapest if not the quickest way to render wornout soils productive is to raise a crop of red clover on them and to turn it under the second year after sowing. A somewhat slight dressing of barn-yard manure or commercial fertilizers, followed by a plaster as a top dressing, will cause a luxuriant growth of clover which contains nearly all the elements of fertility.

In many parts of Europe, and in some sections of this country, clover seed is sown in the fall. But our climate is not favorable to this practice. Unless there are timely rains during the early part of autumn, the plants make a small growth before the approach of cold weather. In an open winter like the present one they have no protection, and the repeated freezing and thawing of the soil causes the roots to be thrown out and killed. Red clover seed should be sown as early in the spring as the soil is in condition to be stirred. Some advocate sowing it on land prepared the previous fall, and allow the frost and rain to cover it. Others sow it on a late snow, if there chances to be one. While clover seed should be in the ground very early in the spring there is little gain in the matter of growth in sowing it before the frost is out of the ground.

At the recent meeting of the Vermont Dairymen's Association, C. S. Bliss gave an interesting account of the dairy of Mr. Burchard, of Illinois, who on one occasion milked his cows, cooled his milk, raised the cream, made the butter, took it to Chicago, put it on exhibition and received the prize all in one day.