THE CLARION.

By E. Barksdale.—J. L. Power.—Harris Barksdale

Official Journal of the State of Mississippi.

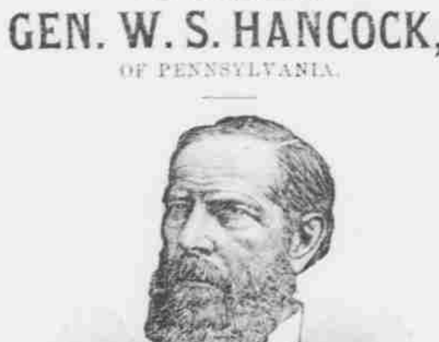
Wednesday, - - - - - - July 28, 1880

NATIONAL DEMOCRATIC TICKET.

FOR PRESIDENT,

GEN. W. S. HANCOCK,

OF PENNSYLVANIA.



FOR VICE-PRESIDENT,

HON. WM. H. ENGLISH,

OF INDIANA.

PRESIDENTIAL ELECTORS.

FOR STATE AT LARGE.—F. G. Barry, C. P. Neilson, Alternates—W. M. Inge, J. L. McCaskill.

For the Districts—1st—C. B. Mitchell. Alternate—W. S. Bates.

2d—Thomas Spight. Alternate—

3d—Wm. Price. Alternate—

4th—Wm. H. Luse. Alternate—Joel P. Walker.

5th—Robert N. Miller. Alternate—Geo. F. Webb.

6th—James F. Stokes. Alternate—Joseph Hirsh.

THE genuine army worm has made its appearance in Washington county, as well as in various upland counties.

NEW ORLEANS continues free from yellow fever, and no signs of it appear anywhere else in the South.

CAPT. B. F. JONES, has resumed the sole editorship of his excellent paper, the Winona Advance.

THE Democracy of Jefferson are reorganizing their clubs, and bringing them into line for the work of the canvass.

A DEMOCRATIC barbecue is to be given at Garlandsville, on the 4th of August. Hon. O. R. Singleton, Col. W. H. Luse and Capt. Thos. H. Woods are the speakers announced for the occasion.

SOME of the Georgia farmers are anxious to dispense with fencing, in accordance with a State law, but when elections are held, the colored people vote unanimously in favor of fences.

GEN. FEATHERSTON will address the people of Benton on the political issues, at Ashland, on the 4th of August. The Democracy have entered upon the campaign with the intention to redeem the county.

THE 7th of August has been set apart for a grand Democratic demonstration in Choctaw county, by the Executive Committee, Hon. J. E. Bridges, chairman. Orators for the occasion, Hon. H. D. Money, Hon. H. L. Muldrow, Judge Price, Col. Brantly.

NEXT Monday, the 2d, is the day fixed by the Democratic County Executive Committee, for a Grand Rally at Quitman. The Enterprise Courier announces the following speakers: O. R. Singleton, E. Barksdale, Thomas H. Woods, A. J. McLaurin, W. H. Luse.

DR. HUNTER says in his Crystal Springs Monitor that there is not a town on the line of the C. St. L. & N. O. Road in Mississippi, that has improved more than Terry. Her people, and those of the country around, are of the get-up-and-get sort.

PROF. E. V. RILEY, chief of the entomological commission, is canvassing the South making a cotton worm investigation. His assistants in Mississippi are, Prof. R. W. Jones, of the University, Dr. E. H. Anderson, of Madison, and Mr. Lawrence Johnson, of Holly Springs.

Cotton Statistics.

At latest dates the total receipts of cotton since September 1, in 1879–80, were 4,925,792 bales; in 1878–79 were 4,442,611 bales; in 1877–78 were 4,251,345 bales. The price of cotton in Liverpool at latest dates was 6⅝d; in 1879 6⅞d; in 1878 6½; and in 1877 6⅝d.

BY reference to another column, it will be seen that the Hancock Club of Raymond has set apart August the 18th, the anniversary of the great historic day of Hinds, for a County Mass Meeting at that place, which all the clubs and all the people of the county are expected to attend. Let it be a demonstration worthy of the occasion.

Democratic Congressional Nominations.

1st District, H. L. Muldrow; 3d, H. D. Money; 5th, C. E. Hooker; 6th, J. R. Chalmers.

Messrs. Manning and Singleton have no opposition, and when the Conventions are held in their districts, the list of Mississippi Congressmen for the term commencing in March next, will be complete.

The Census in Some of the Mississippi Towns.

Here is given the population of a few of the Mississippi towns by the late census, and also the population by the previous census. It is proper to add that the inmates of the Penitentiary walls were included in the population of Jackson. They numbered about 1000:

	1880.	1870.
Holly Springs, Miss.........	2,870	2,406
Jackson, Miss.........	5,319	4,234
Meridian, Miss.........	4,000	2,709
Vicksburg, Miss.........	11,760	12,443

We will publish other statistics as we are able to obtain them.

Unadulterated Partisan and Sectional Malignity and Misrepresentation.

In order that our readers may be fully advised of the animus and policy of the Republican party, we have reproduced in full, the letter of the Republican candidate for the Vice-Presidency. It has the merit of pith and directness, and leaves nobody in doubt as to the meaning of its author. It is the concentrated virus of unadulterated Radicalism. Its notable features are:

The endorsement of those extreme measures, the federal election laws for superceding the State authorities in conducting registration and elections. The right to vote comes from the States. Gen. Arthur assumes that it comes from the federal government, and that the authority with which they invested it to prescribe the time and manner of holding elections for members of Congress, confers upon it the power place ballot-boxes in charge of federal marshals and supervisors, to constitute those officials a detective corps, with authority to challenge voters, and on their own arbitrary motion, to arrest voters and officers of election without due process, in defiance of that clause of the Constitution declaring that no person shall be deprived of his liberty without warrant and that no warrant shall issue except for probable cause supported by oath. The election laws for the repeal of which bills have repeatedly been passed by the Democratic members of Congress, but which were vetoed by the fraudulent President, in all their immeasureableness wickedness, are championed by the writer of the letter; and he has even the hardihood to reproach the Democratic party for its endeavors to repeal them.

He rings the changes on the utterly false and malicious charge that the right of free ballot is interferred with in the Southern States, though the worst bulldozing which has ever been practiced in any part of the Union, was perpetrated by the Republican Supervisor Davenport, in New York City, under pretended authority of the said laws, in arresting and casting into iron cages thousands of naturalized citizens for holding naturalization papers on which they had previously voted, and which the Courts subsequently decided were legal.

He insidiously attacks the siver coinage: says that silver peforms its legitimate functions "as change," thereby ignoring the fact that it is payable under the contract with the bondholders for the principal and interest of their securities; and he significantly says that there must be no "depreciated coin" meaning silver, in apparent ignorance that it is not silver that has "depreciated," but gold that has appreciated.

He utters the truism that "no man should be the incumbent of an office, the duties of which he is unfit to perform, who is lacking in the ability, fidelity, or integrity which a proper administration of such office demands." Acting President Mr. R. B. Hayes and Mr. Secretary Sherman being witnesses, Gen. Arthur himself is not fit, under the rule he lays down, for any office however humble, much less the second office within the gift of the American people. He was turned out of the office of Collector of Custom of the Port of New York by Mr. Hayes who when called upon for his reasons, by the Senate, said: "With my information of facts in the case, and with a deep sense of the responsible obligation imposed upon me by the Constitution, to 'take care that the laws be faithfully executed,' I regarded it as my plain duty to suspend the officer in question and to make the nomination now before the Senate, in order that this important office may be honestly and efficiently administered." Secretary Sherman wrote to Mr. Hayes on January 28, 1879, a letter about Arthur in which he said:

It it is to be held that, to procure the removal of Mr. Arthur, it is sufficient to reasonably establish that gross abuses of administration have continued and increased during his incumbency; that many persons have been regularly paid on his rolls who rendered little or no service; that the expenses of his office have increased, while collections have been diminished; that bribes or gratuities in the nature of bribes have been received by his subordinates in several branches of the Custom-house; that efforts to correct these abuses have not met his support, and that he has not given to the duties of the office the requisite diligence and attention, then it is submitted that the case is made out. This form of proof the department is prepared to submit."

If Mr. Hayes and his Secretary of the Treasury are truthful witnesses, the Republican candidate does not come up to the standard of fitness for office, which he himself prescribes. He lacks the essential elements of "fidelity and integrity."

The usual scare-crow tirade is indulged about giving the Southern States a voice in the government, and on the subject of paying Southern claims under laws, by the way, which the Northern Republicans themselves passed.

The letter concludes with an untrue and malicious fling at what is called "Southern State repudiated obligations." The notorious case of Minnesota that ever faithful Republican State, which is far North of the line of Mason and Dixon, does not seem to have been remembered by the author of the letter.

Hon. J. R. McIntosh.

This well-known, public-spirited citizen of Okolona—lawyer, planter and banker—was at the capital this week. He was a member of the old guard of the Democracy in the famous Legislature of 1872, who struck the first stalwart blow for the deliverance of the State from carpet-bag rule, which precipitated its overthrow. He was the Chairman of the Chickasaw County Executive Committee in 1875, and led his party to victory in that grand struggle. In 1876, he voluntarily declined a Congressional nomination when the honor was within his grasp. He has not sought political preferment, but has always been at his post when blows were to be given and received.

ON next Saturday, the unterrified Democracy of Attala will celebrate the nomination of Hancock and English. Hons. O. R. Singleton and H. D. Money, members of Congress, Judge Wm. Price, Elector for the 3rd District, and Hon. T. A. McWillie, Representative from Hinds, are the orators announced for the occasion.

HON. MARTIN MARSHALL, of Warren, is Chairman of the Executive Committee of the 6th Congressional District.

A Fancied Grievance.

Dr. Joseph Jones, President of the Louisiana State Board of Health, has addressed a letter to acting Gov. McEnery relative to the quarantine established by the States of Mississippi and Tennessee against New Orleans. Dr. Jones says the Louisiana State Board unanimously condemn such action as being unjust, useless and ungenerous, believing it to be a violation of the constitution of the United States and that comity which should exist between sister States one with the other. We believe it is a well established rule that every community has a right, and is in duty bound to look after its welfare and to take care of itself. Dr. Jones looks at the subject from the New Orleans standpoint, and his conclusion is natural; but the case is altered when viewed from the stand-point of Mississippi and Tennessee. No harm is meant to the trade of New Orleans by the action of these States. Nothing but a sense of duty and the necessity of guarding against a threatened calamity to which nothing less than war, pestilence, and famine, are comparable, would have prompted the steps they have taken. It is their desire, not less than their interest, to cultivate the most intimate commercial and social relations with their sister State of Louisiana, and her Queen City. These resolutions will not be interrupted if her health authorities, will see to it that the yellow fever is not introduced into their midst. The methods of doing it, are simple enough. If they will compel a longer detention of vessels from infected ports, in quarantine, at the cost of a temporary interruption of their trade, it will be accomplished. The restrictions imposed by the authorities of Mississippi will be removed when the danger is passed, but not before.

The Morrow Case.

In correction of an erroneous statement in the Jackson Comet, concerning the sentiment of this community upon the killing of White by T. D. Morrow, we asserted that the State witnesses, the wife and sons of White had been "run off." We have been shown the affidavits of these parties denying the truth of the report upon which we based this assertion; and here make the correction that these affidavits demand.

We have also been notified that our comment upon the Comet article has been greatly detrimental to efforts to obtain a pardon for Morrow. In our comment upon the said homicide, we did not pretend to speak from the evidence; but simply to testify as to the public sentiment upon that homicide.

We have recently had shown to us a petition for Morrow's pardon, signed by Messrs. Merritt and C. P. Williams, J. H. Foster, T. R. Wallis, Dr. Jas. Smith, and other conscientious and law abiding citizens of the immediate neighborhood of the fatal deed, and have simply to say that in the face of a petition with such signatures, we would not pronounce that homicide, a "deliberate and atrocious murder, without palliation."

The foregoing is from the Greenville Times. It is reproduced by the Vicksburg Herald (which published the Times original article) with the following comments:

The publication does credit to the editor of the Times, as it shows a disposition to do justice in the matter, and to correct any unfavorable impression created by its former statement of the case. Morrow has many friends in this community, and sympathy is felt for him, because the impression is general that he was not guilty of murder in the killing of White. It is also evident that if the Greenville Times, in its first article on this subject, correctly portrayed the public sentiment of Washington county, a re-action has taken place there, as we understand that a petition for Morrow's pardon has been signed by 250 to 300 citizens of Washington county in and near the locality where the alleged crime was committed, many of whom are among the most respectable and influential citizens of that county. From what we can learn of the case a great many false as to the circumstances of the killing became generally believed in Washington county, and these created a strong prejudice against the accused. As the true facts became known this prejudice vanished, and a different sentiment prevails.

We will add that the wish is universally expressed in this community, where the matter has been considerably discussed, that the Governor would exercise his pardoning prerogative in the case of Col. Morrow, as we are sure he will, if after a calm survey of the subject, he can do so conscientiously. The courts have performed what they believed to be their duty. Col. Morrow, who has been a man of good repute and peaceable conduct all his life, has suffered severely; and, now, it is as much the right of the Governor under the constitution, to pardon, as it was of the courts to condemn.

Hon. Benjamin King.

An absurd rumor has been in circulation that the veteran Democrat and well-tried patriot, Hon. Benjamin King, contemplates, or has had a thought of running as an Independent candidate for Congress. Nothing could be farther from the truth. If he had desired to be a candidate, he has had ample warrant for seeking the nomination regularly, in the urgent solicitations which were made by his friends, without becoming a self-constituted, Independent aspirant. But the truth is, he did not desire the place, and has invariably declined all solicitations to become a candidate, first on account of ill health, and second, because he preferred his *otium cum dignitate*, except when work is to be done; and then he is always on hand, and in emergencies none enter upon it with more readiness, nor put in heavier blows for the right.

Mass Meeting at Grenada.

A despatch to the New Orleans Times says that the Democratic meeting at Grenada, on the 24th, was a large one; and that the enthusiasm was immense, and it was only intensified by the speech of Gen. Walthall, which is regarded as one of the greatest efforts of his life. The speech abounded in the most statesman-like thoughts, showing that the speaker had thoroughly canvassed and fully understood the great question in hand. The hearty and enthusiastic demonstrations of approval made by the audience during the speech gave evidence of the wonderful power he has over this people. Gen. Walthall was followed by Col. W. S. FitzGerald, A. H. Whitfield and C. L. Bates, all of whom made effective speeches. A Central Club was organized and largely joined, and Hancock and English and Money were endorsed.

The New York Democracy United.

The Tammany (Independents) Democrats have withdrawn their electoral ticket, and resolved to support the one nominated by the regulars. This unites the Democracy of the Empire State, and secures its thirty-five votes for Hancock.

THE Greenville Times announces the death of W. N. Werles, (colored,) Circuit Clerk of Washington county. The Governor will appoint his successor until one can be elected under order of the Board of Supervisors.

That Interview.

The following is given by the Comet, as the substance of what Gov. Stone said to Captain Wimberly, Chairman of the Greenback State Executive Committee, in reply to the application for representation of the Greenback party in the Boards of Election Commissioners for the several counties:

Mr. Wimberly—Governor, we feel that we are entitled to representation in these County Boards; we feel that we are entitled to recognition as such, and unless your Board gives us a member of the County Boards, it is our intention to have a man at all the voting places where we have any voters.

Gov. Stone—I, as a member of the State Board, believe that the Democratic party was entitled to two members of the County Boards, and the Republican party the other. When the Republicans were in power they always appointed two Republican Registrars for each county, and pretended to appoint one Democrat. This was the construction placed upon the law by the Republicans, and the same construction has been placed upon it by the Democrats since they have been in power. In a conversation with Governor Ames, on the subject of appointing a Chancellor, he declared that he would not appoint a Democrat to the office of Chancellor, for the reason that the Chancellor had to appoint Registrars; that the Republican party was entitled to two under the law, and that if he were to appoint a Democrat to the office of Chancellor, they might lose the advantage in elections which the law intended to give them.

Mr. Wimberly—Then, Governor, I understand that, between the Greenback and Republican parties, you decide in favor of the Republicans, and give them representation instead of the Greenback party?

Gov. Stone—Yes, sir, I think, under the law, they are entitled to it.

Mr. Wimberly—You are the Governor of the whole people and not of any political party?

Gov. Stone—Yes, but the law contemplated precisely what we have done. The law gives a political advantage to the party in power, and while I am the Governor of the whole people, I am also a member of the Democratic party, and, as such, feel bound to carry out the intent of the law as nearly as practicable. As a member of the Board of Registration in 1879, I advocated the appointment of Greenbackers in counties in which they had organized and in which the Republicans had not; and in some counties Greenbackers were appointed. I was willing to give the third man to the party opposing the Democratic party—whether it was Greenback or Republican, so the Democratic party had its two.

Gen. Weaver a Sectional Candidate.

There are some Southern Democrats we regret to say have gone off into the Greenback party, under the delusion that it is a better means of remedying the evils of Republican legislation in the interest of the privileged classes, than the Democratic party. In doing so, however, they have had no intention of building up a sectional party, or of supporting a sectional candidate for the Presidency. We ask the attention of this class, to the following extract of the letter of Gen. Weaver, the (Greenback candidate) accepting the Presidential nomination:

"I most solemnly invoke the united action of all industrial classes, irrespective of party, that we may make a manly struggle for the independence of labor, and to re-establish * * * the pure republicanism of ABRAHAM LINCOLN and THADDEUS STEVENS.

Lincoln was a sectional candidate and the "pure republicanism" of Thad. Stevens was intense hatred of the South and a belief that in order to punish her people after the the war was over, it was proper to step over the limits of the Constitution. This is what Weaver endorses.

We Second the Motion

Of Maj. Harper, in the Raymond Gazette, that "as soon as the canvass is a little further advanced would it not be well to get up a Democratic rally such as characterised the campaigns of 1875-'76? Utica, the always faithful and bold; Bolton, the steady; Brownsville, the indomitable; Dry Grove, the ready; Terry, the invincible; Clinton, the worker; Jackson, the energetic; Auburn and Cayuga, the solid; and other precincts, will join with Raymond in making the affair one to be remembered by all friends of the Hancock boom." Raymond is to open the ball by a grand demonstration on the 18th of August.

Another Richmond in the Field.

General Neal Dow has written a letter accepting the nomination for the Presidency by the National Prohibition party. After commenting at some length upon the evils of the liquor traffic and the respectability of the prohibitory movement, he concludes:

"I consider the object of the Prohibitionists of this country to be of supreme importance to the interests of the nation and people. Aside from its bearing upon the moral and religious welfare of the people, I consider the suppression of the liquor traffic to be an object of far greater political importance than any other now claiming the attention of the country."

A very good platform as faras it goes but not comprehensive enough for a Presidential candidate.

A Good Point.

GEN. LOWRY in his speech at Vicksburg made a good point in favor of Gen. Hancock. He contrasted his conduct in Louisiana in declaring that the freedom of the press was the "rightful inheritance" of American citizens and should be preserved, with the conduct of Gen. Orr, Military Commander of this State, about the same time, who caused the arrest of Col. McCardle, the distinguished journalist, for exercising his "rightful inheritance," and daring to comment on his public acts as they deserved.

Holmes County.

An election to fill vacancies for numerous offices in Holmes, beginning with the Sheriff, having been ordered to be held on the 1st Monday in November, Dr. J. S. McCain, Chairman of the Democratic County Executive Committee, has named the 7th of August as a proper time for the Democracy to assemble in procinct conventions and select delegates to represent them in the county convention, to nominate candidates to be voted for in the election.

THE census takers have made many queer discoveries. Up at Decatur, Illinois, they have found a woman, who in twelve months, has given birth to five children.

THE Vicksburg Herald says that a contract has been closed for the completion of the Mississippi Valley and Ship Island from that city to Big Black River and bridging the same.

R. K. JAYNE, ESQ., is back again at the helm of the Newton Report, and is making a racy campaign paper, as well as a wide-awake newspaper.

MR. W. D. FRAZEE, of Okolona, is mentioned as the probable candidate of the Republicans for Congress in the 1st District.

GEN. WEAVER, Greenback candidate for President, is making a canvass of Alabama.

REPORTS of yellow fever at Memphis, are officially contradicted.

No More Eight by Seven Commissions.

The delegates from Harrison county to the Congressional Convention of the 5th District, went under the instruction contained in the following resolution:

Resolved, That the delegates from Harrison county to the Congressional Nominating Convention at Hazlehurst on July 19th, 1880, before casting their vote, first required of the candidate for whom they are instructed to vote, that he pledge himself, in the event of the election of Hancock and English as President and Vice-President of the United States, to *adhere only* to the old constitutional method of declaring the result, should any doubt as to their election arise; and not to agree to any Electoral, or 7 to 8 Commission or other such devise.

The Bread and Butter Corps.

Acting President Hayes has promised the Chairman of the National Republican Committee, the whole power of the administration as a Republican factor in the Presidential election. How is this for a non-partisan, conservative administration, which has prated about civil service reform! As there are about one hundred thousand office-holders, the force will be formidable, but the Democracy will be equal to the emergency.

IT is said that General B. J. Chambers, of Texas, the nominee on the Greenback ticket for Vice-President, has announced his intention of withdrawing from the race on account of ill health. The place is not calculated to promote a healthy condition of either body or mind, and therefore we hope our old friend Gen. West may not be called upon to accept it.

Col. J. B. Deason.

Our amiable friend, Col. J. B. Deason, is willing to be victimized as an Independent-Republican-Greenback candidate for Congress in this District. He is a joker, and we suppose is running for the fun of the thing.

COL. THOMAS CRITTENDEN has been nominated by the Democrats of Missouri as their candidate for Governor. He was a Union soldier in the war, and was nominated by a large majority over Gen. Marmaduke, a Confederate soldier. Who will say that Missouri is not reconstructed?

CHASTINE COX, the negro murderer of Mrs. Jane DeForrest Hull, wife of Dr. Hull, in New York city has paid the penalty of his crime on the gallows.

A Gally Day at Grenada.

GRENADA, July 26, 1880.

EDITORS CLARION:—Saturday was a lively day for our town. The six-pounder upon the still morning air, sent the booming welcome to the democracy of our county to the "feast of reason and flow of soul," which had been prepared for them on the occasion. High in the center of the square, upon an hundred and fifty feet pole, the Hancock and English rooster, seemed not only to crow, but to fly, while beneath him, streamed out a thirty foot flag bearing the stars and stripes, and the names of our gallant standard-bearers in the present struggle, for the principles of constitutional government, against the absolutism of the high-handed dynasty established by Grant, and somewhat modified under his present Fraudulency.

At 11 o'clock the colored band gave notice in tones of martial music, that the ball was about to open. When the music ceased the little six pounder thundered away again, and ere its echoes had died off among the distant halls. Gen. Walthall was standing before a thousand earnest gazing eyes, and listening ears. Physically, he was in a poor condition, as he had been in bed for several days, and was advised by his family physician to be brief. As he progressed, with his speech, the people became more anxious, and he more animated, and notwithstanding a loud hint from his doctor, who was before him, that he had better conclude, he spoke over an hour and a half in one of his strongest and most forcible efforts. Before he was through, he had fired up the hearts of the multitude to an almost boisterous enthusiasm.

(Here follows a graphic description of the spirited and eloquent speeches of Messrs. Fitzgerald, Whitfield and Bates which we are compelled to omit, owing to the late hour at which the communication was received.—EDS.)

The writer concludes:

The Democracy of Grenada county including a large number of colored people, are full of zeal; and will win a glorious triumph in November. W.

REGISTRATION.

AN IMPORTANT NOTICE TO VOTERS.

Hinds County Gazette.]

These who suppose that Registration is no longer necessary in this State, in order to vote, are mistaken, and will discover their error when they offer to vote without having been properly listed. The old law has undergone important changes, that is all, and in the interest of economy to the counties and the convenience of the people. The new law, instead of abolishing registration, requires all persons becoming of age or having moved into the county to register in the election district in which they live. All persons who being heretofore registered voters and have moved from the election district in which they are registered, must apply to the Circuit clerk and have their names transferred to the election district in which they reside. No one can vote in an election district unless his residence is in the same district. By election district is meant an election precinct—not a supervisor's. The law makes it the duty of the Board of Supervisors to define the merits and bounds of the several election precincts but these will hordly be changed from from present locotion.

Col. Beverly Matthews.

WEST POINT, July 24th, 1880.

EDITORS CLARION: Col. Beverly Matthews, of Columbus, addressed a large and enthusiastic assemblage of Democratic men and women at the Court House in this place last evening. It was a "superb" speech by a "superb" man in advocacy of the "superb" soldier-statesman for the Presidency of the United States. The effort was grand, the effect splendid. Such speeches do great good, and leave lasting impressions upon the minds of the people, and are especially profitable to the young men of the country. There are but few men in the State, if indeed any, who are so capable of doing good in this canvass as Col. Matthews, and it is greatly to be hoped, that on possessing such immense power, will not be permitted to localize his influence in this great grand contest for civil liberty, but that those charged with the management of the canvass in this State, will call upon Col. Matthews to go to different parts of the State, and wherever heavy important work is to be done. The Democracy of Clay is thoroughly organized and every man is alive to the importance of the contest. We will carry the county for Hancock, English and Muldrow by not less than fifteen hundred majority. Clay is *solid*. GRUBBER.

The Anniversary of the Historic Day.

COUNTY MASS MEETING AT RAYMOND ON THE 18TH ON AUGUST.

Hinds County Gazette.]

A regular meeting of the Club was held Saturday evening, 17th inst., W. J. Crisler in the chair, H. A. Huntley, Secretary.

On motion of a Major Harper a committee of three was appointed to take charge of the cannon, viz.: A. B. Sivley, S. D. Harper, Kelly Bogle.

On motion, it was determined that a flag-pole should be raised on the public square, and W. L. Key, B. S. White, D. S. Fearing and M. Ward were appointed a committee to attend to the same.

A committee composed of A. V. Shearer, D. S. Fearing, K. Bogle and W. L. Key was appointed to request the ladies to make a United States Flag for the Raymond Hancock Club.

On motion, it was ordered that a Basket Dinner be given on the 18th of August, and that all the Hancock Clubs of the county be invited to attend.

SUPREME COURT DECISIONS.

Reported for The Clarion by L. Brame, Attorney-at-Law, Jackson, Miss.

APRIL TERM, 1880.

JOHN J. CAIN, vs. THOMAS KELLY. } No. 3332.

Appeal from the Circuit Court of Carroll county, Hon. William Cothran, Judge.

Cain made a verbal agreement to sell Kelly a tract of land for $1,200. Kelly was allowed to go into possession for the purpose of cutting timber for wood and cross-ties, which he had contracted to deliver.

Cain failed to make a conveyance of the property, and Kelly was forced to give up the possession, whereupon he brought this action, alleging that the defendant had agreed to execute the writing; that plaintiff had, on the faith of the agreement, borrowed $600, to make the cash payment, and had engaged hands and purchased teams, wagons and tools, to carry on his business: that by reason of the failure of the defendant to make the title, and of his fraudulent deception, the plaintiff had been damaged. The parties differed as to the facts.

Judgment was obtained by plaintiff for $800. Defendant appealed.

The opinion is given in full.

CAMPBELL, J.—

In *Welch vs. Lawson*, 32 Miss., 170, the action was maintained because of the bad faith or fraudulent conduct of the seller who refused, without just cause, to consummate the parol contract. The utmost limit of the doctrine is that a person who has failed to obtain what his parol agreement induced him to expect shall be entitled to recover for any loss directly incurred *by the fraud of the party dealt with*. The case must be such as to sustain an action for *deceit*, for the rules applicable to which reference is made to *Sims vs. Eiland*, 57 Miss. 607.

In this case, the damages are greatly in excess of any legal claim of the plaintiff. He is not entitled to recover anything for losses incurred by him, by reason of anything occurring between him and the defendant after the 31st December, when he learned of the unwillingness of the defendant to reduce the contract to writing, because of doubt as to his right to sell the land. He is entitled to recover only for what occurred prior to that, and for deceit practiced by the defendant, if he shall establish it.

Without passing on the instructions or the several items of the demand of the plaintiff in detail, we reverse the judgment and remand the cause for a new trial in accordance with this opinion.

T. R. Somerville, Monroe McClurg and J. B. H. Hemingway, for appellant.

Nugent & McWillie, *contra*.

[To be reported.]

G. W. BISHOP, ET AL., vs. CHARLES ROSENBAUM. } No. 3229.

Error to the Chancery Court of Kemper county, Hon. Geo. Wood, Chancellor.

Rosenbaum purchased from Wood & Co. a stock of goods. This firm was largely insolvent, owing about $24,000. Sundry of their creditors, believing the sale to be fraudulent, sued out attachments and levied upon the goods in possession of Rosenbaum. The first three attachments were levied upon different portions of the goods, aggregating near the value of the entire stock.

Rosenbaum made a claimant's affidavit and gave bond in each of these cases, the three bonds amounting to near double the value of all the goods. Two other attachments for small amounts were subsequently levied on the stock of goods, and Rosenbaum again gave bonds for the forthcoming of the property. The sheriff informed him that there were other creditors, and that the goods would be levied upon in each case. Rosenbaum thereupon filed this bill against the sheriff and the creditors of Wood & Co., alleging irreparable injury to him by the successive levies in excess of the value of the goods, averring the *bona fides* of his purchase, and praying an injunction, which was granted.

The creditors demurred separately, urging that the chancery court had no jurisdiction, inasmuch as the claimant had a full and adequate remedy for any damages he might sustain by suit on the indemnifying bonds given by the creditors, and that the bill was multifarious in joining all the matters in one suit. It was claimed as to the creditors who first levied, that they had done no wrong and had simply pursued their legal rights; that, if complainant had any right to an injunction, it was only against the subsequent levies.

The demurrers were overruled, and on final hearing a decree was entered for complainant. Defendants prosecuted a writ of error.

CHALMERS, J.

Held—

1. The demurrers were properly overruled. The remedy pointed out by the statute for the assertion of the claimant's rights does not deprive the chancery court of jurisdiction to interpose in this class of cases to prevent a multiplicity of suits.

2. Whenever the right of a party aggrieved can not be protected in the ordinary course at law, except by numerous suits, a court of equity may interpose. Where there is one common right to be established, one person asserting the right against many, or many against one, equity may interfere and determine the whole matter in one suit. High on Inj. § 12; Ib. § 53.

3. The right of equitable interference in this case is rested not on the mere fact that it was a common transaction to be established in each case by one against many with the same proof, but upon the fact that attachments had been levied and others threatened upon property for which bonds had already been given to the full value.

So long as the several writs were levied on separate property, or the bonds given did not exceed the value of that property, no harm could accrue from separate trials at law; but where the claimant has been forced to give to different persons several obligations for the same property in excess of its value, the interposition of a court of equity sooner or later to adjust the rights of the parties becomes indispensable.

4. Upon the facts, the finding of the Chancellor will not be disturbed. *Affirmed.*

Nugent & McWillie, and L. Brame, for plaintiffs in error.

Frank Johnston and T. W. Brame, *contra*.

[To be reported]

NOTE—There are a number of decisions yet unreported, which will appear in THE CLARION. The length of the Code articles will for the present make it impossible to report more than two or three cases in each issue. L. B.

FOR THE CLARION.]

THE NEW CODE.

No. 9.

CHAPTER 56—SUPREME COURT.

DISTRICTS AND TERMS.

The districts remain unchanged. § 1397. Terms of the Court are to be held as prescribed by § 405, Code 1871, except that the April term commences on the first Monday of the month. § 1398.

DOCKETS CALLED.

As required by § 406, Code 1871, except that the docket of the first district at the October term shall be called until the first Monday in January. § 1399.

IN CASE OF NO QUORUM.

The first clause of § 407, Code 1871, is made to read as follows:

"If at the commencement of any regular term a quorum of the judges shall not be present, it shall be the duty of the clerk of the court to adjourn it from day to-day, by an entry of the fact on the minute book, for twelve judicial days, and if a quorum of the judges shall appear by the thirteenth day, the court may proceed with its session; and if there should not be a clerk, or he shall not be in attendance, any of the judges of said court in attendance may adjourn it from day to day for twelve judicial days, but if two of said judges shall so order, said court shall stand adjourned to a later day." * * * § 1400.

The balance of § 407 is in substance re-enacted.

PROCESS—RETURN DAYS.

"The first day of each term, on the day designated by law or by order of the court for taking up the docket of a district, shall be the return day in said court, for all appeals, and all process returnable before it in cases in such district, except in cases in which an appeal is provided for at any time during the term of said court. * * * § 1402.

"Appeals from judgments against persons deprived of their liberty in cases of *habeas corpus*, and from judgment on informations in the nature of *quo warranto* to try the right to any public office, whether state, district, county or municipal, and in actions of *mandamus*, in cases where the public interest is concerned, and in cases at law, or in chancery, involving taxes claimed by the State, county, or municipality, may be returnable before the supreme court, without reference to the return days for other appeals; * * * and said court shall consider such cases as entitled to be heard without reference to the district from which they are brought, and in preference to all civil cases, and they shall be heard and disposed of with all convenient speed." § 1403.

POWERS OF THE JUDGES.

Section 404, Code 1871, is in substance retained, except that the words "writs of error" are stricken out. § 1404.

WRITS OF ERROR

Are abolished. To the great relief of lawyers and suitors, all cases are to be taken to the supreme court by appeal. The provisions of the Code of 1871 relating to the jurisdiction and practice of the court are for the most part retained, but those referring to writs of error are dispensed with throughout, and an appeal provided for in every instance.

JURISDICTION OF THE COURT.

As fixed by § 409, Code 1871, remains unchanged. § 1405.

APPEAL NOT TO FAIL FOR CERTAIN THINGS.

"No appeal to the supreme court shall fail, or be dismissed for the want of jurisdiction, because of a defect in the application for appeal, or in the bond, or because of any failure by any officer to comply with the requirements of law in reference to appeals, but all defects and irregularities may be cured by amendment, so as to perfect the appeal, and obtain the judgment of the supreme court in such case; but said court may dismiss any appeal for a failure of the appellant to do, within a reasonable time, what may be necessary to perfect his appeal." § 1407.

ISSUES OF FACT TRIED.

"The supreme court may try and determine all issues of fact which may arise out of any appeal before it and be necessary to the disposition of such appeal, and to this end may, by order in each case, prescribe in what way evidence may be produced before it, on such issue." § 1412.

CHIEF JUSTICE.

Strike out the first two clauses in § 420, Code 171, requiring the judges to choose from among themselves a presiding judge, and in lieu thereof, insert the following:

"The judge of the supreme court whose term of office will first expire shall be the chief justice or presiding judge of the court, and in case of his absence the judge whose term of office will next expire shall preside. § 1413.

The chief justice is selected as the person to preside while the court is in session: and when the Senate sits as a court of impeachment in trial of the Governor, he presides. Apart from this, the chief justice as such has no superior authority. The powers and compensation of the other judges are the same, and their opinions are of equal weight with his. Under the above section Judge Chalmers will be chief justice after the code goes into effect, as his commission soonest expires.

PRACTICE.

Section 413, Code 1871, as to the hearing of cases in the supreme court is retained, with the following added: "and when so remanded, shall be proceeded with in the courts below, according to the directions of the supreme court, or according to law, in the absence of such directions." § 1415.

THE RECORD.

The fact that the verdict or judgment or any motion or other thing is certified to the Supreme Court in a bill of exceptions, instead of in the record distinct from the bill of exceptions, shall not cause such thing to be disregarded, but it shall have the same effect as if contained in the record apart from the bill of exceptions. § 1418.

DEATH OF APPELLANT.

Section 425, Code 1871, as to procedings of revivor in case of the death of an appellant is retained, but it is provided that if two terms of the court shall elapse after the death of the party before the case is revived, the same may be dismissed, and judgment entered for costs against the sureties on the appeal bond. § 1419.

ABSENT APPELLEE.

When the appellee is a non-resident, or his residence is unknown, and he has no attorney in this State, notice of the appeal may be given by publication. § 1420.

MOTION TO DISCHARGE SUPERSEDEAS.

May be made in Supreme Court, on ten days notice to the opposite party. § 1421.

JUDGMENT IN CERTAIN CASES.

"In case the judgment or decree of the court below shall be affirmed, or the appellant shall fail to prosecute his appeal to effect, the supreme court shall render judgment against the appellant for damages, at the rate of five per centum, and costs, as follows, to-wit: "If the judgment or decree affirmed be for a sum of money adjudged or decreed against the appellant, the damages shall be upon such sum; if the judgment or decree be for the possession of real or personal property, the damages shall be assessed on the value of such property; if the judgement or decree be for the dissolution of an injunction or other restraining process, at law or in chancery, the damages shall be computed on the amount due the appellee, and which was enjoined, or restrained; if the judgment or decree be for the dissolution of an injunction or other restraining process, as to certain property, real or personal, or a certain interest in any such property, or be a judgment or decree for the sale of property, or some interest in it, to satisfy a sum out of the proceeds of such sale, or to enforce or establish a lien or charge or claim upon or some interest in such property, and the only matter complained of on such appeal is the decree as to some particular property or claim on it, the damages shall be computed on the value of the property or the interest in it, if the value of such property or interest in it is less than the judgment or decree against it, but if the value of the property or interest in it is greater than the amount of the judgment or decree against it, the damages shall be upon the judgment or decree." § 1422.

WHERE AMOUNT DOES NOT APPEAR.

"If the value of the property or the interest in it, which is in controversy, does not appear in the record, so as to fix the amount of damages by the judgment of the supreme court, judgment shall be rendered by said court for damages at five per centum on the value of the property or interest in dispute, or the amount of the judgment or decree against it, whichever shall be found to be the smaller, to be ascertained in the court below, on the remanding of the case, by a writ of inquiry in the circuit court or reference to a master in chancery, and the case made be remanded for the damages to be ascertained in the court below, and execution may be issued on the judgment of affirmance, as in other cases, and, afterwards, another execution may be issued for the damages, when ascertained." § 1423.

COSTS ON AFFIRMANCE OF CERTAIN DECREE.

"If a decree overruling a demurrer in a court of chancery be appealed from, before an answer, as provided for, and be affirmed or dismissed, an attorney's fee of fifty dollars shall be taxed as a part of the costs of such appeal, and be collected as other costs, and paid to the complainant in the court below." § 1424.

This section will have the effect to prevent appeals in these cases by way of experiment, and for delay.

JUDGMENT ON BOND.

In case any bond may have been given for supersedeas, judgment shall be entered against the principal and sureties as above provided; or, if not for supersedeas, then for costs, if adjudged against the appellant. § 1425-6.

VOLUNTARY DISMISSAL.

"If any appellant shall voluntarily dismiss his appeal after the transcript of the record has been filed in the supreme court, he shall be liable to judgment by said court, as in case of an affirmance of the judgment or decree." § 1429.

PROCEEDINGS IN CRIMINAL CASES.

Section 417, Code 1871, is re-enacted. § 1430.

TERM OF IMPRISONMENT.

In case of the affirmance of a judgment for imprisonment, if the appellant has remained in jail, the time shall be credited to him, but if he has been on bail he shall be imprisoned for the full term fixed by the judgment appealed from. § 1431.

APPEARANCE TO RECEIVE JUDGMENT IN FELONY.

"If the appellant in a case of felony is on bail, he shall appear before the supreme court to receive judgment, and in case of an affirmance of the judgment, he shall be committed by the court to the custody of its officer, who shall deliver him to the keeper of the Penitentiary, and if the judgment of the court below shall be reversed, the said appellant shall appear before the proper circuit court to answer according to the condition of his bond or recognizance, failing in which he may be proceeded against as in any case of failure to appear, as obliged to do, in the circuit court, to answer upon a criminal charge." § 1432.

JUDGMENT NOT REVERSED FOR CERTAIN ERRORS.

"No judgment in any criminal case shall be reversed because the transcript of the record does not show a proper organization of the court below or of the grand jury, or that the prisoner was present in court during the trial, or any part of it, or that the court asked him if he had anything to say why judgment shall not be pronounced against him upon the verdict; nor shall any such judgment be reversed, because of any error or omission in the case in the court below, unless the record shows that the errors complained of were made a ground of special exception in such court." § 1433.

AFFIRMANCE IN CAPITAL CASES.

Section 2814, Code 1871, is re-enacted. § 1434.

It shall be the duty of the clerk of the court to which the mandate is sent forthwith to deliver a copy of the sentence to the Sheriff, which shall be the warrant for executing the convict. § 1435.

REVERSAL.

If a new trial shall be granted in a felony case and the person shall be in custody, he shall be delivered to the Sheriff of the county in which he was tried. § 1436.

FORFEITURE OF BOND.

If the appellant in a felony case shall not appear before the supreme court according to his bond, the same shall be forfeited and the court may order process and enter judgment thereon as a circuit court. § 1437.

If the appellant in a case of misdemeanor shall not surrender himself to the Sheriff, or shall not appear before the circuit court as the case may require, in accordance with his appeal bond, the same shall be forfeited and judgment thereon entered. § 1438.

The Sheriff of Hinds county shall receive all persons ordered into his custody by the supreme court. § 1439.

REVERSAL AS TO ONE OR MORE APPELLANTS.

"In all cases, civil and criminal, a judgment or decree appealed from may be affirmed as to some of the appellants and be reversed as to others, and in no case shall one of several appellants be entitled to a judgment of reversal because of an error in the judgment or decree against another, not affecting his rights in said case; and when a judgment or decree shall be affirmed as to some of the appellants, and be reversed as to others, the case shall thereafter be proceeded with, so far as necessary, as if separate suits had been begun and prosecuted; and execution of such judgment of affirmance may be had accordingly. Costs may be adjudged in such cases as the supreme court shall think proper." § 1440.

JUDGMENTS AFFIRMED IN PART.

Where the judgment appealed from is for property, real or personal, and damages, the supreme court finding the judgment to be erroneous as to the damages only, may affirm it as to the property, and reverse and remand it for a new trial, as to the damages, and may adjudge the costs as may be proper." § 1441.

OPINION CERTIFIED TO COURT BELOW.

"In all cases in which the supreme court shall reverse the judgment or decree of the inferior court, and remand the causes to be proceeded with in such court, or may remand a cause for further proceedings, the clerk of the supreme court shall prepare and certify a copy of the opinion of the supreme court in such case, and send it, with the certificate of the judgment or decree rendered in the cause by the supreme court, to the clerk of the court from which the cause was brought, and the fees of the clerk for such opinion shall be a part of the taxable cost of the case in the supreme court; and the copy of the opinion so furnished, shall be preserved by the clerk to whom it is delivered, for the use of the court and parties in said case."

APPELLANT LIABLE FOR COSTS.

The appellant and the sureties on his appeal bond shall be liable for the costs of the transcript of the record, and the summons to the opposite party to answer the appeal, and the cost of publication to a non-resident appellee, when made, and for all costs which accrue in the supreme court or in the execution of any of its process, even though said appeal may be prosecuted to effect; and, if the costs taxed shall not be made out of the party against whom they may be taxed, execution may be issued against appellant and the sureties on his appeal bond for all of said costs." § 1444.

Section 455, Code 1871, so amended as to include the cost of the transcript and all costs of the appeal as part of the costs of the case. § 1449.

OFFICERS TO ATTEND.

The court may appoint a marshal and a porter, with a salary of forty and twenty dollars per month respectively. § 1452.

May at any time require the sheriff of Hinds county to attend. § 1453.

REPORTER.

Section 435, Code 1871, as to the reporter of the decisions, is re-enacted. § 1454.

The law relating to the supreme court is in many respects greatly improved by the changes and new provisions above indicated. The chapter especially commends itself by reason of the fact that a plain and uniform mode is given for taking up all cases, civil and criminal, at law and in equity, and because of the completeness of its provisions.

L. BRAME.

JACKSON, July 28, 1880.

[To be continued.]

Knights Templar Triennial at Chicago.

The following is published for the information of all interested:

NEW ORLEANS, July 23, 1880.

J. L. POWER, *Grand Recorder*:

Yours of 20th was duly received but could not get the information I needed in time for your special conclave of last night. Our contract, of course, only covers the jurisdiction of this State, and all Sir Knights and invited guests who may accompany us from this city. Our rate is $17.00 for the trip to Chicago and *return*—thirty day ticket. If you will send me the names of such Sir Knights of Mississippi who desire to go to Chicago—say $1 for each one—I will purchase the railroad tickets here for them, and send them to you, and they can sign the tickets when they get them. This can be done. We could not, however, guarantee sleeping berths, but there will be a sleeper, an extra or regular one, attached to our train, and I could engage sleeper berths for them at the rate of [illegible] to Chicago only. Such as desire sleepers could avail themselves of them, and for such you would have to remit $17.00 and [illegible].

We go as the Grand Commandery of Louisiana, and shall leave here on Saturday, August 14th, 1880, at [illegible], and arrive in Chicago Monday, August 16th, at [illegible]. All our arrangements are nearly completed. Shall have an escort of about [illegible] Sir Knights—a first class band of [illegible]. It will afford us much pleasure to have the Sir Knights of your jurisdiction join us at Jackson, Miss.

Courteously yours,

A. W. HYATT,

Grand Commander.

NOTE—Members of Mississippi Commanderies who desire to avail themselves of the above arrangement, will kindly apply to Grand Commander Hyatt, or send the amount direct to him. To save unnecessary correspondence and expense, the Eminent Commander or Recorder of each Commandery can purchase tickets for all who intend to go. The train leaving with the Louisiana Sir Knights will pass Jackson, on Saturday night, August 14th, at 11:40 o'clock, and Sir Knights at Vicksburg, Jackson, Canton, Kosciusko, Winona, Grenada, Water Valley and Holly Springs can take said train as it passes, provided they have previously secured tickets. Sir Knights at Columbus and Okolona can avail themselves of this arrangement, and take the train at Jackson, Tenn., unless they have made other arrangements through the Mobile and Ohio Railroad.

All who purchase sleeping-car tickets through Sir Knight Hyatt will be registered for his train, and will govern themselves accordingly.

I am authorized by Sir Knight Hyatt to say that any invited guests—Masons or not Masons—can accompany the Sir Knights of Mississippi, at the same rates of fare charged for Sir Knights. The arrangement, of course, includes ladies. Any Sir Knight, or guest, who desires it, can have the time of his ticket extended at the office of the R. R. Company in Chicago.

Mississippi Commandery, No. [illegible], has chartered a sleeping car to start from Jackson. Those who would secure sleepers through Sir Hyatt, should do so as soon as possible.

J. L. POWER,

Grand Recorder.

Peabody Normal Scholarships.

From a circular letter issued a few days since to County Superintendents by the State Superintendent of Public Education, we learn that there are six vacancies in the Peabody Normal College at Nashville, Tenn., to be filled this year from Mississippi. These scholarships are worth $200.00 each, and are paid for from the Peabody fund due the State. They will be awarded by competitive examination. Applicants must be 17 years of age and not under 27. A good academic education in the English branches of study is required. The applicant must before admittance to the College promise to teach at least two years in the public schools of his or her State after graduating. Two years is the time prescribed for the course at College.

For further information apply to the Superintendent of your county.

EX-GOV. B. GRATZ BROWN has announced himself as Democratic candidate before the next Legislature of Missouri for the United States Senate.

A MOVEMENT is on foot in Virginia to unite the regular Democracy, and the readjusters, upon the same electoral ticket.

GEN. WEAVER, the Greenback candidate for President, is making a regular canvass. It is up-hill business, but the people can stand it, if he can.