MEMPHIS APPEAL.

MEMPHIS.

SUNDAY.....JANUARY 14, 1866.

☞ The friends of Col. B. F. DILL are informed that the *interment* of his remains will take place at Elmwood Cemetery, to-day at 3 o'clock, P. M.

☞ We are glad to be assured that the sad catastrophe noticed in our local column yesterday, was the result purely of accident. Later and more authentic information is to the effect that the pistol was being exhibited, and passed from hand to hand, in boyish glee. Somehow it became cocked, and when in the hands of young Master HILL, went off, with the result stated. By this sorrowful accident the hearts of two households are lacerated with anguish—Mr. HILL and family feeling the occurrence most poignantly. We deeply sympathize with the parents of both the little boys.

NECROPHILISM.—On our first page will be found a full account of the inauguration of a school for the education of blacks. Two things are noteworthy on the occasion. The first is, that all the speakers, except the negro barber, seem to have had mainly in view the object of convincing the negroes then present that the radicals of the North were their best, if not their only friends. This idea runs through all the harangues. The reader will not fail to be reminded of the old party stump-speaking, and impressed with the idea that the orators had in view the future votes of their hearers. The other notable thing is the unique and characteristic, if not blasphemous, language of Gov. BROWNLOW, when speaking of the Savior of mankind. Little reverence and religion as there may be in the South, we are fain to believe that this is not another man in it—clerical or lay, protestant or catholic, Jew or Gentile—who would, on such, or any other occasion, have indulged in such a figure of speech. We were pained to read it.

A DAY OF REST.

Trite as the subject is, the reflecting mind and the pious heart can never weary of reflecting what a blessed thing is the Sabbath, the Day of Rest. Rest, from the carking cares of this working world—rest, from the toil which wastes, and the endurances that wither—rest, for the mind harassed with anxious thought—rest, for the heart o'ercharged with sorrows to empty itself of unshed tears—rest, to ponder upon this strange mystery of existence, and to attune the soul for its destiny in the august HEREAFTER. Aye, —blessed is the Sabbath—the Day of Rest! What would the toiling sons and daughters of Penury be without it? Wealthy and bloated Capital, eager to increase its stores, may grudge the cessation of work as a day lost to its service, but to the poor whose whole existence is dependent upon obdurate Labor, it comes as a refreshment and a strengthener beneficently sent down upon the world from the Good Father of all. It is typical of that which sooner or later, shall come to all, in that Better Land, where the "wicked shall cease from troubling and the weary are forever at rest."

GOING TO MEXICO.

A note from a friend at Vicksburg informs us that Capt. Sam. H. Brown, of North Alabama, with four other young men, passed through that city on the 6th on their way to Mexico. Scarcely a day passes, that we do not have inquiries made of us, with a view to emigrating to that country. Much of this spirit of expatriation, doubtless, springs from a legitimate and natural disposition of the adventurous poor to mend their fortunes. To all such, Mexico, under the rule of Maximilian, offers great attractions. For the first time in a quarter of a century, there seems to be some prospect of a rugged and stable government being established there. With such a government, scarcely any other region of the earth presents such allurements to the young, the enterprising and the adventurous. Vast portions of the country are very Eden lands, and need only the magical influences of American thrift and industry, protected by a good and stable government, to make them paradisical abodes.

But it is unquestionable that there are other causes at work, to deplete this country of its hardiest population, and pour it into the lap of Mexico. These causes are, the unsettled and uncertain condition of affairs in this country, but above all, the malignant and revengeful spirit exhibited by the radicals towards all who were engaged in the late Civil War. Thousands upon thousands of good and true men, who had served through the war in the Confederate army—a war, in a vast number of instances, not of their seeking—came home in honest and good heart to settle down into good citizens. They were tired of war, and wanted peace, repose and good government. They had learned what good government is, and were schooled in those elements of subordination and obedience which are essential to it. The country could have no better citizens, no more law abiding subjects, than they are. In accepting their parole and extending to them amnesty, they expected and hoped that the triumphant party would feel, as they felt, willing to "let by-gones be by-gones." They felt that the war had been a deplorable family quarrel, which was at length ended and reconciled, and that in returning to their allegiance to the Union, they were coming *home*.

But here in Tennessee,—and pretty much in other States—this spirit of cordial reconciliation, is met by a very different spirit. A set of new men, in very large part unknown in the past history of the country, either political or military, that have got into power in the tumult of domestic strife, repudiate all such sentiment. On the contrary, their vindictive animosity towards returned Confederate soldiers seems but to have increased with the submission of those who laid down their arms ☞ They have power, and they abuse it by making as good, and very often better men than themselves, aliens and strangers in the land of their birth. They endeavor to affix to them odious epithets, and have shown a disposition to make them serfs and pariahs in a land they have rendered illustrious throughout the world, by their valor and endurance in a cause they believed to be just and right as the first struggle of their forefathers for national independence. They meet them in no reciprocal spirit of fraternal reconciliation, trust and respect.

What wonder, then, that hundreds of these proud and brave men—repelled, as they are by their fellow countrymen, their patriotism distrusted and rejected, a stigma and a mark of disfranchisement put upon them—should feel that "home" is no longer *home*, and seek in a less unfriendly clime for a future abode? It is sad and sorrowful to see this expatriation going on. It is sapping the best strength of the State, which was, and is, "men, high-minded men." Radicalism of a certain class, will call them "rebels," denounce them as "traitors," and rejoice to see them go; but the judicious and the thinking, the really patriotic, will grieve to see the redemption of Mexico from the sloth and inertness of generations, worked out at such loss of manhood to this country.

☞ One of the principal witnesses against Luby, the Fenian, recently convicted in Dublin, was a man named Schofield, who testified that he was employed by the British Consul at New York to visit O'Mahony, ostensibly for the purpose of buying Irish bonds, but really with the object of entrapping the Fenian chief into the writing of the letter. This letter was produced, and was used on the trial for the purpose of proving O'Mahony's handwriting and identifying the movement of the Irish Fenians with the proclaimed hostile objects of the Brotherhood on this side of the water.

☞ A libel was filed in the United States District Court of Maryland against the property of the rebel Gen. Bradley T. Johnson, but on motion of his counsel the case was dismissed, on account of the terms of the parole between Gen. Sherman and Gen. Johnston, and the amnesty proclamation.

☞ Dr. David McGavvah, a prominent citizen of Nashville, is dead.

☞ Highwaymen are again at work in the vicinity of Spring Place, Tenn.

☞ All the troops at Columbus have been ordered to Paducah, Ky.

☞ The number of troops now on duty in the Department of Washington is five thousand.

☞ The earliest and best way to expand the chest is to have a good heart in it.

☞ It is ascertained that the population of Louisville is over one hundred and fifty-two thousand.

☞ Orders have been received at Savannah to proceed with the trial of Gen. Mercer.

☞ A man with black coat and blue pants was found in the woods three miles from Little Rock shot through the head.

☞ The Hon. Elijah F. Purdy, for a third of a century a prominent Democrat in New York City, is dead.

☞ A half million of dollars of fractional currency will be ready for distribution this week.

☞ An Oregon paper says enough liquor has been sent across the mountains to keep every man in Montana drunk all winter.

☞ Since eighteen hundred and sixty, the population of Illinois has increased about five hundred thousand, or nearly thirty-three per centum.

☞ Accounts from Bordeaux mention that the port is nearly filled with American ships, which will take away a great part of the wines of the present year.

☞ Taxation is said to bear equally on all classes, from the fact thus it hardly dresses on the rich and presses hardly on the poor.

☞ Gen. Sherman has written a private letter to a prominent gentleman now in Columbus, O., in which he takes strong grounds against any interference in the Mexican imbroglio.

☞ Joseph Hudson, brother of the restaurant keeper of that name in East St. Louis, while crossing on the ice yesterday slipped and fell, cutting a severe gash over his eye and breaking his leg at the knee.

☞ William Cullen Bryant, although over seventy-three years of age, still attends personally to his duties as editor of the New York *Evening Post*. It is stated that the amount of editorial written by him averages a column per day.

☞ A fact highly honorable to the craft is disclosed by a late report of the New York Inspector of State Prisons—that while nearly all other occupations are represented in their large number of convicts, there is not a single printer.

☞ The celebration of the battle of New Orleans, on the eighth of January, at Tammany Hall, New York, came off with great *eclat*. Speeches were made by John Van Buren, Mayor Hoffman, Admiral Farragut, and others.

☞ A recent letter from Washington to a gentleman in Nashville, says: "Active efforts are being made here by citizens of Huntsville for the pardon of Frank Gurley, and, I am happy to say, with flattering prospects of success."

☞ Judge O. A. Lochrane, of Macon, Ga., a native Irishman, has written a long letter in opposition to the Fenian movement, in which he urges his countrymen of the South to have nothing to do with it.

☞ A train on the Northwestern Railroad, ran off the trestlework near Kingston Springs. Road master T. W. Woodbury was killed by a metallic coffin, containing a corpse, falling upon him. A negro woman was burned to death and ten others injured.

☞ Philadelphia is waking up to her interest in the Southern trade. Thirty-three committees are raising money to put upon the water a steamship line to each of the leading Southern ports, and four hundred thousand dollars are already raised for the purpose.

☞ We learn that Gen. G. T. Anderson has been appointed agent in this city for the Georgia Railroad Company, in the place of Mr. J. H. Porter, who retires for the purpose of entering the firm of Langston, Crane & Co. Both gentlemen have our best wishes for success.

☞ Evan Housen was killed by John Murray, at Nashville, on the ninth inst. Housen was out hunting and shot Murray's pigeons. An altercation ensued and Housen was mortally wounded. Murray was wounded in the temple. He gave himself up.

☞ The negroes now proclaimed free, says the Louisville *Democrat*, have hard time of it. Sunday night a negro who had the small pox was left exposed in an alley between Eighth and Ninth and Market and Jefferson streets, and he was still there yesterday. Whose duty is it to take care of the negroes now?

☞ The contested election between Wm. H. Reynolds (Democrat), and John Stroube, (Radical), for the Legislature, in Bracken county, Ky., took place on Saturday last. Stroube, who was elected last August by about twenty-three majority, is now defeated by seven hundred majority.

☞ A number of colored men of Louisville have issued a call for a State Convention, to meet in that city on the twenty-fourth instant, to take into consideration "the present and future of their race, and to devise such means as are in their power to educate and elevate their people."

☞ A dispatch from Washington dated the seventh says, "A. O. P. Nicholson, former Senator from Tennessee, having made application for his compensation from the time he left the Senate in eighteen hundred and sixty-one to the period of his expulsion, his petitions have been refused by the Secretary of the Senate."

☞ The South Carolina correspondent of the New York *Times* has the following: "At nearly every courthouse in this State a liberty pole has been erected, from which gracefully floats the flag of the Union. The people appear as quietand contented under the old flag as though no war had ever been waged between the two sections, and no desolations been brought to their dwellings and no impoverishment to their State."

☞ It is reported in Washington, with an air of authority, that Mr. Seward will not make Vera Cruz the terminus of his journey, but will proceed from that point to the City of Mexico. It is believed that the Administration has determined on the recognition of Maximilian, and that Seward will negotiate with the Emperor for the construction of the Southern Pacific Railroad through the Northern Mexican States, with its terminus at Guaymas.

☞ A firm in Little Rock, Ark., presented to Gen. Howard, of the Freedman's Bureau, a proposition to employ the freedmen of that department in the completion of the railroad which connects Little Rock with the Mississippi river. The men are to be paid extra pay at the rate of fifty cents per day in land on the line of the road. The proposition is favorably indorsed by Gen. Reynolds, commanding the Department of Arkansas, and by Maj.-Gen. Sherman. It has been referred to the Secretary of War.

☞ The sub-Committee on Reconstruction, who called upon the President on Saturday last, in accordance with the instructions of said Committee, will make their report to-morrow. The object of their interview was for the purpose of ascertaining the views of the President. The interview is said to have been most satisfactory. The President talked very freely in regard to the whole question, and told them what some of them knew before, that he was in favor of an early admission of the Representatives of these States. He indicated, very clearly, that he was opposed to sending a roving committee throughout the South, to obtain information respecting their affairs, for the reason that they would probably take months to accomplish their mission. The Committee gave no indication of the views of the Joint Committee, for they did not know what they were. They desired that there should be harmony and unity of action between the Executive and Congress.

TRIAL OF MR. DAVIS—SPECIAL MESSAGE.

The President transmitted to the Senate a message in reply to the resolution calling upon him to inform that body upon what charges Mr. Davis is confined, and why he is not brought to trial. The President encloses reports from the Secretary of War and the Attorney General, and at the same time invites the attention of the Senate to that portion of his annual message which refers to Congress the question of holding the Circuit Courts of the United States in districts where their authority has been interrupted:

WAR DEPARTMENT, Jan. 4, 1866.

Sir: In this annexed Senate resolution, passed December twenty-first, eighteen hundred and sixty-five, referred to me by you for report, I have the honor to state—first, that Mr. Davis was captured by United States troops in the State of Georgia, on or about the twentieth day of May, eighteen hundred and sixty-five, and by order of this department has been and now is confined in Fortress Monroe, to await such action as may be taken by the proper authorities of the United States Government.

2d. That he has not been arraigned upon any indictment or formal charge of crime; but has been indicted for the crime of high treason by the grand jury of the District of Columbia, which indictment is now pending in the Supreme Court of said District. He is also charged with the crime of inciting the assassination of Abraham Lincoln, and with the murder of Union prisoners of war, by starvation and other barbarous and cruel treatment towards them.

3d. The President deemed it expedient that Jeff. Davis should first be put upon his trial before a competent jury for the crime of treason; he was advised by the law officer of the Government that the most proper place for such trial was in the State of Virginia. That State is within the Judicial Circuit assigned to the Chief Justice of the Supreme Court, who has held an honored place in economic apprehension of Davis, and who declines for an indefinite period to hold any Court there.

The matters above stated are, so far as I am informed, reasons for holding Mr. Davis in confinement, why he has not been brought to trial, etc.

4th. Besides Mr. Davis, the following persons who acted as officers of the Rebel Government, are imprisoned, to wit: Clement C. Clay, at Fort Monroe, charged, among other things, with treason, with complicity in the murder of Mr. Lincoln, and organizing bands of pirates, robbers and marauders in Canada, to burn the cities and ravage the commerce and coasts of loyal States on the British frontier.

D. L. Yulee, at Fort Pulaski, charged with treason while holding a seat in the Senate of the United States, and with plotting to capture the forts and arsenals of the United States, and with inciting war against the Government.

S. R. Mallory, at Fort Lafayette, charged with treason and organizing and setting on foot piratical expeditions against United States commerce and marine, on the high seas, and other officers of the so-called Confederate Government, who are arrested and imprisoned, have been released on parole, to abide the action of the Government in reference to their prosecution and trial for the alleged offences, on their application for amnesty and pardon. Among these are G. A. Trenholm, Secretary of the Treasury; John A. Campbell, Assistant Secretary of War; James A. Seddon, Secretary of War; John H. Reagan, Postmaster General; R. M. T. Hunter, Senator; Alex. A. Stephens, Vice-President, and sundry other persons of less note.

EDWIN M. STANTON,
Secretary of War.

ATTORNEY-GENERAL'S OFFICE, Jan. 4, 1866.

To the President: Sir—I have the honor to acknowledge the receipt from your office of a copy of a resolution of the Senate of the United States, of the twenty-first of December, eighteen hundred and sixty-five. In that resolution the Senate respectfully requested to be informed upon what charges and reasons Jefferson Davis, late a prisoner in confinement, and why he has not been put upon his trial. When the war was at its crisis, Jefferson Davis, the Commander-in-Chief of the army of the insurgents, was taken prisoner with other principal officers of the military forces of the United States. It was the duty of the military soldiers to take them. They have been therefore, and are yet, held as prisoners of war. Though active hostilities have ceased, a state of war still exists over the territory in rebellion. Until peace shall come in fact, and in law, they can be rightfully held as prisoners of war. I have ever thought that trials for high treason cannot be had before a military tribunal. The civil courts have alone jurisdiction of that crime. The question then arises where and when should the trial thereof be held. In that clause of the Constitution mentioned in the resolution of the Senate it is plainly written that they must be held in the State and district wherein the crime shall have been committed. I know that many persons of learning and ability entertain the opinion that Commanders-in-Chief of rebellious armies should be regarded as constructively present with all the insurgents who prosecuted hostilities and made raids upon Northern and Southern borders of loyal States. This doctrine if constructive treason be applied to its logical consequence would make all who had been connected with the rebel armies liable to trial in any State and District in which any band of these armies had made the slightest invasion. Not being persuaded of the correctness of that opinion, but regarding the doctrine mentioned as of doubtful constitutionality, I have thought it not proper to advise you to cause criminal proceedings to be instituted against Jefferson Davis or other insurgents in the States or Districts in which they were not actually present during the prosecution of hostilities. Some prominent rebels were personally present at the invasion of Maryland and Pennsylvania, but all, or nearly all of these rebel President, fled upon the surrender of the rebel armies. While I think that these parties have no ultimate protection from prosecution for high treason, I have thought that it would be wise and proper for purposes to prosecute those persons for crimes where the political power of the Government has proclaimed that the rebellion has been suppressed. It follows from what I have said, that I am of the opinion that Mr. Davis and others of the insurgents ought to be tried in some one of the States, or Districts, in which they in person, especially committed crimes with which they may be charged. Though active hostilities have not for some time existed between the United States and the insurgents, peaceful relations between the government and the people in the States and districts in rebellion, have not yet been fully restored. None of the Justices of the Supreme Court have held Circuit Courts in those States and districts since actual hostilities ceased. When the Courts are open, and all laws can be peacefully administered and enforced in those States, whose people rebelled against the Government, when this peace shall have come in fact and in law, the persons now held in military custody as prisoners of war, and who may not have been tried and convicted for offenses against the laws of war, should be transferred into the custody of the civil authorities of the proper district, to be tried for such crimes. Prosecutions to be instituted before the proper tribunals at all proper times against some of these who were instrumental in inaugurating and most conspicuous in conducting the late hostilities. I should regard it as a direful calamity that those whom the sword has spared, the law should not spare also. But I would deem it a more direful calamity still if the Executive, in performing his constitutional duty of bringing those persons before the bar of justice to answer for their crimes, should violate the plain meaning of the Constitution, or infringe in the least particular the divine spirit of that instrument.

I have the honor to be, respectfully,
JAS. SPEED, Attorney General.

THE OPAL MINE IN CALIFORNIA.

There is great excitement in California over the reported discovery of an opal mine in Calaveras county. The mine is claimed by seven different companies. A local paper describes it thus:

This vein, varying in thickness four to eight inches, contains a rather large quantity of the minerals, some specimens resembling in form the branches of a tree, others that of kidneys, more or less large. In some parts of the vein the minerals are colored by a mixture of foreign matter, covering once their first formation. In that State they are either opal jaspers or resinite jaspers. Sometimes they are soft, gelatinous or pasty, and in that state they remain from a moist, gravelly inclnite. In other places they are quite on the surface, and often to the centre; but a dead white, like the carbonate of lime. From time to time, by the healthy and compact parts of the vein, the opal has a considerable degree of purity and more or less transparency. We have taken a few specimens of the latter sort from the shaft, at the depth of about one hundred feet, and by our analysis, we found it composed as follows: Silex, 90.50; water, 9.50—100. The elements of that composition are exactly those of the true opal, and the pretty reflections similar to those of the prism, which are met with in this kind of mineral, are certainly due to the presence of a little more water than is required to reproduce that formula.

☞ At the annual meeting of the Connecticut Tobacco Growers' Association held at Hartford, on Wednesday, a resolution was unanimously adopted in opposition to the proposal to levy the tobacco tax on the leaf. The discussion of the matter tended to show that such policy would be fatal to tobacco growing, as it was yet a problem whether it could be profitably raised in the North.

☞ The Algerian question is the cause of wide dissension in the French Cabinet. The mass of the native population is much dissatisfied in consequence of the delays and postponements which have taken place in the execution of the reforms which the Emperor's vivid zeal the natives to anticipate.

DESCRIPTION OF CONGRESS.

Bennett has no respect for the present Congress. The *Herald* says:

"Ordinary men, they come from their country villages to the seat of government with all the passions, prejudices and narrow views of local politicians. They are full of the ideas and feelings of the war after it is over and sad fact becoming a matter of history. Events, with mighty strides, rush on like railroad cars, and leave them gazing in wonderment behind. They are bewildered, and floundered about in uncertainty, first one way and then another, not knowing rightly where they are. It is a pity they cannot be sent back to their constituencies to find out the change that has taken place. A year or so, however, is not long in the life of a nation, and the time will soon come round when they will be taught an impressive lesson. In the meantime we do not despair of the progress of the country; for President Johnson has the wisdom, power and firmness to carry us safely through, in spite of the unrepresentative Congress with which we may have to contend.

PLEASURE.—I have run the silly rounds of pleasure, and have done with them all. I have enjoyed all the pleasures of the world—I appraise them at their real worth, which is, in truth, very low; those who have only seen their outside always overrate them, but I have been behind the scenes. I have seen all the coarse pulleys and dirty ropes which move their gaudy machines, and I have also seen and smelled the tallow candles which illuminate the whole decoration, to the astonishment and admiration of the ignorant audience. When I reflect on what I have seen, what I have heard, what I have done, I can hardly persuade myself that fricassee is the luxury and bauble of pleasure in the world and any reality; but I look upon all that I see as one of those romantic dreams which opium produces in epicures, and I do by no means desire to repeat the nauseous dose.—*Chesterfield.*

CIVILITY.—Everyone knows the words of Robert Burns:

"The rank is but the guinea stamp,
The man's the gowd for a' that."

He was once taken to task by a young Edinburgh blood, with whom he was walking, for recognizing an honest farmer in the open street. "Why, you fantastic gomeril," exclaimed the poet, "if was not the great court, the scene honored, and the Saunder's boot-hose that I spoke to. But the man that was in them; and the man, sir, for true worth, would weigh a dozen of you and me, and ten more such any day."

☞ The Jackson *Clarion* of the ninth has the following paragraph: "A remarkable occurred yesterday in the post office, between Mr. Erskine Helm and Pemberton Garland, which resulted in the wounding of both of them dangerously. Mr. Helm was shot through the breast with a derringer, and Mr. Garland was shot twice through the body with a revolver. The affair is very sad affair, as both parties are excellent young men, not twenty-one years of age, and hitherto had been friends. The difficulty, we learn grew out of a misunderstanding."

☞ A recent New York letter says: The extent to which Spiritualism prevails in this city is remarkable, and the fact comparatively little known. Persons occupying the most prominent positions in journalism, literature, art, and even commerce, (I could give names were I so inclined), are among the firmest believers. Sonnees are nightly held in the private residences of many of our most wealthy and fashionable citizens, who make no public profession of their faith, though, we could give names were I so inclined,