MEMPHIS APPEAL.

MEMPHIS.

WEDNESDAY, APRIL 25, 1866.

☞ We were in error in mentioning Wednesday (to-day) as the time on which the ladies of our city will decorate the tombs of the Confederate Dead. The service will be rendered on to-morrow, being Thursday the 26th inst.

IS A PAROLED OFFICER OR SOLDIER LIABLE TO BE ARRAIGNED AND PUNISHED FOR TREASON?

It has never been our belief that the press should assume review functions over the Judiciary—a branch of our civil polity for whom we believe it essential to a proper conservatism, that the people should have the highest respect and consideration. Indeed, we have long regarded as one of the special, signal evils of radical higher law democracy, this disposition of certain journalists to arrogate the right, to sit in judgment upon the judicial decisions of our highest courts touching the gravest questions of constitutional law or matters really requiring long years of legal study and research for their proper adjudication. But we believe, there are questions however, that now and then get into the courts, concerning which any layman of ordinary intelligence is quite as well fitted to form a correct opinion as either the learned judge or the eminent lawyer, whether a MARSHALL, an ELDON or a PINCKNEY—questions which from their simple nature, but general public interest, it may become the province and the duty of the journalist to examine into, although that may lead to the assertion of opinions adverse to the *dicta* of those whose assigned province it has been made to decide in the premises.

With this view of the relations between the press and the judiciary, and with the highest respect for the judge, we have carefully studied his decision in the case of the United States against Gen. E. W. RUCKER, U. S. Circuit and District Court for the District of West Tennessee—Judge TRIGG presiding—a decision which at this time of the greatest import to thousands of this community, may be briefly summed up as follows:

1. That Gen. GRANT and SHERMAN, or other military authorities who brought about a close of the war just twelve months ago, were not lawfully empowered to grant terms of capitulation which could have the effect to relieve the officers and men of LEE's and JOHNSTON's armies, and other Confederate soldiery, from subsequent amenability to the civil tribunals for the overt act of treason, consequent upon taking up arms against the supreme authority of the United States.

2. That the "war being now happily at an end, we have returned to a state of peace, and the power and authority of the civil courts are restored," and hence Gen. RUCKER and all other citizens of Tennessee who, like him, have taken part in the war against the Federal authority may be proceeded against in the civil courts for the civil offense of *treason*; or, in other words—and we put it thus with entire respect for the Judge—*the war having* now been conclusively ended, our civil society, from one end of the State to the other, may be lawfully convulsed and set by the ears wherever a grand jury may be found ready to indict their fellow-citizens, as in the case of Gen. RUCKER, for treason in having borne arms as Confederate soldiers!

The principle of the subordination of the military to the civil authority, upon which Judge TRIGG seems to base this decision, we admit, is a fundamental one, and of inestimable value, too, just at this juncture—but we apprehend he has carried it quite out of its legitimate sphere. The civil arm of the law is simply supreme over the military in civil matters, and not in connexion with that *abnormal* yet strictly law-defined and regulated condition which, for the time being all citizens occupy, who may become a part of the military establishment of the country. In other words, the civil courts cannot assume superior jurisdiction over a soldier—that is, take him out of the hands of a military tribunal and arraign and try him—for any act of a military character, such as mutiny, disobedience of orders, false muster, embezzlement of money or military stores, or any other act of omission or or commission embraced in the rules and articles of war. Or, to illustrate what we mean more precisely: Under the 9th article of war, "any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being "in the execution of his office, on any "*pretence* whatsoever, * * * shall "suffer death, or such other punishment "as shall, according to the nature "of his offense, be inflicted upon "him by the sentence of a court "martial." Now, by virtue of this enactment a court martial is fully empowered to adjudge the death penalty for a mere blow or even the lifting of a weapon against a superior who is in the discharge of his duty. It is the resistance in a military point of view that makes the crime, and not the final issue of that resistance, even though *that* should be a *homicide*; nor would the character of the punishment in a military court depend in the least upon malicious or premeditated intention in the homicide (as in a civil court) so that it occurred in connection with a superior *when* "*in the execution of his office.*"

Civil courts, as a rule, have jurisdiction over homicides, even homicides committed by the military—and military courts do not, except as provided for in the 9th article of war, and the murder has been committed upon the body of a superior who at the time too, is in the discharge of his office; but not we submit, in the case of a *homicide* committed by an officer or soldier under circumstances covered by the 9th article just cited. In all such cases it is the military and not the civil tribunals that have lawful supremacy. So too must it be with all matters affecting persons treated with as belligerents of an acknowledged military organization or status. All persons engaged in the late war on the side of the Confederate States were recognized by the Executive, Judicial and Legislative branches of the United States Government, in repeated instances, as regular belligerents. Indeed the armed forces of the Confederate States were the only portion of the Confederate movement—from first to last—that Mr. LINCOLN, his cabinet or his lieutenants in the field, would recognize or treat with at all, as might be abundantly shown.

At first the effort was made by the Federal authorities to crush out the Southern movement, as an insurrection strictly within the purview of the acts of Congress of 1795 and 1807, for the repression of insurrectionary outbreaks. But after the fall of Fort Sumpter in April, 1861, President LINCOLN changed radically the condition of affairs by his proclamation declaring the ports of the Southern States in a state of blockade, "in pursuance" as he set forth, "of the laws of the United "States and of the laws of nations in "such cases made and provided." Thus clearly placing the conflict between the antagonized sections upon the basis purely *thenceforward*, of a public war between two nations, or on the relation of belligerent to belligerent, and hence, all the *insurrectionaries* become *enemies*, a term that since that time was habitually applied to us in federal battle reports and military papers. Further, our people taken in arms have been treated as prisoners of war, not as traitors liable to be arraigned for treason or insurrection under the acts of Congress just referred to. It is true, for a time, our sailors were styled and *maltreated* as "pirates," but that outrage was put an end to by Mr. SEWARD in January, 1862, and they were directed to be given over to military custody.

Moreover, in March, 1863, Judge GRIER of the Supreme Court of the United States, made use judicially of these plain, comprehensive words: "When "the party in rebellion occupies and "holds in a hostile manner a certain "portion of territory, *have declared their "independence*, have cast off their allegiance, *have organized armies*, have "commenced hostilities against their "former sovereign, the world acknowledges them as *belligerents*, and the contest a war." This was simply a recognition of well settled principles of public law.

In this connection it may not be amiss to add: that as far back as the days of the Seventh HENRY, in England, it was declared by statute that "the allegiance to a king (*i. e.* government) *de facto* protects the subject from future question," and that the subject is excused and justified in giving him (*or the de facto* government) assistance. "Otherwise," says a commentator, "under a usurpation no "man would be safe if the lawful prince "(government) had the right to hang him "for obedience to the powers in being as "the usurper would certainly do for disobedience." GROTIUS, also, distinctly enunciated a similar doctrine.

Judge TRIGG admits the full power of Gens. GRANT and SHERMAN to enter into the conventions which they did with Gens. LEE and JOHNSTON; indeed, he says their authority in the premises "cannot be questioned." For the better understanding, therefore, of what they did in this matter of paroles, we will reproduce the letter of the terms of the military Convention entered into between Gens. JOHNSTON and SHERMAN near Durham Station, in North Carolina, on or about the 26th of April, 1865, to wit:

1. "All acts of war on the part of the troops under Gen. JOHNSTON's command to cease from this date."

2. "All arms and public property to be deposited at Greensboro and delivered to the ordnance officer of the U. S. army."

3. "Rolls of all the officers and men to be made in duplicates, one copy to be retained by the commander of the troops, and the other to be given to an officer to be designated by Gen. SHERMAN. *Each officer and man to give his obligation in writing not to take up arms against the United States until properly released from their obligation.*"

4. "The side arms of officers and their private horses and baggage to be retained by them."

5. *This being done*, "ALL OFFICERS AND MEN WILL BE PERMITTED TO RETURN TO THEIR HOMES, NOT TO BE DISTURBED BY THE UNITED STATES AUTHORITIES SO LONG AS THEY OBSERVE THEIR OBLIGATIONS AND THE LAWS IN FORCE where they may reside."

Possibly the Judge did not have this paper before him, and formed his opinion from an examination of Gen. RUCKER's parole-instrument merely. We infer this from his statement of the scope of the terms of the capitulation as styles it, instead of a *military convention* for the termination of the war, as it actually was; for we say distinctly there was no capitulation, real or technical, of JOHNSTON's army, but simply an agreement to "*cease all acts of war.*" And this is a legitimate *distinction* that appears to be ignored in the course of the Judge's opinion. Referring to the letter of the Convention, he will observe, in article 3, last paragraph, it was stipulated that each officer and soldier should give "*his obligation in writing* not to take up arms against the United States," etc. That is the condition precedent on the part of the Confederate troops of that army; while "*being done*" the federal authorities promise—article 5—that they shall be permitted to go to their homes and remain there undisturbed and unmolested by the federal authorities, so long as they observe their obligations and *obey the* laws in force where they reside.

Thus a clear contract was made between two parties who Judge TRIGG admits had an unquestionable right to make it at the time.

The learned Judge, however, goes on to say in substance the object of the convention was to work the most speedy and possible to a gigantic, extremely disastrous civil war; hence the authorities of the United States assented as he thinks, to let our troops lay down their arms, desist from that war, (which was above all the consummation devoutly wished by their adversary), go home and remain unmolested, upon stated conditions, so long merely as there was a state of war—so long as the civil authority was not thoroughly re-established in the vicinage of the place of residence of these Confederates—when that immunity from molestation should cease, and each and every Confederate like Gen. RUCKER should be liable to the most vexatious, costly of molestations—that of arrest and trial for high treason. Now we ask in all candor, if such a construction of the SHERMAN-JOHNSTON Convention does not make it a *cheat*, such as is without parallel. Now we can assure the judge (and he refers to the intention of the parties to the instrument) that no one of either side at Greensboro took that view of the Convention, as we know personally, but all regarded it as explicitly giving full immunity to all of that army thereafter, full immunity from civil molestation, and this we say without hesitancy was the specific purpose of Gen. SHERMAN, in which connexion we may add that the terms in question had been determined at Washington and sent him, through Gen. GRANT personally at Raleigh.

We are unable to seize the distinction which the Judge draws between an act of the President done by virtue of his functions as Commander-in-Chief, and one which resides in him as Chief Magistrate invested with the sovereignty of the State. And we submit that while every act of the President may not be due to his powers as Commander-in-Chief, yet every act of his appertaining to that side of his august position is by *virtue* solely of his investiture with the sovereign or chief executive powers of the State. Sovereignty—as a legal friend concisely defines it—is the combined right and power to legislate, to adjudge and to execute, for the preservation and well being of the political—or national—and individual existence. In military matters though the special name of "*commander in chief*," may be applied to the chief magistrate yet after all he acts no less as the chief executive of his nationality than in civil or diplomatic affairs; and no legitimate distinction can be drawn which will justify the attempt on his part, at any time, to set aside, as civil magistrate that which he sanctioned, much less did as the military commander in chief in a time of war! On this proposition we confidently rely—and feel assured the present Executive will assert no such extraordinary claim.

We have full right to assume this from abundant evidence. Gen. LEE was indicted at Norfolk, for high treason, by an ignoble grand jury, found facile enough for such an outrage at the prompting of, doubtless, the notorious Judge UNDERWOOD. As soon as this came to the notice of Gen. GRANT, and the President, the District-Attorney of the United States was ordered to quash the indictment forthwith and discontinue proceedings. And we state what we know, that that indictment was regarded by Gen. GRANT as a violation of the terms of his agreement with our great soldier, which would affect his, Gen. GRANT's, personal honor if permitted, as well as the honor of his nation. Recently we have had the case of Gen. BRADLEY JOHNSON, which all must remember, that fully shows not only the view of Gen. GRANT touching the force or effect of the Convention under which Gen. RUCKER, as well as BRADLEY JOHNSON, took his parole, but also the views of the President.

If Gen. RUCKER can be arrested and made to give heavy bonds for treason, assuredly so may Gens. LEE, JOHNSTON and BEAUREGARD, and every other Confederate officer and soldier not annuelled. And it is this view of the legal effect of this decision that has impelled us to notice it at this length, as we can imagine no subject of more vital immediate concern to a large number of our readers, than one which involves so many of them in nothing less than amenability to arrest and arraignment for the highest crime known to the laws—Treason—with the entailment of heavy costs and great embarrassments, even though conviction should not follow, or the Executive pardon should be exerted to save from punishment, as it surely would.

A BIOGRAPHY OF GEN. CLEBURNE, we are glad to learn from the Pine Bluff *Dispatch*, is being written by a friend in that vicinity, who invokes contributions, however, from all officers and soldiers who remember incidents or characteristic circumstances connected with the career of that *born* soldier. We trust this call will not be made in vain, upon the survivors whom CLEBURNE led to battle from Shiloh to the fatal day at Franklin, who must have much of public interest to tell of their beloved leader; much which will serve to give a living portraiture of one of the very best of our subordinate general officers—a man who confessedly filled the measure of every grade and command to which he attained. Every possible memorial of such a man should be faithfully collected, and as soon as possible woven into a fitting record; that is the least the living owe to the illustrious dead of our ill-fated revolution.

"Distinction with a broad and powerful fan,
Puffing at all venoms the *light* away;
And what hath mass, or matter, by itself,
*Lies rich in virtue and unmingled.*"

Any such information as is asked for by the biographer in question, he desires sent to the office of the Pine Bluff *Dispatch*, Arkansas.

MEMPHIS BRANCH OF THE LADIES' BENEVOLENT SOCIETY.

A Grand Donation Party at the Gayoso House on the 3d of May.

We have received the following from the Branch Benevolent Society, of which Mrs. W. S. Pickett is Vice-President: Mrs. R. C. Brinkley, Treasurer; Mrs. W. E. Moore, Secretary, and publish it with much pleasure, hoping that the proposed party will meet the utmost expectations of the noble women who have taken it in hand:

MEMPHIS, April 25, 1866.

*Ed. Appeal:* Having conferred with many ladies of the city on the subject of promoting the success of the Benevolent Association organized to procure artificial limbs for disabled Confederate soldiers, it is deemed the most speedy method to inaugurate a grand "Donation Party," to be given at the Gayoso House on the evening of May 3—Mr. Cockrill having generously contributed rooms for that purpose.

The ladies feel assured that all good citizens will cordially co-operate in this movement, and heartily respond to a call so meritorious in its character. They earnestly appeal to every well-disposed benevolent individual of the community, to aid in this enterprise and by presence and countenance, to manifest an affection of a soldiery so gallant and so truly deserving our most kindly sympathies.

The following ladies are appointed managers of the Branch Benevolent Society, and are requested to meet at Mrs. Tuos. H. Allen's, on Second street, this morning at 11 o'clock, for the purpose of forming committees for the management of the "Donation Party":

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| Mrs. John H. Speed, | Mrs. Claiborne Pedoseh, |
| " Wm. Wright, | " Capt. Wray, |
| " John Park, | " Charles Griffin, |
| " Frazier Tims, | " Charles Jones, |
| " Newton Pennebaker, | " Sevier Ford, |
| " Sam. Tate, | " W. K. Poston, |
| " Dr. Parvin, | " R. Dale Sisk, |
| " Dr. Frazier, | " R. Hawley, |
| " R. R. Williamson, | " Robert Looney, |
| " Dr. Wilson, | " Thos. Bond, |
| " C. C. Clowes, | " Hudson, |
| " E. H. Porter, | Miss Eliza Fox, |
| " Jacob Meneely, | Mrs. W. A. Goodwyn, |
| " Benjamin Topp, | " Geo. Nelson, |
| " Mallory, | " M. C. Galloway, |
| " Raymond, | " Cockrill, |
| " Thos. Smith, | " Geo. Blume, |
| " Cannavan, | " Rockford, |
| " C. D. Wright, | " C. H. Church, |
| " Fowler, | " S. P. Walker, |
| " Hogsdon, | " Dr. Shannon, |
| " Jacob Jones, | " G. H. Judah, |
| " John Safforans, | " Rev. May, |
| " Wm. Allen, | " Wm. Allen, |
| " Capt. Moody, | " Jesse Page, |
| " Fred. Schultz, | " W. H. Carroll, |
| " Judge Baker, | " Jesse Tate, |
| " John H. Bowen, | " A. H. Taylor, |
| " J. W. Rambaut, | " Joseph Williams, |
| " Dr. Sale, | " Wynn. |

CHAMBER OF COMMERCE.

Memphis and Little Rock Railroad.

By the statement of the Treasurer of the Memphis Chamber of Commerce, present at a meeting of memberson Monday, we find the receipts of the Chamber, from October, 1865, to April, 1866, to have been $5,979 25; and the expenditures $5,858 22; leaving a balance on hand of $121 03.

The following communication relative to the Memphis and Little Rock railroad was read:

MEMPHIS, April 11, 1866.

W. M. Fargason, President Chamber of Commerce, Memphis, Tenn.:

*Dear Sir:* Some months since, through the columns of a daily paper, I ventured to call to the attention of our citizens and particularly of our merchants, the vast importance to all interests here, of completing our Memphis and Little Rock railroad. Regardless though it seems to be paramount to all others, I have seen nothing to change my opinion since, but much to strengthen it.

Recent events connected with the construction of other roads west of the Mississippi, have for us a peculiar significance, and call for the prompt and energetic action of our people.

Congress has just given large grants of land for the construction of the Iron Mountain road from Pilot Knob to Helena, and a similar grant for the construction of the Cairo and Fulton road, from Little Rock and on Southwestward. That last named road will soon be put under contract from Bullington to Little Rock on Jacksonport, and its completion will change Memphis, in her Western trade, more than any other rival line on either side of the river. You may rely upon its being soon under way. I do not speak at random. Even if these facts were not so now, the interests of Chicago, Cincinnati and St. Louis, to say nothing of the North Atlantic cities, would demand it. A glance at the map will convince all of this.

The question now arises, what should Memphis do to protect her interests in that rapidly growing Western trade? She should rely upon herself, as she has always done. She should lay aside for the present all other railroad schemes, and give to the Memphis and Little Rock railroad a city subscription ample enough to complete it from Memphis to Duvall's Bluff.

If a million of dollars be required for that end, it will be economy for her to give it. Ten times that amount depends upon her timely action. She has given millions to aid in the construction of railroads; but these millions have always come back to her, multiplied again and again. She has never yet lost a dollar by any such subscription. On the contrary, the completion of one railroad has always given her more ability to build another.

Let her give timely heed to such palpable considerations as these, and secure the early completion of this great western avenue of commerce. As has been said a thousand times, "the West builds up the East." Memphis is just now in a condition and position to estimate this with truth. She must temporarily pass over all her other railroad property, and give her undivided energies to this before other outlets may be furnished for the vast trade annually springing up in Arkansas. If the city has no right, through her charters, to subscribe a million in bonds for this road, let the Legislature be petitioned to grant that authority, and then leave it to the people to oppose it.

Pardon me if I have thought it best to enlist our merchants in this matter, through you, as the President of the Chamber of Commerce. I know no body of our citizens so well qualified to pass judgment upon it, or so likely to give it efficiency if that judgment be favorable.

Your friend, J. T. TREEVANT.

Capt. Hainer made some sensible remarks as to referring the matter to the consideration of the people, and accordingly offered the following resolutions, which were adopted:

*Resolved*, By the Chamber of Commerce, that the completion of the Memphis and Little Rock railroad at an early day is most important to the interests of this community, and that the communication of J. T. Treevant be published in the city papers.

*Resolved*, That a meeting of the Chamber of Commerce be held on Friday next, at 3 o'clock, in this Chamber, for the consideration of the great railroad enterprises that are now being agitated, and which are of vital importance to the best interests of Memphis, and that the capitalists and citizens of Memphis are cordially invited to attend, and participate in the proceedings.

After a few observations in reference to the Iron Mountain railroad by Capt. Wright, and the transaction of other business, the Chamber adjourned.

If a woman were to change her sex, what sort of a being would she become? She would be a *he* One—a heathen!

AN OLD BACHELOR'S DEFINITION OF LOVE.—A little sighing, a little crying, a little dying, and a great deal of lying.

PRACTICAL COMMUNISM.—To be willing to divide with any man who has more than you have.

A picture is said to have been offered for the forthcoming exhibition, entitled "Dead Game, by A. J., Washington."

The Gentiles are said to be pouring into Utah in great numbers. They will soon be a majority in the Territory or State, whichever it may be. All the salt of the Great Salt Lake can't preserve the Mormon institutions much longer.

PAVING ORDINANCE.

*Ed. Appeal:* The Digest distinctly says, that "when the owners of two-thirds or more of the real estate on any street or alley, shall petition the City Council to pave the same with *stone, iron*, or such other *durable* and *lasting* material, the same may be ordered and three-fourths of the cost assessed against the property fronting on said street or alley."

Now, will our sapient Board of Aldermen tell us by what authority they seek to negotiate for the Nicholson pavement, in total disregard of the wishes of the petitioners? It will not do to say (as one of our officials told the writer), "you have got to have the Nicholson anyhow, whether you like it or not."

This is decidedly cool, coming from a party *not taxed*. Such, generally, are the opponents to stone pavements. Our City Council have no more right to contract for any pavement until owners of two-thirds of the property *petition* for it, than they have to contract for a line of steamers to run to Europe. But we are willing and anxious to pave with stone, and Mr. Tate is unwittingly unjust to us in his suspicions to the contrary. He greatly mistakes the facts in reference to the adoption of the Nicholson in St. Louis, and his informant has imposed upon him. Oliver street was paved with it in 1863 down the grade to the river, with the belief that it would not be so slippery as the iron or stone, and perhaps a few other patches for similar experiments, *without* any general adoption of the wooden pavements. It proves nothing to say that Nashville has adopted it; Memphis did the same way, in 1860, and Mr. Tate asks if their (Nashville) Board of Mayor and Aldermen are "incompetent or bought up." Very likely *both*, Mr. Tate, if not *peri-cily demented*.

It is unfair to seduce Mr. Overton from his known preference for stone, by telling him it cannot be practiced. In the name of justice and decency why not advertise for it? Are the wooden contractors afraid to come in competition with it? Must we have wood *nolens volens*? Let parties interested in this humbug beware how they tamper with the rights of our citizens. Let the contemptuous aldermen beware how they barter away the best interests of their constituents. And finally, let the street railroad company beware how they interfere with the rights of property holders who have quietly acquiesced in their privileges. They may ride over our streets, but they cannot ride over our people. A sober second thought might benefit them, if they would heed it in time.

Fair treatment is all we want, and that we intend to have. We accept Mr. Tate's proposition: "Let the property holders have whatever kind of pavement they are willing to pay for," and as nine-tenths of them want stone, let them have it.

TAX PAYER.

IN MEMORIAM.

Resolutions of Sorrow by the Bar of Mississippi.

We copy the following resolutions, adopted at a meeting of the bar at Holly Springs, Miss., on the 16th inst., from the Holly Springs *Reporter*:

On the death of Capt. Wm. T. Watson, who was killed in battle, Mar. 3, 1863.

WHEREAS, Capt. Wm. T. Watson, late a member of this bar, fell in the fight near Franklin, Tenn., on the 5th of March, 1863, at the head of the brigade of which he was the adjutant-general; and WHEREAS, by his amiability, honesty, kindness and intelligence, our late brother had won the regard and esteem of the members of this bar, and by his self sacrificing, earnest and patriotic efforts in behalf of our country, struggling in a cause dear to all of us, had enshrined himself in our hearts, it is proper and becoming that we who survive him, and who knew him well and loved him, should at this, the first term of our court since his death, pay a tribute to his memory:

The surviving members of this bar mourn truly, and for one whose young life was not only given freely for his country, but for one who gave up what to him was more and dearer than life, that holiest of all human ties, or life's brightest bloom, the fond hopes of the young husband and father; and that, too, when *that* hope and *that* love was all the heart could conceive of or feel. He whose memory is so sacredly cherished around the hearthstone of his beloved home, and held in perpetual remembrance and love by his surviving comrades in arms and at the bar, now fills the honored grave; the honored grave, the fitting shrine around which to wreathe all the most holy and heavenly sentiments of the heart, and from which the incense of love and adoration in triumphant hope look up to heaven, where bloom in never fading beauty the withered flowers of earth.

*Be it Resolved by the Holly Springs Bar*, That in the death of our brother, Capt. Wm. T. Watson, we have lost one of the noblest and most promising members of our bar, our community one of its best citizens, our society one of its brightest ornaments, and our country one of her bravest defenders.

*Resolved*, That we deeply sympathize with the family of our deceased friend and brother in the great loss they have sustained.

*Resolved*, That a copy of the foregoing preamble and resolutions be presented to our circuit court, with a request that they be spread on the minutes, and that the clerk furnish a copy of the same to the family of the deceased.

R. A. WILSON, Chairman.

On the death of Lieut. John D. Anderson, who died in the Confederate service.

WHEREAS, In the dispensation of an all wise Providence, our brother member of the bar, John D. Trotter, Esq., has ceased his labors on earth, and gone to, we trust, the courts of a better world; and whereas, the memory of our deceased brother, by reason of his many noble virtues, is a precious legacy to us; and, finally, let the street railroad company beware how they interfere with the rights of property holders who have quietly acquiesced in their privileges. They may ride over our streets, but they cannot ride over our people. A sober second thought might benefit them, if they would heed it in time.

Fair treatment is all we want, and that we intend to have. We accept Mr. Tate's proposition: "Let the property holders have whatever kind of pavement they are willing to pay for," and as nine-tenths of them want stone, let them have it.

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The surviving members of this bar mourn truly, and for one whose young life was not only given freely for his country, but for one who gave up what to him was more and dearer than life, that holiest of all human ties, or life's brightest bloom, the fond hopes of the young husband and father; and that, too, when *that* hope and *that* love was all the heart could conceive of or feel. He whose memory is so sacredly cherished around the hearthstone of his beloved home, and held in perpetual remembrance and love by his surviving comrades in arms and at the bar, now fills the honored grave; the honored grave, the fitting shrine around which to wreathe all the most holy and heavenly sentiments of the heart, and from which the incense of love and adoration in triumphant hope look up to heaven, where bloom in never fading beauty the withered flowers of earth.

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R. A. WILSON, Chairman.

On the death of Lieut. Col. James L. Autry, who fell at the battle of Murfreesboro, Dec. 31, 1862.

WHEREAS, It has pleased the Almighty Ruler of the Universe, to whom it belongs to give life and to take it away, to fix the bounds of the sea, and to allot to man the number of his days, in His unsearchable wisdom to take from us our lamented friend and associate, Col. James L. Autry; therefore

*Resolved*, That in the death of Col. Autry our country has lost one of her noble and gallant defenders; Mississippi one of her most precious jewels; Marshall county a favorite son, whom she delighted to honor; our profession one of its highest types of honor, ability and manly bearing; ourselves a beloved friend, in whom all generous and social qualities shone with resplendent lustre, and society a genial and fraternal spirit, and an exemplar indeed, to whom all could proudly point as the model of a just and upright man.

*Resolved*, That we sincerely condole with his bereaved family, and weep with them in their great affliction; for they in the brave and gentle husband and tender father, the buoyant and cheerful spirit, the warm home affections, and the unselfish and generous heart, have lost more than all earth can replace, or time ever teach them to forget. But while we mourn with them, we would suggest the consoling thought, that the hand of Him "Who doeth all things well" is visible in this, that they "sorrow not as those who have no hope," and that he was taken from them upon the very field of his glory, as if to save one so noble and so good from witnessing or sharing in the humiliation and desolation of his country.

*Resolved*, That the circuit court of this county be requested to cause these resolutions to be spread upon its minutes; and that a copy thereof, under the seal of our court, be furnished to the widow of Col. Autry.

R. S. SMITH, Chairman.

On the death of Gen. C. H. Mott, who fell at Williamsburg, Va.

WHEREAS, Gen. C. H. Mott, late a member of this bar, fell at the battle of Williamsburg, whilst gallantly leading his command; and whereas, he had secured our respect and esteem by his manly virtues, and his great talents; and whereas, we deem it proper and right to avail ourselves of this, the earliest opportunity, to pay a suitable tribute to the virtues of our departed friend and brother, and to perpetuate his memory for imitation to all survivors; therefore,

*Resolved*, That in the death of Gen. Mott, the bar has lost one of its most honorable and talented members, his companion a devoted and noble husband, our community one of its brightest ornaments, our State one of its most useful citizens, and the military profession one of its most courageous and brilliant officers.

*Resolved*, That we deeply sympathize with the family of our decased brother in the irreparable loss they have sustained.

*Resolved*, That a copy of the foregoing preamble and resolutions be presented to our circuit court now in session, with the request that they be spread upon the minutes, and that a copy be furnished by the clerk to the family of the deceased, and to the press of the place for publication.

H. W. WALTER, Chairman.

On the death of Lieut. Col. Chas. G. Neiss, who fell at Shiloh, April 7th, 1862.

WHEREAS, It has pleased the Ruler of all things, to remove from our midst our friend, Lieut. Col. Chas. G. Neiss, who was late a member of this bar. And whereas, it is fitting and proper that his brother-hood of the bar should give expression to their high appreciation of his many noble virtues; therefore,

*Be it Resolved*, That the bar, in the death of our accomplished brother, lost one of its most genial and pleasant members, the State an honest, faithful and able legislator, and the community one of those who return for his death as for the loss of one near and dear, and to mingle our grief, in community of sorrow, with that of his widow and children.

*Resolved*, That the circuit court of this county be requested to cause the clerk of the court to spread these resolutions upon its minutes; and to send a copy of the same, under the seal of the court, to the widow of Lieut. Col. Neiss.

HOWARD FALCONER, Chairman.

IMMIGRATION FROM EUROPE.

Cor. of the Cincinnati Enquirer.]

An act, having its origin in the State Department, is before Congress, amendatory to the act of a few years ago, organizing a bureau of immigration within the purview of that department. The Government, through agents and officers interested only in their annual stipend, is to be paid in at bribe (all of them being human, therefore susceptible to human temptation), cannot do much, though it has undoubtedly done many good things. If there ever is anything done by the Government in aid of a better and more profitable immigration, it must be done either as the monarchies of Europe foster their maritime energy, by subsidies in the shape of money or other kind of subsidy, or by some other and Yankee method. The subject of emigration grows in importance to the people and the Government of the United States in proportion to its quantity and quality. Both of these will excel in 1866 what they were previously. And it is a theme which appeals eloquently to our talent energies and slack legislation, that nine-tenths of all persons who come to our shores make the voyage under a flag foreign to us. The foreign ships are heavily manned by our seamen, and their money flows into foreign hands, with our staff or steam. This subsidy secures a certain sum of money each trip, and encourages capitalists to invest largely in the construction and outfitting of improved steamships. For the United States of old to lend a helping hand to ship-builders. Should it do so, a company will spring up in every large city in the Union, with a fleet of fine ship enterprises. Germany, through her people who desire to emigrate, has sent here a very intelligent gentleman, Mr. J. J. Sturz, to see what, if any, improvement can be made in the whole scheme of emigration. He suggests, in a well written pamphlet, which he distributes to congressmen and others, some very valuable and practicable innovations on the present imperfect arrangements, one of which is the issue by the Government of land script, bearing compound interest, redeemable in Government lands. This script to be in small and popular shares, and to be sold all over Europe, thus encouraging and fostering emigration. The second is a thorough and radical change in the interior construction of emigrant steamships, remedying the crying evil resulting from the present wicked manner of conducting the trade. Your numerous German and Irish readers will see the force of this suggestion, if not from actual experience, at least from well known facts. The third proposes that our emigrant ships are approximately as loathsome and demoralizing as the late rebel prison pens, and equally as hellish as the slave trade ships, which all civilized nations execrate and abhor. It is proposed to give the frugal emigrant and family, who is necessitated to travel cheaply, comfortable, secluded, light and airy quarters at a very slight, if any increased expense, while *en route* to the promised land. Germany, of which Gen. Siegel is president, I believe, contemplate practicalizing this laudable and praiseworthy theory.

CANADA.

The Fenian Trials at Cornwall—An Eccentric Mayor—Rob Roy Demeanor of the Prisoners.

NEW YORK, April 21.

The *Herald's* Toronto special, of last evening, says the *Globe's* Cornwall dispatch to-night says that dissatisfaction is expressed among the magistrates by the singular course of the Mayor of Cornwall, who is an Orangeman, and who, in forming his court, excluded all Catholic magistrates from the bench. This fact, together with the exclusion of the press, and other circumstances, lead the people to believe that, whether guilty or not, a diabolical attempt is being made to punish the prisoners.

Wheeler was very insolent, and threatened, if not instantly released, to apply to President Johnson.

A special dispatch from Cornwall also says that a very unpleasant rumor is afloat, as follows:

Detective Clark, while here as a witness, by speaking Irish, got into the confidence of one O'Donohue, of Cornwall, and indulged him in whisky. He represented himself as a Fenian sympathizer, and drew from O'Donohue the names of other sympathizers here, and also, that if any movement was made Mayor Alien would be the first victim. Clark made affidavit that O'Donohue gave this information, and the Mayor says he has it in his possession.

The citizens kindly offered to supply the prisoners with newspapers, but the magistrates refused to allow them to receive them.

The magistrates already declare that the prisoners will be committed to the full sessions. The people consider this cruel persecution shameful.

The *Globe's* Eastport dispatch to-night says that small squads are moving to Calais, and other Maine towns.

Killian has gone to Portland, and Synnot is in command.

Wheat Crop Prospects.

The New York *Post* of Tuesday says: A newspaper correspondent who has traveled over several hundred miles in Pennsylvania, Delaware and Maryland, reports that excepting perhaps one field in twenty-five, the wheat is in fine condition.

The Sandusky (O.) *Register* observes: Notwithstanding the numerous complaints which have reached us of the failure of the wheat crop, we are reliably informed that the prospect for an average yield in this immediate vicinity, the coming harvest, is good. Much of the wheat which a few days since was pronounced frozen out, is now looking well, and has sustained but little damage from the severe weather of the past winter.

The Richmond (Va.) *Times* says we hear from all sections of the State that there has recently been a great improvement in the condition of the growing wheat. Fields in which six weeks ago there was not believed to be a living spire, and which the owners contemplated plowing up and planting in corn, now look green and give promise of a partial crop. It is worthy of mention that the wheat sown with a drill has everywhere stood the rigor of the winter better than that seeded by hand. This is easily explained by the fact that the drilled wheat is in all cases covered to a proper depth, while much of the hand sowed wheat is imperfectly covered by the harrow, or left entirely on the surface. This matter is well worth the attention of farmers.

FROM HIGHLAND COUNTY, OHIO.

We regret to state that the latest reports from the different parts of our county all tend to confirm the worst fears in regard to the condition of the wheat crop. From the most reliable estimates of good judges, it is believed that the aggregate yield throughout the county will be hardly equal to the seed sown. Hundreds of wheat fields have already been plowed up, to be planted in other crops. So general and complete a failure of the wheat crop in Highland has not occurred for many years, and it will prove a serious disaster to our farmers. *Hillsboro News.*

FROM NORTHERN GEORGIA.

Persons from North Georgia represent the farming interests of that section as prospering finely. Fields are being enclosed, broken up and planted, and the few freedmen there are working well. The wheat crop looks promising. Men of all conditions and every degree of intelligence have gone to work.

FROM PICKAWAY COUNTY, OHIO.

A private letter from parties fully posted, says:

The plowing up of wheat fields has already played out, although some farmers did it two weeks ago; they now say they will probably have a fair crop. Some fields are doubtless injured badly, but most of them will yield one half an average crop; and taking the country through, three-fourths of a full crop may be safely anticipated. There were 25 per cent. more acres sown than last year. Some say they will have as large a crop as last year.

NORTHERN PACIFIC RAILROAD.

Letter from Gen. Grant.

Quartermaster General Meigs has written a letter urging the immediate construction of the Northern Pacific railroad, and showing that the vast saving in expense to the Government in the transportation of troops and supplies will amply compensate the Government for the aid asked for by the company. Gen. Grant has placed the following indorsement upon it:

HEADQUARTERS ARMIES OF U. S.,
WASHINGTON, April 14, 1866.

The construction of a railroad by the proposed route would be of very great advantage to the Government pecuniarily, by saving in the cost of transportation to supply troops at those premes in the country through which it is proposed to pass, is made necessary by the great amount of immigration to the gold bearing regions of the Rocky Mountains. In my opinion the United States would receive an additional benefit by the construction of this road, by the settlement it would induce on the line of the road, and consequently the large number of troops necessary to secure order and safety, and for these benefits should be compensated by the General Government beyond the grant of land already awarded by Congress. I would merely give it as my opinion that the enterprise of constructing the Northern Pacific railroad is one well worth fostering by the General Government, and such aid could well be afforded as would insure the early prosecution of the work.

U. S. GRANT, Lieut.-Gen.

Frightful Disaster—Great Loss of Life by an Explosion in San Francisco.

From the New York World, April 21.

A terrible explosion of what was supposed to be nitro-glycerine occurred at San Francisco, Cal., on Monday, April 16, near Wells, Fargo & Co.'s building. The