MEMPHIS APPEAL.

JOHN S. C. HOGAN & CO.

Vera Atque Honesta Dicere.

FRIDAY.....DECEMBER 27, 1867

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MARKY BEEK, LOCAL EDITOR.
R. T. ENGLISH, COMMERCIAL, FINANCIAL AND RIVER EDITOR.
JOHN ANSLIE, CASHIER AND BUSINESS MANAGER.

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Business Office—No. 12 MADISON STREET.

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C. G. Joy, Bolivar, Tenn.

FOR MAYOR,
MAJOR A. T. LACEY.

POWER VS. THE PRESS.

[CONTINUED.]

We have referred to the English cases on the subject of contempts, so far as they relate to the species of contempt with which our confreres of the *Avalanche* are charged. We have stated them accurately and fully; and they establish beyond any question these propositions:

1st. That by the English Common Law, which never in the earliest days was otherwise, defamatory language and invective in respect to a judge, spoken of him as an individual, not in the presence of the Court, or published, there cannot be punished as a contempt of the Court. True or false, just or unjust, what the *Avalanche* has published in regard to the private character of Judge HUNTER, or in regard to his qualifications, honesty, decency, or fairness as a judge, is no contempt of the Criminal Court of Memphis.

2d. That to make a publication in a newspaper a contempt of the Court, the matter of it must relate to or be connected with a case depending in the Court, and be calculated to obstruct the course of justice in that case. It must therefore be published while the case is depending. Then to assail the judge for his ruling, orders or other conduct in the case, is a contempt of the Court, because it prejudices the world against the magistrate, in relation to this particular case. It is no contempt of a Court to criticise its acts and conduct after the case is decided.

3d. That there is, therefore, even in England, no community for an ignorant, an unsmith, a vulgar, an unjust or a corrupt magistrate, which arms him with the power to prevent exposure of his baseness or iniquities, as displayed generally, or in particular cases no longer before him, by silencing the Press by means of the committal of publishers or of writers. The phrase "the liberty of press" is no more without meaning or effect in the case of judges unworthy to wear the ermine, than in that of legislators or others who exercise the powers of the State. That is not one of the prerogatives that accompany the ermine. God forbid that the time should ever come when a judicial officer, how exalted soever, shall have the power to command the press to keep silence as to his misdeeds, if he is guilty of any, and to send even a Satirist like JUVENAL or a historian like TACITUS to prison, for speaking the truth, when it does not tend to obstruct the course of justice or taint its source, in a case actually depending before him.

The law is the same in America. The cases in our Courts, of the Nation and States alike, establish only the principle that "it is a contempt punishable by attachment, to publish remarks in a newspaper, which have a tendency to prejudice the public with *respect to the merits of a cause depending in Court.*" We shall refer, for this, to only three or four of the principal cases.

In Pennsylvania, in *Oswald's Case*, 1 *Dallas* 319, the publications punished as for a contempt, were made pending a cause, and tended to prejudice the public mind relative to the parties, and to bring suspicion on the impartiality of the Judges. The Court held "that he who attempts to raise a prejudice against his antagonist, in the minds of those who must ultimately determine the dispute between them; and who, for that purpose, represents himself as a persecuted man, and asserts that his judges are influenced by passion and prejudice; wilfully seeks to corrupt the source and to dishonor the administration of justice.

In *Hollingsworth v. Duane, Wallace* 77, in the Circuit Court of the United States for Pennsylvania, the libellous publication was made in a newspaper after the case had been tried, and the jury had found a verdict. But the cause was still pending, and, on account of an informality, was to be tried over again, on the damages, at the next term. The publication assailed the plaintiff in gross and scandalous terms, abused the jury by reproachful epithets, styled the verdict infamous, and accused the judges of partiality and injustice. It was argued that it was of the least importance "that a party should proceed in his official course for redress, free from any influence but that of a regular and standing operation of the law;" and that "to secure to every man the peaceful and impartial investigation of his claims before the tribunals of his country, the law is, that, *pending a suit*, it is a contempt of the Court to publish either false accounts of their judicial proceedings, or even true ones, without proper permission, or any other matter tending to influence the course of justice, or reflect upon the persons and parties concerned in its execution."

Of course the general phrases of Sir WM. BLACKSTONE relied on, that a contempt arose "by speaking or writing contemptuously of the Court or Judges acting in their judicial capacity," and "by any thing that demonstrates a gross want of that regard and respect, which when once Courts of justice are deprived of, their authority (so necessary for the good order of the kingdom), is entirely lost among the people." But these phrases are to be taken with the limitations which the adjudged cases put upon them. It would have been a contempt of the Court to publish invectives against the debauched and venal Judges of JAMES the Second, with reference to their course and demeanor on the trial of the Seven Bishops, while that case was being heard; but it was none of expose the enormity of their conduct when the case had ended, though that would have been to deprive them of regard and respect. History commits no contempt against the Court of King's Bench when it lashes with a whip of scorpions the caitiff memories of JEFFERIES, SCROGGS and WRIGHT.

The Court, in DUANE'S case, held the publication to be a contempt, expressly on the ground that it was made while "the action was still depending; that it was intended to degrade and vilify the Plaintiff, and thereby lessen his damages, to deter his counsel, the Clerk of the Court, and the future jury, from doing their duty, and to intimidate the Court itself." And it said, "If Judges and jurors, parties and their counsel, be subjected, *during the pendency of suits*, to the aspersions and unrestrained publications of the press, what, but the destruction of the trial by jury, must ensue? . . . If, therefore, the trial by jury is to be preserved; if the rights of suitors are to be protected, touching their dearest interests, of property, life or character, Courts of justice must prevent all discussions, all interference, or reflections in newspapers, while causes are depending. This is equally the privilege and security of both parties; and the support of it is the common cause of every virtuous man in the community."

In New York, in *The People vs. Freer*, 1 *Caines*, 485, 513, the contempt consisted in publishing paragraphs in a gazette, respecting the trial of CROSWELL for a libel on the President, *then sub judice*. The Court said: "Publications scandalizing the Court, or intending unduly to influence, or overawe their deliberations, are contempts, which they are authorized to punish by attachment." There the publication was intended "to prejudice and influence the public mind against the Court, before which the trial was held, and to intimidate and influence this Court, in deciding on the motion pending before it, for a new trial in the cause." And the Court declared that its action was intended "as a sufficient warning to the defendant and others, not to presume to use language which must be understood as reflecting upon or threatening the Court *in respect to questions then under investigation.*"

In Mississippi, in *Ex Parte Hickey*, 4 *Sm. & Marsh*, 751, while the Circuit Court of Warren county was in session, and an indictment pending in it against ADAMS for the killing of Dr. HAGAN, an editorial article appeared in the Vicksburg *Sentinel* charged that after the indictment was found, the Judge of the Court disregarded the demand of the District Attorney that ADAMS should be committed to prison, and permitted him to go at large, disregarding in this his oath of office, and failing to execute the laws; for which, it declared, he deserved to be hurled from a seat he desecrated, and brought as a criminal abettor of murder to the bar, to answer for his crimes. HICKEY, the Editor of the *Sentinel*, was attached for contempt, answered that he wrote and published the article, and was committed for five months, and fined $500. The next day, ALBERT G. BROWN, the Governor, granted him a pardon, declaring that there was "in this proceeding, an exercise of Judicial power over the liberty and property of the citizen, not warranted by the Constitution and laws of the land." The Court ordered HICKEY to be rearrested, and he was again imprisoned, and obtained a *habeas corpus* from a Judge of the Supreme Court. The opinion of Judge THATCHER, in deciding this case, applies directly and forcibly to the proceedings taken against GALLAWAY, RHEA and CLUSKEY, and much of it would, if quoted here, almost seem to have been written for their case. For here, as there, the Court constitutes itself "the Judge of his own privileges and the vindicator of his own wrongs, whether real or supposed, and his jurisdiction in this particular is without measure. The offence is without specification and without definition; and though, legally viewed, it is said to refer solely to the functionary, it *necessarily* touches and stimulates this individual, who finds it hard to separate himself from the office and station." He denied that it followed that such a publication could be punished as a contempt, in Mississippi, because judicial decisions in England and elsewhere had established the legitimacy of the exercise there of such a power; and said that by the doctrine of contempts, as thus established, there existed an offence not only undescribed and undefined in nature and character, and one whose very existence was dependent upon the opinion and discretion of a Judge, but a punishment, to use the words of Senator CLINTON, in YATES' case, "unlimited, uncontrolled, indefinite, arbitrary and omnipotent." Courts are always inclined to widen the limits of their prerogative, to-day by one means, to-morrow by another. To-day they deny to juries in criminal cases the right to decide the law; to-morrow they imprison the fearless denouncer of judicial abuses; and too generally the caustic words of the great CHATHAM are applicable to them, who said: "Shake the whole Constitution to the centre, and the lawyer will sit tranquil in his cabinet; but touch a single thread in the cobwebs of Westminster Hall, and the exasperated spider crawls out in its defence."

Judge THATCHER quoted these impressive words of Senator CLINTON: "It is to be remembered that summary convictions are against the genius and spirit of our institutions, and in derogation of civil liberty. The Judge is without check, and the accused without the usual guards of freedom. There is no Grand Jury to accuse, no Petit Jury to try; but his property and liberty depend upon the *fiat* of the Court. Here, then, is a case where an unjust and tyrannical Judge may, at pleasure, imprison an innocent man for life, and, it being a judicial act for which he cannot be questioned, thus placing punishment at defiance. A doctrine pregnant with such horrible results can never be in unison with the letter or the spirit of a free and enlightened system of jurisprudence."

And, in short, he held, that, under the Constitution and laws of Mississippi, the publication by HICKEY, instead of being a contempt of Court, was a mere libel on the functionary, and subject only to the punishment prescribed by the law for that offence.

In all the English cases upon the subject of contempt, the Judge has only once or twice been a party. It has only once or twice happened there that the integrity or capacity of the Magistrate himself has been even indirectly impeached; and thus the Judge has only in these one or two instances been constrained to occupy the humiliating position of justifying and vindicating himself by the exercise of an arbitrary and deep the power. Nor was there ever a case in England, in which the Magistrate used his judicial power to avenge and punish the insults offered him as a man. The Judge who should do that, there, might continue to be a Magistrate, but would cease to be deemed a fit associate for gentlemen. An insult offered a Judge in open Court, an imputation on his integrity in regard to a case depending before him, would of course be punished, as a contempt, not of the man, but of the Court itself.

To a HARDWICKE, a CAMDEN or a HOLT the power now claimed over the press might perhaps have been entrusted with safety; but those who framed the Constitutions and enacted the laws of our American States were wise if they did not entrust it to all the judges whom the will of a partizan Executive or Legislature or the fickle noffons of the people might elevate to the Bench.

We speak of the unenviable position which would be occupied by a Judge required by law to punish as contempts of the Court, injuries done and insults offered to himself, not to reflect upon Judge HOWRES, but to show that it cannot be possible that the law demands that he should expose himself to so terrible an ordeal where his motives could not fail to be impeached, his impartiality doubted as impossible, his opinions deemed to be coloured by his passion, prejudices and interest. He must truly look at the case with "a blood-shotten eye." No lawgiver has the right to expose man, however great they may be, to such a temptation to wrongfully and oppressively exercise arbitrary power; for there are few men so cold and tame as not to resent insults and desire to punish those who assail their fair fame and impute to them dishonorable motives. No one believes the Judge who protests that he is entirely indifferent to satire and the stingings of the tongue or pen.

In the United States, the motives of Judges have often been indecently impugned; but there are few instances indeed, in which they have resorted either for protection or revenge to their supposed power to punish for contempt. Mr. JEFFERSON traduced Chief Justice MARSHALL for his rulings in the case of BURR; Chief Justice TANEY was slandered without stint for his judgment in the case of DRED SCOTT; and more recently Mr. Justice MILLER and those of his Brethren who agreed with him in holding Military Commissions illegal, were defamed and maligned by the Press and the venemous creatures that hiss in that House of Representatives which raise plagues upon the nation. In DUANE'S case, when party spirit was at boiling heat, the Judges were assailed; but in deciding on the question of contempt they scorned to take into consideration the assaults upon themselves; and there will be found, in the whole range of American decisions, hardly half a dozen cases in which the unwelcome responsibility was imposed on the Judge of deciding whether vilification of himself was a contempt of the Court; and never, in England or America, has it been held that to censure or malign a Judge, outside of the Court, for his conduct in a case no longer depending, or to libel him generally or particularly as a man was a contempt of Court.

It will be a saddening and humiliating sight for one who wishes to respect his fellow men, when he shall see a Judge smarting under the invectives of the satirist and enraged at the taunts and abuse of a public journalist, pretend, with anger and hatred betrayed by his accents, to listen calmly and impartially to the arguments of counsel, which have no power to pierce through the triple brass of his propossessions, or to convince him of that which he is determined not to believe to be law. He cannot decide without prejudice and favour between himself and the man who has libelled him unjustifiably, and still less if he has been justly accused. It is a hideous mockery of justice for one to be Judge in his own case, where he must take bribes of his passion and anger, and avenge himself with the weapons of the law, as the Corsican does with the stiletto.

The Constitution and laws of Tennessee have not consented that the justice and the Courts of the State shall thus be brought into contempt. They have not left these questions to be adjudicated by the Common Law or according to the decisions of the English Courts. They have not thought that the powers claimed by these were necessary to insure respect for the judicial tribunals, nor that, if anything were necessary, these powers could secure it. For they have thought that irresponsible power is too prone to be abused, and that it is as easy to exercise it to stifle inquiry into judicial iniquity, as to vindicate judicial integrity.

[TO BE CONTINUED.]

THE MAYORALTY.

We desire it to be distinctly understood that we support Mr. LACEY for Mayor, because he is the only candidate for whom no negro votes are expected to be cast. We all saw, last Summer, the miserable result of the attempt, on the part of the Conservatives of Tennessee, to divide the negro vote. We were not consulted by the leaders of the party when it was proposed to invite the presence of negro delegates to the Convention at Nashville, nor knew of the project until it was a *fait accompli*. We had no right to object, and contented ourself with a simple protest, permitting the experiment to be fairly tried. How many negro votes Mr. ETHERIDGE obtained, those who paid the expenses of the negro delegates to Nashville, and fraternized with them here, can perhaps tell. We have never known what was the nett result of the experiment in the way of votes.

Negrodom is now apparently divided in Memphis, and Conservatism has renewed hopes of help from the blackamoor. Forty or fifty ragged Africans, with a drum and fife, and a transparency inscribed "FITCH AND JUSTICE," straggled through our streets last Christmas morning. The dusky clients of BRECKER make night hideous with their ululations. A thousand "Conservative" negroes, we are told, lately fraternized together at a supper; and at a meeting of Conservative white men, several gentlemen are reported to have declared themselves in favor of universal suffrage. The fruit that grows on the barren shores of the Dead Sea is still pleasant to the sight, though the fair exterior covers only dust and ashes.

As we are the property of no party, and look neither to Nation, State, County or City, nor to any set of officials for "patronage" and support, and receive none from either, but have the People only for our client, it is no particular merit in us to speak the truth and frankly utter our convictions.

These convictions are that the rescue of the South, its States, counties and towns, from the utter damnation that seems about to fall upon and overwhelm us all, is only to be effected by restoring the powers of government to the hands of white men, and denying to the negro, now and forever, without exception or qualification, the right to vote. To effect this only do we struggle. If it cannot be effected, the ruin of the country is only a question of time. We do not agree that they have the right to vote here. The Legislature had no power to make them citizens, and the enactment that does so is a nullity. We will not consent to palter and temporize with them. We will not permit them to suppose that we will not labour to restrict them to the exercise of their *civil* rights, and take from them, as soon as possible, that which is only called by an abuse of words, the *right* of suffrage. We will not say to them that they have the right to vote, and that we will not disturb it. We cannot be bribed by the promise of universal amnesty, to consent to universal suffrage. If we were enfranchised, (which we do not wish to be), we would not vote, so long as the vote of a negro was worth as much as ours. We claim no superiority over the humblest white man who is respectable and honest; but we do claim that no negro is in any way our equal, and that no negro's vote ought to overrule our judgment. Between us and the black man there can be no other relation than that of patron and client, unless he is fool enough to make himself a danger and a nuisance in the State. If he will keep his proper place, we will, to the utmost of our power and influence, secure to him his freedom and his civil rights, and none shall oppress him or make him afraid, if we can prevent it. If he is not content with that, it may be that he will, by and by, have to be content with less; and if so, he may thank those for it who have misled him.

To give these ignorant and stupid *Sans-culottes* the right to vote in Municipal affairs, and to elect the Mayors and Aldermen of cities is a union of villainy and absurdity so despicable that it would provoke a sardonic smile on the countenance of BELZEBUB. To any one who has given them that right, we would vote nothing but a halter; for, compared with it, robbery and murder are laudable acts and meritorious services done the Commonwealth. *Injicere cervicibus laqueum,*—to hang them, would be only too merciful a punishment.

Therefore we have no choice between opposing Radical candidates. We *know* nothing against either of those who now beseech the negroes for their sweet votes, and we hear much in favor of Mr. FITCH as an honest man. It is enough for us that both insist on making the negro our political equal. We have no vote and little voice in the affairs of the State or country; but whatever revolutions and changes may come in the future, no man shall ever have our vote and support who has been instrumental in conferring upon the negro the right to vote. If an oath be necessary to seal that resolution, we will take it.

Each of the candidates, moreover, whose African clients nightly disgust the city with their caterwaulings, is in favour of continuing the other oppressions under which we groan and suffer. Each is in favour of a Metropolitan Police that levies its taxes upon us to support its cohorts of idlers; each is in favour of maintaining the Board of County Commissioners independent on, and above, the people. Each is in favour of installing negroes in office. We prefer *any* white man's candidate to either. We have no choice between the two. We accept Mr. LACEY, because he is a white man and a gentleman, against whom the negro proletaires will vote. It is said that the Convention which nominated him had no right to speak for the people of the different Wards of the city. It may be so. We neither know nor care. If they had been authorized by letter of attorney from every voter, they could not have done better. If they did not represent the people, it was because those who should have led the people hung back and did nothing, perhaps lest their pockety should suffer, or because of that fatal apathy that seems to have chilled men's blood and paralysed their brains. If our agents were not authorized to make the nomination, let us ratify their action, and make it our own. We did not protest in time; and it is too late to file a caveat now.

It is being said—or, if not, it is being thought—by many, that Mr. LACEY cannot be elected unless we can divide the negro vote. Let him be defeated, then. It will not hurt him to be beaten by negro votes; and to become the sycophant and adulator of negroes, to win their votes for a Conservative candidate, would be to make the difference between Conservatism and Radicalism inappreciable. It is a fruitless humiliation, moreover, to endeavour, by cajolery, to secure a part of the negro vote. Their promises and professions are worthless. Now and always they will vote in obedience to orders. They are the chattels of their Radical overseers, and of their drivers of their own colour who live by their wits. As they voted last Summer, so they will vote now; and so we hope they may. We should be sorry to see a Conservative elected by their votes. We should still more regret to see one condescend to seek their votes; for whosoever does so, injures the cause which he pretends to uphold, and becomes the unwitting ally of our tyrants, whose whole policy has but the single object to compel us to accept the negro as our political equal.

BY TELEGRAPH.

Night Dispatches.

FROM LOUISVILLE.

LOUISVILLE, December 26.—The river is rising fast with seven feet eight inches in the canal by the mark.

FROM ALBANY.

ALBANY, NEW YORK, December 26. The Albany and Susquehanna railroad was opened to Nineveh and Harpersville to-day, 120 miles from here.

FROM WASHINGTON.

WASHINGTON, December 26.—Gen. Grant, with the assent of the President, has suspended the order for the disbandment of the irregular military organizations in the District of Columbia, the leaders thereof having, by his request, agreed to take advantage of the militia laws.

A card is on the tapes between a Major General and ex-Captain of the army of the Potomac, arising from a quarrel at the Opera on Monday night. The Captain claims to have been insulted, and has challenged the General.

Judge Underwood, who several days ago decided that the deed of trust, in the case of the Merchants National Bank of Baltimore vs. the Bank of the Valley of Virginia, was invalid, to-day appointed H. C. Foulk, of Richmond, Receiver, to take charge of the latter bank. The assets are over $1,000,000.

FROM NEW YORK.

NEW YORK, December 26.—Livingston, Fox & Co this morning received a telegram from the purser of the Raleigh, announcing the safety of the second boat, containing thirteen persons. The names of the passengers and crew saved are not yet known. There were forty-five persons, all told, on board, and thirty-one are now reported saved. The loss by the burning of the Raleigh is wholly at her owners, believed to amount. The vessel was worth about $175,000, and partly insured.

The $50,000 in checks and drafts stolen from the messenger of the Bank of the State of New York, was received yesterday by Postmaster General Kennedy, and returned to the bank as a Christmas present. Eight thousand six hundred dollars in currency were the only fruits of the robbery to the perpetrators.

FROM NEW ORLEANS.

NEW ORLEANS, Dec. 26.—The Convention devoted to-day to the consideration of the majority of the committee to draft a Constitution. Both the majority and minority reports were taken up at the same time. The majority report was the second article of the minority report, was adopted as the first article of the Constitution by a vote of 75 to 17. All men are created free and equal and have certain inalienable rights, and among these are life, liberty and the pursuit of happiness, and to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Crawford, Cooley and Ludling opposed its adoption, as it would bring trouble upon the Convention, and urge immediate action, inasmuch if it was embodied in the Constitution no criminal could be punished by death or imprisonment.

The following was offered, but crowded out by the previous question: "The citizens of this State owe allegiance to the United States is paramount to the allegiance due the State."

The Convention then adjourned until 11 a.m. to-morrow.

FOREIGN.

LONDON, December 26.—Mr. Edward, the newly appointed Minister from the United States, will sail for America in a few days to enter upon the duties of his mission.

It is now stated that the Fenians yesterday did not occur, and the day was one of tranquility and good feeling, and the extraordinary precautions taken by the authorities to guard against lawlessness were unnecessary.

PARIS, December 26.—The report that the Prince Napoleon may come remaining in Italy is to be reinforced is confirmed by the *Patrie*, which states that the Government has issued orders for the departure of 20,000 more troops for Civita Vecchia.

G. Buffanan, an old American journalist, committed suicide here to-day by taking opium.

TELEGRAPHIC MARKETS.

LOUISVILLE, December 26.—No tobacco sales. Flour, superfine, $7 75 to 8; a No. 1, $12. Corn, new, 80; shelled, 90c. Oats, 60 to 65c. Wheat, red, $2 to 2 40. Corn meal, $1 75. Mess pork nominal, $21 to 21 50. Bacon, shoulders, 16c; clear sides, 18c; sugar cured hams, 17 to 18c; lard, in kegs, 18c. Bulk meat, shoulders, 15c; clear sides 17c. Lard, 16c. Raw whisky, bonded, 28 to 30c. Hogs only, $5 to 6 75. Receipts small, 24 hogs, 5 cattle, 1 sheep. Cotton nominal, middling, 14½c; sales since Tuesday, 350 bales; receipts for three days, 1,000 bales; exports, 1,000 to Liverpool. Sugar firm and tending upwards; common, 9 to 10½c; choice, 12½ to 13½c. Molasses firm; prime, 60 to 65c; choice, 70 to 75c. Coffee, quiet. Sugar, quiet, 11½ to 12c. Pork, $22 87½, regular. Bacon, steady. Lard, steady, 16½ to 17c for prime to fair.

ST. LOUIS, December 26.—Tobacco, quiet and unchanged. Cotton dull, 13½. Flour, in better request, but prices unchanged; superfine, nominal; ranges from $5 50@7 50; X, $8@9 50; XX, $9@11; XXX to family, $12@14. Wheat, dull and nominally lower; $2 60@2 70 for prime to choice fall. Corn dull, 80@80c for shelled, and 70@72c for ear on the track. Oats, dull and drooping, 60@70c. Rye, dull, 1 cent lower; $1 30@1 35 for prime. Barley, $2@2 07 for choice fall. Rye flour, $5 50@5 90. Provisions dull and very little doing. Mess pork, $21 50@22 for prime. Bulk meat, nominal, $14@15 75 with no sales. Bacon, nominal, $15@16 with no sales. The number of car-load lots offered was small. Tallow is 9@9c and rather.

CINCINNATI, Dec. 26.—Flour dull; family, $10 25 to 11; extra, $9 75 to 10 25. Wheat quiet; red winter, $2 30; No. 1 spring, $2 15. Corn, supply light, market firmer and higher, 85 to 86c. Oats dull, 65 to 66c. Rye, $1 36 to 1 40. Barley, firmer; winter, $2 75 to 2 85. Cotton dull and drooping; middling, 13½ to 13¾c. Tobacco dull and unchanged. Whisky firmer, 28 to 29c. Hogs dull and nominal, $7 75 to 8 25, with no sales. Provisions dull, no demand; prices of new pork held at $20 to 20 25. Lard, old and new; bulk shoulders, 15½c; sides, 17½c; loose; hams, sm. 18@19c; butter steady, 35 to 37c; cheese steady, 14 to 15c. Eastern Reserve 16c; factory, 12½ to 13c. Clover seed dull, 12 75 to 13c. Timothy, $3 25 to 3 50. Flaxseed, $1 90. Coffee dull, 16 to 18c, in large quantities.

THE NEWS.

—Thad. Stevens is so feeble that he cannot get home to spend the holidays

—The New York Jockey Club are to have a $200,000 club house.

—A St. Thomas letter says that, up to the 20 inst., there had been five hundred shocks of earthquake felt there.

—At Nashville the Black and White Crook are to be succeeded by a Red one.

—Italy has set the example of repudiating a war debt.

—Wall street, says a dispatch, is in terror over the proposition to tax the bonds.

—The wife of E. A. Pollard made her first appearance as an actress in Baltimore on the 18th.

—Hon. A. H. Stephens will deliver his first lecture, on the condition of the South, at Cooper Institute, New York.

—The Chicago jail "ground" was produced by a prisoner blowing through an unused gas pipe.

—It is said Ex Gov. Harris proposes to come to Memphis to edit a paper—doubtful.

—One hundred and thirty-four hands in the ordnance department of the Washington Navy Yard, being half the force, were discharged yesterday.

—Colonel Parker was married privately in Washington, Monday evening, Gen. Grant giving away the bride. Thousands who attended at the church Tuesday, to witness the public ceremony, were disappointed.

—The President, on Tuesday, determined to remove Gen. Pope from the command of the Third District. Gen. Meade, having been specially called to Washington, was in consultation with the President yesterday, and will probably be appointed to succeed Gen. Pope.

—Dispatches received at Washington say that in the counties of Craven, Jones and Lenoir, North Carolina, great alarm is experienced on account of assaults committed by army blacks on unoffending whites. Prompt measures, it is said, are necessary to restore quiet and confidence.

—Col. McArdle was arrested some time ago under orders from Gen. Ord, the District Commander. Upon his last case is being made up by the imprisoned editor, designed to test the constitutionality of the whole system of military reconstruction.

—The collection of the direct tax in the South is suspended for the present, in consequence of the unusual distress prevailing there.

—Ninety-seven million dollars *only* have been wrung from the people since July last by the infernal revenue.

—A memorial is in circulation among the leading cotton factors of Charleston, S. C., praying Congress, in view of the prostrate condition of the planting interest, to make an appropriation to assist the factors in making advances to planters.

—A detachment of troops left Macon, Ga., Tuesday for Milledgeville. It is supposed to have some connection with the Treasurer's refusal to pay the money order of Gen. Pope and the convention.

—Prince Alfred was met by 25,000 school children, all singing, when he arrived at Adelaide, Australia.

—The Emperor of China's name is "High Prosperity." His father's name was "Perfect Bliss."

—Advices from Northwestern Arkansas notice the discovery of rich gold-bearing quartz in Red river mountains, sixty-five miles west of Fort Smith.

—Feminism is the absorbing topic in England, which proposes to better the condition of the Irish, as the best means of suppressing it.

—The railroad bridge over Onion river, Vt., six hundred feet long and six feet wide, was destroyed by fire Tuesday evening.

—We have details of recent battles between the allies and the Paraguayans, in which the former, after varying fortunes, were victors.

FROM WASHINGTON.

WASHINGTON, D. C., December 24.

Public business was suspended in all the departments at ten o'clock to-day, and will not be resumed until Thursday.

The rush for office at the Treasury Department has been so great that the Secretary has issued an order that no appointments will be made until after January 1st, even if after that period.

With the exception of the members and Senators who have their families and have taken a residence here, there are scarcely any Congressmen in town. Several who remained over in order to transact some business with the Department, left yesterday for home.

Senator Pomeroy, Hon. Jeremiah Black and Hon. Montgomery Blair called and had interviews with the President.

The interior revenue receipts have shown a gratifying increase within the past few days. To-day they exceeded seven hundred thousand dollars.

Information has been received here to the effect that Judge Busteed, United States Judge for Alabama, will declare the reconstruction act unconstitutional. The question will be carried to the Supreme Court. Congress will have to reassemble forthwith and repeal Busteed.

Gen. Howard, of the Freedmen's Bureau, complains of being greatly annoyed by the oaths exacted of Southern negroes by the Loyal Leagues in South Carolina. The freedmen bind themselves by an oath never to reveal anything that occurs in their meetings, under penalty of having their heads cut off. The operations of the Bureau are much embarrassed by these oaths.

It is ascertained that our Minister to Great Britain has succeeded in securing from that Government an abandonment of her old doctrine of once a subject, etc.

Official information shows that the South Carolina Convention is composed of sixty-three negroes and thirty-four whites. In several districts the delegates are all blacks.

The case of ex-Secretary Stanton has practically ended. Several Senators, who hitherto were disposed to sustain him in his quarrel with the President, have turned against him. Since the fresh expose of his duplicity, the ex-Secretary has fallen so low that none will do him reverence. He has not a friend on earth. He arrived here yesterday.

Grant's letter to the President about Stanton is severely criticised, the style, grammar, and even its orthography being absolutely appalling.

President Johnson declares he is not a candidate for re-election, but he will, to the extent of his ability, oppose Radicals, and will use whatever power he possesses to prevent a minority of the people North, aided by bogus negro governments in the South, from usurping the Government of the people on the 4th of March, 1869.

NEW ADVERTISEME'TS

MASONIC NOTICE.—The officers and members of Angerona Lodge No. 168, are hereby notified to attend a regular communication, this Thursday evening, at a quarter to 7 o'clock.

All E. A.'s in good standing are fraternally invited.

D. B. FORNER, W. M.
JOHN BEAMISH, Sec'y. dec27 it

Masonic Invitation and Notice.

THE members of South Memphis Lodge No. 113, Lelia Scott Lodge No. 280, Hamilton Lodge No. 299 and Kilwinning Lodge No. 341, are requested to attend a meeting of their Lodge, at their respective Lodge rooms,

This St. John's Eve, December 27,

And from thence repair to the First Baptist Church, on Second street, for the purpose of installing their officers elect for the ensuing year,

P. M. Albert Pike Officiating

Installing ceremonies commencing at 8 o'clock.

The members of South Memphis Lodge No. 113 and Lelia Scott Lodge No. 280 will meet at the hall of South Memphis Lodge, at 7 o'clock.

The members of Hamilton Lodge No. 299 will meet at the hall of Angerona Lodge at 7 o'clock.

The members of Kilwinning Lodge No. 341 will meet at the Commandery Rooms, Front street, at 8½ o'clock, it being the stated monthly meeting of this Lodge, business will come before it before repairing to the church.

Members of a degree will be invited to unite with us in the ceremonies.

The public generally are invited to attend, at the church, to witness the ceremonies.

By order of
J. F. SELLERS, W. M.
Of South Memphis Lodge No. 113.
JOHN A. NEILL, W. M.
Of Lelia Scott Lodge No. 280.
P. M. STANLEY, W. M.
Of Hamilton Lodge No. 299.
J. J. WORSHAM, W. M.
Of Kilwinning Lodge No. 341.
dec27 it

TO RENT.—A HANDSOME FRONT ROOM, with board, No. 86 April street. dec27 it

BOOK-KEEPER AND CASHIER WANTED, by a Wholesale and Retail Dry Goods House. Address P. O. Box 324. dec27 it

Notice of Dissolution.

THE copartnership heretofore existing between Bunkie & Anderson, is this day dissolved by limitation, is this day (the 26th of December, 1867), dissolved by mutual consent.

The papers connected with, and all transactions in future, concerning the business of Bunkie & Anderson, will be in the hands of V. A. Anderson, who will give all information in regard to the same, and attend personally to the closing up of such business. He will be found in Folsom's Block, corner Monroe and Second streets.

JOHN BULLOCK,
VAN A. W. ANDERSON.

For Rent.

The very desirable Residence now occupied by Mrs. Alma Prendill,

Situated on Central Avenue,

Two miles from the city, containing Five Acres; one of which are under cultivation, suitable for an elegant Market Garden; delightful Pear and Apple Orchard, due Well of Water, together with all necessary outhouses. Also, MILCH COWS FOR SALE. The above property will be rented for the following year to a good tenant. For further information apply on the premises, or to

DAY & PROUDFIT.
dec27 1w

Dissolution.

THE partnership heretofore existing under the firm style of ELDINS & COX, in the Saw-mill and Lumber business in the city of Memphis, is this day dissolved by mutual consent. M. E. Eddins is alone authorized to settle the business of the firm.

M. E. EDDINS,
J. N. PATTEN.

In withdrawing from the firm of Eddins & Co., I take this opportunity of returning my thanks to my friends for their patronage, and solicit a continuance of the same to the new firm.

J. N. PATTEN.

NOTICE.

Having purchased the interest of J. N. Patten in the firm of Eddins & Co., I will continue the Sawmill and Lumber Business as heretofore, and will endeavor to give entire satisfaction to my patrons.

M. E. EDDINS.
dec27 it

CONSIGN YOUR GOODS

—TO—

BLACK, SHERLOCK & CO.,

WHOLESALE GROCERS

GENERAL

COMMISSION MERCHANTS, SHIPPERS,

AND DEALERS IN ALL KINDS OF

PROVISIONS,

Western & Southern Produce.

TEAS, COFFEE, SUGARS, MOLASSES, SPICES, RICE, TOBACCO, WINES, HOPS,
FLOUR, BUTTER, CHEESE, LARD, PORK, BEEF, EGGS, FRUITS, GRAIN, ETC., ETC.

Messrs. Black, Sherlock & Co.,

Having the most extensive connections in European and South American ports, are now prepared to make the

MOST LIBERAL ADVANCES

—AND—

IMMEDIATE RETURNS

—ON ALL—

KINDS OF PRODUCE,

and Merchants, Planters, Farmers generally throughout the country, will find it greatly to their advantage to ship their goods to

Messrs. Black, Sherlock & Co.,

50 Vesey Street, New York.

Having immense orders unfilled from our correspondents in Liverpool, Havana, St. Thomas, and several South American ports, we are in immediate want of the above mentioned articles of produce.

We can also handle to advantage for our Southern friends

COTTON, TOBACCO, RICE, SUGARS, MOLASSES, Etc.

Messrs. Black, Sherlock & Co.,

ALSO ISSUE A

PRICE CURRENT,

Which they will be happy to furnish

Free of Charge to their Friends and Customers.

dec27 1y

NEW ADVERTISEME'TS

Non-Resident Notice.

In the Chancery Court of Memphis, Tenn.

No. 2367—Thos. J. Walkins, Annie E. Walkins et. al. vs. Joseph Spendit, Wm. L. Vance, Sam Vance, Alfred Noxen, Nancy Noxen, E. W. Haughtwout and Francis A. Nickol.

IT appearing from affidavit in this cause that the defendants Alfred Noxen, Nancy Noxen, E. W. Haughtwout and Francis A. Nickol are non residents of the State of Tennessee.

It is therefore ordered, That they make their appearance herein, at the courthouse in the city of Memphis, Tenn., on the first Monday in February, 1867, and plead, answer or demur to complainant bill, or the same will be taken for confessed as to them, and set for hearing ex parte; and that a copy of this order be published once a week, for four successive weeks, in the Memphis Appeal.

A Copy—Attest.

A. D. HUTCHINSON, Clerk and Master.
Clapp, Vance & Anderson, Sols. for Complainant. dec26 lawtw4w

United States Internal Revenue Sale

COLLECTOR'S OFFICE,
FOURTH DISTRICT, TENNESSEE,
MEMPHIS, 26th December, 1867.

I WILL sell, at the Commercial Hotel, Nos. 9 and 11 Jefferson street, on the 6th day of January, 1868, commencing at 10 o'clock a.m., the following property, levied on by me as the property of D. Bryson, to satisfy a warrant issued by R. S. Saunders, Collector Internal Revenue, 8th District of Tennessee, for the sum of five hundred and ninety-seven 5-100 dollars, with all costs and advertising, sale, etc., added—this amount being one the United States Government by the said D. Bryson for his license as Hotel-keeper and retail liquor dealer, and tax on watch, for the year ending the 1st of May, 1868:

1. The Office Furniture.
2. The Bar-room contents and Furniture.
3. Billiard room Furniture.
4. Contents of Wine Closet.
5. Dining room Furniture.
6. Pastry room Furniture.
7. Furniture, Bedding, etc., in rooms in said Commercial Hotel, from No 1 to 15 inclusive. All of which property be fully described in a Catalogue of the Furniture and Property of the Commercial Hotel, issued by T. W. Brown, Trustee. Royster, Trezevant & Co., Auctioneers.

R. S. SAUNDERS,
Collector Internal Revenue, 8th Dist. Tenn.
By JOHN MARTIN, Sr.,
Deputy Collector.
dec27 tds

REWARD.—Lost on Thursday night last, a small leather-backed DAY BOOK. Standing prominent at the head of some of the pages, written in pencil, are the names of Powell, Caldwell, Cox, Swan, Biggs, and others. For the delivery of said