TO THE PUBLIC.

TERMS OF SUBSCRIPTION:

DAILY APPEAL, one year $10 00
SUNDAY APPEAL, one year 2 50
DAILY AND SUNDAY APPEAL, one year... 12 00
WEEKLY APPEAL, one year 2 50
WEEKLY APPEAL, in clubs of two 4 00
DAILY, delivered in city by Carriers, seven papers per week 25

The WEEKLY APPEAL is regularly discontinued at the end of the time subscribed and paid for unless renewed in advance. This rule is adhered to without respect to persons.

RATES OF ADVERTISING:

Transient advertisements, first insertion, $1; each subsequent insertion 50 cents per Square.

Advertisements in Want or Rent column, 10 cents per line each insertion.

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City items, second page, 15 cents per line each insertion.

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Monthly advertisements, $5 for first, and $4 for each additional Square.

Advertisements inserted at intervals, to be charged 25 per cent. additional in proportion.

Announcing Candidates for State, County and Municipal Offices, $10 each, to be paid in advance in every instance.

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All Church Notices or notices of meetings of Charitable or Benevolent Societies, will be charged half price.

SUNDAY APPEAL.—Advertisements inserted in the SUNDAY APPEAL will be charged one sixth additional.

WEEKLY APPEAL.—Advertisements inserted in the WEEKLY APPEAL alone, one half of DAILY rates. In both DAILY and WEEKLY, one fourth additional to DAILY rates.

In all cases all advertisements are considered due after first insertion.

A Square is the space occupied by eight lines of solid nonpareil.

CORRESPONDENCE.

Correspondence, on Public Events, solicited from every part of the United States.
KEATING, ENGLISH & CO.

SUNDAY APPEAL

SUNDAY MORNING. : : : : : OCT. 3, 1869.

NEWSPAPER SALES.

On the 31st of March last, the closing day of what newspaper men all concede to be the busiest quarter of the year, returns were made by the several newspaper concerns of this city, showing the following result:

Appeal $6192 98
Avalanche 4806 00

THE Washington city *Republican*, of Wednesday, contains a call on the citizens to organize night patrols over the city, and for every man to have his gun ready. The reason assigned is that "the chicken stealing season has now fully opened."

A PHYSICIAN ought to be on the list of delegates to the Louisville Convention, who might be able to correct the false idea which has been given out as to the health of this city. If there is any interest which is not particularly represented, that want should be supplied.

A TELEGRAM from Nashville is creating considerable comment in Louisville. It says that "the Legislature, which meets on Monday, will positively refuse to ratify the Fifteenth Amendment, and that ANDREW JOHNSON is certain to be elected to the Senate. This is to be followed by a call for a Constitutional Convention to enfranchise every disfranchised man in the State."

SENATOR HENDRICKS, of Indiana, said the other day, in his Zanesville, Ohio, speech, about the course of Virginia, etc.: "I don't know, gentlemen, what these three States will do, but this much I hope, that if either of these States in judgment is opposed to the amendment, that such State will express her judgment, and then let the question stand squarely before the Congress of the United States. [Applause.] Let the question stand squarely before the people, whether a State is to be excluded from representation simply because she won't amend the Constitution of the United States according to the constitution of a political party."

THE damaging disclosures DENT is making in his campaign speeches indicate some sagacity in Gen. GRANT in refusing to countenance him. He is gifted in "letting the cat out of the bag" and making admissions. He does not deny that the Radical party emancipated the negroes to save the Union, and not to benefit *them*. He admits that the emancipation proclamation was the result of a military necessity, and by consequence that the Radical party would again enslave the negroes if they should have the same motive to do it they did to set them free. Men who act from selfish and partisan considerations alone, and not on any right principle, are the friends of no one. They laugh in their sleeves when they see how they have succeeded in fooling the darkies into believing in their friendship.

Postmaster General Creswell visited the Stock Exchange this a.m., and in a brief speech, spoke as follows:

"I thank you, gentlemen, for your cordial reception; and feel happy to see that the conflict is over, and the bright aspect which matters wear now. There is nothing which the Government can do for the interests of the merchants and banks that will not be done."

There were some further settlements among the gold bankers to-day.

There seems to be a hitch in some larger houses.

There is a growing opinion that the large contracts will be chiefly closed on Monday or Tuesday.

It is believed that the offer made by Heath & Co., to settle their contracts at 135, and pay the difference with checks duly received on the Gold Exchange Bank, will be very generally accepted.

WASHINGTON.

The Treasury Receipts---Negro Impudence Resented.

Special to Memphis Appeal.]

WASHINGTON, October 2.—The receipts of fractional currency for the week is $995,000; shipments $893,267. The amount destroyed is $176,950. The total National Bank circulation is $299,818,715.

Commissioner Delano to-day decided that tobacco prepared by the process generally employed in the manufacture of chewing tobacco, using sweetening licorice, or any sweet material, is liable to a tax of 31 cents under whatever name used.

The negroes attempted to take seats in the dress circle of the National Theater last night, and when politely requested to go to go to the place assigned for them they refused to leave unless compelled to, and they then left under compulsion, no physical force being used. It is supposed that the question of the rights of negroes under the recent corporation law relating to places of amusement, will now be tested.

Tweny ... tants ha... leged co... 27th.

From Ne...
Special ...
NEW ... ship Lie... afternoo... ship Tea... ations f... most co... West sp... be regar...
GALV... Govern... yesterd... Hamilto... and the... affairs w... speakers... ilton tic...
ST. L... writes t... nessee w... Capital ... on the 2... that will... tion.
CONCO... dent Pi... weeks p... him ve... doubtfu...
NEW ... Europe, ... for the ... leased b... ably go...
The H... Point la...
Marsh... carried ... port.

IT is already intimated from Washington and New York that an issue will be made at the threshold with Mr. JOHNSON, if he should be elected to the Senate. On his application for his seat he is to be met with the charge of "disloyalty," and it is expected the allegation will be sufficiently substantiated by the evidence brought out in the Impeachment trial. The men who voted him guilty then, will refuse to stultify themselves by admitting him to a seat. The Republican press contemplate his election with no signs of concern in view of this programme. Giving $100 to his Confederate son, to buy food and medicine in his sickness during the war, was the crime which kept Mr. THOMAS, of Maryland, out of the Senate. The crime of which JOHNSON was accused is reason enough for the radical Senate, if that charged against THOMAS was so. So that it is likely enough he will be rejected. We see it stated by the New York *Republic* that "STOKES, BROWNLOW, MAYNARD, and even ETHERIDGE, declare that the Senate will refuse to admit JOHNSON." We hope Mr. ETHERIDGE has not gone so far as to encourage such a refusal, even by intimating its possibility. We look for no good from the Senate, as at present constituted; but we hope the Legislature will act uninfluenced by such considerations, and assert the rights of the State. If JOHNSON is the choice of the people, we would send him to the Senate to make respectful inquiry of that body whether the State has a right to choose its own Senators. And if he is sent back, we would send him yet again demanding to know whether the refusal was intended. And so long as that right was refused we should beg no other. The *Republic* says:

> Of course, to exclude Mr. Johnson for "disloyalty" would be a transparent fraud, because he was, and always has been, an eminent Unionist, and it would also be such a confession of chagrin at, and fear of, that statesman as would make his rejection the greatest honor of his life and the strongest indictment against his foes. Still there are Senators hardy enough to attempt it, and it is not unlikely to be made that double-expressed form of tyranny known as a "party question," that Mr. Johnson be kept out of the Senate. Lively times may be expected about the week when this elaborate folly is pressed. A controversy of such a magnitude will belong to the country, if not to the world, and the outrage will stop short of the logical sequence of its perpetration, if it ends in the Senate Chamber of the United States, or in debate.

A REPORTER of the New York *Sun*, who has recently had an interview with Judge ASA PACKER, the Democratic candidate for Governor of Pennsylvania, has drawn from him the following unequivocal expression of his views as to the Fifteenth Amendment. What a monstrous outrage to do that by fraud and by force, through Legislatures and specious forms of legal observance, which the people alone are competent to do. Judge PACKER said:

> The Republican party seem to treat that as a settled question, so far as Pennsylvania is concerned, refusing to let it come before the people for their determination. I have my own opinions as to the manner in which that amendment should have been passed upon. I think any amendment like this, which virtually changes the Constitution of the State, should have been presented to the approval, as provided in our organic law, and should have emanated from a convention called on the application of the Legislatures of two-thirds of the several States as provided in the Federal Constitution. A question of such vital importance should be determined by the people or by their representatives elected for that purpose. The question of suffrage is one that the original founders of the General Government wisely refrained from delegating to it, jealously retaining it within the control of the several sovereign States they represented. That control has never been delegated the General Government; the assumption of it by the National Legislature is an arbitrary exercise of power, subversive of the whole principle upon which the Government was founded; and so fearful was the Republican party that the people of the Northern States, whose loyalty had never been questioned, who believed that they intended this gross innovation on their rights, that in their platform adopted by their National Convention at Chicago in 1868, they declared that the question of suffrage in the Northern States was to be determined only by the people of the respective States. And yet they never have permitted the people of any State to pass upon the question, except in the South, where they have made the adoption of negro suffrage a condition precedent to their representation in Congress.

WE do not believe there was anything ever made by sycophancy and the tame obedience to power by a free people. The fearless assertion that of their constitutional rights will ever be the wisest and most prudent policy of the people. When they dare not assert, their rights are gone forever, and when they will not, they have no longer rights to assert. We concur with the Franklin *Review* in saying:

> We have the temerity to believe that Tennessee, to-day, is mistress of her own destiny. That her people, to-day, are as free to act in their own local affairs, as the denizens of New York or Illinois. Do these great States have to consult Washington City as to their own private affairs? If not why should we be told so often that we must do this or refrain from doing that, in order to please the administration?
>
> Our Legislature meets on next Monday under the Constitution of the State, to legislate for the interests of Tennessee. And we hope and trust for the honor and fame of the State, that the body will meet every responsibility as becomes Tennesseeans. They have been selected to legislate for their own constituents, and not for fanatics who live in Massachusetts. If the fifteenth amendment is brought up, let it be voted down, for the people of Tennessee desire it. If a constitutional Convention is to be called, let it be done, for the people of Tennessee desire it. If a Senator is to be elected, let a man be selected whom the people of Tennessee wish, and not the man to please Sumner, or Phillips or Grant. Let them act like true representatives of a gallant and forbearing population.
>
> Will it be done? *Nous verrons.*

THE Franklin (Tenn.) *Review*, a strong JOHNSON paper, says "if the people are faithfully represented, ANDREW JOHNSON will be elected on the first ballot." There may be a doubt as to who will be elected, but we think none as to the people being faithfully represented, at least by the new members. Two years from now, when the Senator elect shall take his seat, issues will have very much changed. Can Mr. JOHNSON afford to wait so long a time for personal vindication? Is he for Western improvements, for negro suffrage, for martial law in time of peace? We hope no man will be elected who does not stand fair and square on the SEYMOUR Democratic platform.

OUR readers will find in another column an article on the subject of the effect of the fourteenth amendment, which was prepared at our special request by a distinguished gentleman of the city. We call the attention of members of the Legislature and of the public to it as a valuable and clear exposition of facts and the law.

Letter from Jackson, Mississippi.

Special Correspondence Appeal.]

NELSON HOUSE,
JACKSON, MISS., September 29, 1869.

The platform adopted by the so-called "bitter enders" is surely a model of terseness. One or two sections may be somewhat vague, but beyond this it deserves, when we remember the hands that framed and brains that conceived it, a deal of commendation. It asserts, first, eternal fidelity to the Union; second, freedom of speech and of the press; third, universal suffrage and universal amnesty; fourth, free schools, to educate every child in the State; fifth, opposition to unequal taxation; sixth, the amendment of State laws, so that debts due may be more summarily collected; seventh, adhesion to the thirteenth and fourteenth Constitutional amendments; eighth, the immediate removal of all disabilities imposed by the fourteenth amendment; ninth, ratification of the fifteenth amendment; tenth, the new Constitution of Mississippi, with all proscription left out.

James Lynch, the famous colored Alderman and preacher of this city was one of the committee that erected this platform. The other signers are unknown to fame. The platform was unanimously adopted. The clause which asserts an end of the proscriptive policy of Gen. Alcorn's party will excite most interest and give the party a possible share of strength among the whites of the State. Gen. Alcorn, as announced in your telegraphic columns, was nominated by acclamation, and when a magnificent banner, on whose folds were inscribed in glaring letters of gold the words, "UNIVERSAL AMNESTY AND UNIVERSAL SUFFRAGE" was brought into the hall occupied by the Convention and placed behind the Chairman's seat, it was welcomed with loud shouts and acclamations. There is no questioning the earnestness that animated the great body of the Convention. Only one or two colored members made speeches and these were brief and pertinent to questions discussed. The whole business was done with as little noise as ordinarily characterizes the sessions of the House of Representatives at Washington. One colored member, deeply colored, black as Erebus, and with teeth that shone as brilliant stars when his heavy lips were lifted away like departing storm-clouds, asserted, in the curtest, cleanest-cut speech ever made in any delibrative body, that his party now had everything in its grasp. It had, he exclaimed, referring to Gen. Alcorn, "the brains, the purse and the tongue—genius, money and eloquence." Such a shout as never before since Prentiss thundered in that old capitol, shook its defaced, dishonored walls.

Nearly every county in the State was represented and a large majority of the delegates were colored. Strangely enough, without the slightest manifestation of disapproval, white men alone, with one exception, were placed on the ticket. Not only this, but taken as a whole the ticket, in its personnel, is quite as good as that motley combination of colors and political absurdities effected by the so-called Republican party. It is a curious struggle in this State, and a partizan from abroad can very well afford to discard prejudices and tell the simple unvarnished truth. Now that both parties assent to universal suffrage and universal amnesty, the contest must turn mainly upon the personal merits of the candidates. Men who have no ulterior selfish ends to accomplish will weigh Alcorn against Dent, and so with the rest. The APPEAL, nevertheless, can well afford to inveigh against the creed and declarations of both parties and their candidates.

X. Y. Z.

Who May be Members of a State Convention?

Editors Appeal: The public are interested and desire to know what persons are entitled, under the fourteenth amendment of the Constitution of the United States, to hold office under the United States or the State of Tennessee.

I now propose to bring to the public attention, in compliance with my promise to you, *that class* of persons intended to be disqualified by the fourteenth amendment from holding any office, civil or military, under the State of Tennessee, until the disabilities of the persons composing this class shall be removed by a vote of two-thirds of both Houses of Congress. The third section of the fourteenth amendment to the Constitution of the United States, is in the words and figures following, to-wit:

> Section 3. No person shall be a Senator or Representative in Congress, elector, or President or Vice President, or hold any office, civil or military under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but the Congress may, by a vote of two-thirds of each house, remove such disability.

It follows, therefore, that no person who has ever heretofore been a member of the Congress of the United States, either of the Senate or House of Representatives, or a Cabinet officer, or a Judge of the Supreme Court of the United States, or of any one of the Circuit or District Courts of the United States, or any one who has been a District Attorney of the United States, and who engaged in the late insurrection or rebellion against the United States, or gave aid or comfort to the enemies thereof, in the late civil war, can hold any office under the United States, or under the State of Tennessee, when this amendment shall be carried into effect by appropriate legislation.

Under the words "given aid or comfort," all who belonged to the Confederate armies, all who delivered up to the Confederates during the war any ship of war, any arsenal or dockyard, or who raised Confederate troops, or supplied them with money, arms or intelligence, during the struggle, and previously took an oath to support the Constitution of the United States, as an officer, whether legislative, executive or judicial, of the United States, or of *any State*, are intended to be excluded from holding any office under the State of Tennessee by this fourteenth amendment.

Any person who has been a member of the Legislature of Tennessee, or of *any* other State; Governor of Tennessee, or of any other State; Judge in Tennessee or in any other State; Justice of the Peace in Tennessee or any other State, and even a Constable in Tennessee or in any other State, is intended to be included by the fourteenth amendment, from holding any office, executive, legislative, judicial or ministerial, until his disability is removed by a vote of two-thirds of both Houses of Congress.

But the question may be asked, who are executive and judicial of the State and are delegates to a Convention to amend the Constitution, civil officers within the sense of the fourteenth amendment?

Executive officers are defined by law to be such as the President of the United States and the several Governors of the different States, who are invested with the executive power to compel an execution of the laws, State and Federal; while judicial officers are all those whose duty requires them to decide controversies between individuals, as well as accusations made in the name of the State, or the public, against persons charged with a violation of the laws. Every person belonging to the foregoing classes, who has participated directly or indirectly in the insurrection against the United States, is intended to be excluded by the fourteenth amendment.

But does this amendment comprehend within its prohibitions delegates to a Convention to amend the Constitution of Tennessee?

This must depend upon the answer whether such delegate is a civil officer under the State of Tennessee? To solve this question it is necessary to inquire how the Constitution may be amended, by what agency, and how that agency shall be appointed?

In the present Constitution of Tennessee, adopted in 1834, there is no express provision for calling a Convention to amend the Constitution. The only mode expressly provided in the face of the instrument itself will be found in section third of article nine.

That section provides that the Senate and House of Representatives may propose amendments to the Constitution, and, if agreed to by a majority of each House, shall be entered on the Journal; shall be referred to the next succeeding General Assembly; and if agreed to by a vote of two-thirds of each House, shall be submitted to the people in such manner as the Legislature may prescribe, and that if a majority of the voters voting for Representatives shall approve and ratify such amendments, they shall become a part of the Constitution.

If this *express* mode of amending the Constitution of the State excludes all others, then no Convention can be called, and a delegate to such a body which could not be legally called would not be a civil officer under the State. But does the express mode provided for amendments to that instrument exclude every other?

It is provided in the first section of Article first of the Constitution of Tennessee, in what is called the declaration of rights that "all power is inherent in the people," that "all free governments are founded on their authority," and that they have "an inalienable right to alter or abolish their government in such manner as they may think proper." This is sometimes said to be the revolutionary right reserved to the people of a State to alter or abolish their government. But it can scarcely be called revolutionary since it is expressly reserved and declared as inherent in the people by the Constitution itself. Its exercise is restrained, however, by the Constitution of the United States, the supreme law of the land, in so far as it requires each State Government to be "Republican in its form." Within this restriction the people especially through their representatives in the Legislature have the right to call a Convention to amend the Constitution of the State.

This right, reserved to the people of Tennessee in the declaration of rights, has its foundation in that principle of American political and domestic economy, that the present generation, with the experience of a century more than that of the generation which lived a century before it, ought not to be compelled to surrender its judgment and intellectual independence absolutely to those forms of government established by men who had a century's less experience, as a claim to wisdom. Those who framed the Constitution of Tennessee, however anxious for the happiness of their posterity, were unwilling to attempt to tie up their bonds to the end of time; but seemed wisely and generously to think that the living generations of future centuries should be allowed to determine their own duties, rights and destinies, in place of the dead generations of the centuries that had gone before. And this is extremely consonant to reason. For the supreme and sovereign power of the people is necessarily ever in the *living* and not in the *dead;* and every living people on earth do or ought to possess the ultimate, supreme and sovereign power over their own liberties, happiness and fortunes.

Our experience has been very full in every State in America that the sovereign people of a State or nation can do, whether *wisely or unwisely*, whatever they deemed proper and necessary, notwithstanding another generation, long dead and buried, might have declared that it should not be so. While the *dead* generation was *alive*, it was, in the sense of its own self-government, omnipotent; but the moment it passed from the earth, to be numbered among the citizens of the dead, the new and living generation succeeding it was *eo instanti*, or omnipotent as its predecessor. The dead may have left on record their "advice and counsel," but they cannot issue their commands to the living, or enforce obedience to their authority. Therefore no law or constitution made by one generation can be said to be irrevocable by another, that lives after it; for this would be to make the *fiat* of the dead omnipotent—the *will* of the living powerless forever. But while the living people of the States must necessarily ever have the sovereign right to do what they please for themselves, and to alter and modify the institutions of their dead ancestors who have gone before, wisdom and prudence solemnly demand that laws and constitutions which have been salutary in their effects, and powerfully conducive to the good of the dead and living, ought to be approached with profound discretion and prudence, and altered, modified or overturned, but with the greatest possible caution and deliberation.

And all enlightened men must agree that none should be allowed to lay hands on the fundamental conditions of the State, or delegates to a convention, except those who may be adjudged by intelligent citizens to have some claims to wisdom, virtue and patriotism.

When I speak of the living people of the State possessing the sovereign right to alter or modify the institutions of their ancestors, I mean the *white race* who have formed, founded and administered them, and not the *liberti* of the wooly-haired type, who in gross ignorance of all government and amid the convulsions of war, have been recently and violently injected into the body politic by force of arms. Before they are qualified to exercise the function of reforming and administering governments, their ignorance requires that they should pass through that state of pupilage in the schools of experience and political economy necessary to qualify them, if ever they can be, for an intelligent discharge of such duties. To act otherwise, it seems to the writer of this article, would be to act merely upon the military "progress of the age," and to rebel against the teachings of history and the reason of the best thinkers of every country.

If the African race is to be permanently and Constitutionally placed on coequal and co-ordinate terms with the white race in the administration of government in America, let Radical domination monopolize the honor, and the Democratic Bourbons, if none others, resist the fatal step with constancy and vigor.

By virtue of the sovereign right of the living, laid down in our declaration of rights in the Constitution of Tennessee, in the absence of any prohibition in the Constitution of the State or of the United States, the schedule to the Constitution of Tennessee of 1865, was put forward, not through the Legislature, and adopted by a body of men with no higher claims to sovereignty and dignity than a *caucus*, and was therefore the exercise purely of a revolutionary right. It has been since upheld by the decisions of all the judicial tribunals of the State, from the lowest to the highest. If it was valid, as has been held by all the Courts, it cannot now be denied that the Legislature of the people may call a convention, may provide for the election of its delegates, and give the legislative consent of the people thereto by act of Assembly.

The power, indeed, is beyond successful question or denial, because it is a well settled principle of constitutional law, affirmed and reaffirmed by the Supreme Court of Tennessee, that the Legislature can do all things not prohibited by the Constitution of the State or of the United States. The power to call such a Convention is not prohibited by either Constitution, and therefore the Legislature has the power to call it if it deem it politic to do so.

If, then, the Convention should be called by the Legislature, by act of assembly, and the mode of election of delegates prescribed, and the time and place of its sessions provided by law, the delegate elected thereto would be a civil officer of the highest legislative character, under the State of Tennessee; and if such person had previously taken the oath to support the Constitution of the United States and had participated in the insurrection, he would be obnoxious to the prohibitions intended by the fourteenth amendment.

But there is something more to be done to make the ineligibility of this class effectual. No lawyer will deny but that the fourteenth amendment is highly penal in its provision and effect, and must stand in the Constitution as a dead letter, until carried into effect by an act of Congress, specifying the class of persons comprehended in it, defining the character of the offense that violates it, and annexes the penalty for its violation. I could cite many authorities in support of this proposition; but it seems to be too well established and understood to require the labor. And last, though not least, until the *guilt* of the person or persons of having taken an oath to support the Constitution of the United States, and of having participated in the insurrection, shall *have been judiciously* ascertained and determined by a jury under such Congressional act, in a competent tribunal, the "Rebel" may hold any office, civil or military, under the State of Tennessee, so far as the fourteenth amendment is concerned.

If an act of Congress should be passed to carry the fourteenth amendment into effect, at the next session of Congress, it could only operate *in futuro* and take effect upon persons elected to offices under the State after its passage and publication; for otherwise it would be an *ex post facto* law, which is expressly forbidden by another clause of the Constitution. This principle has been fully settled in Cummings vs. Missouri, reported in the 4th volume of Wallace's Reports, and by numerous other decisions of the Supreme Court of the United States.

The conclusion, therefore, is that the Legislature has the power to call a Convention to amend the Constitution of the State, and that persons who have taken an oath to support the Constitution of the United States, and participated in the insurrection, may be delegates to that Convention.

Hence it is to be hoped that this large class of gentlemen throughout the State, whatever be their opinions on questions of public policy, until some of them shall become candidates for public favor, may be allowed to rest in peace under this impending sentence of constitutional ostracism, inflicted on them by the national vengeance.

They deserve to be treated with the tenderness and respect due by Confederates to co-Confederates; by Conservatives to Conservatives; by Democrats to Democrats; as a class of men whom the United States have deemed it necessary to declare by constitutional amendment, civilly dead to all future promotion and public honors.

Nothing could be more uncivil and ungraceful, in any co-Confederate, whether leaders or not, than to turn King's evidence at this late day against Confederates for Confederate acts, even though it win the momentary applause of Radical persecutors, and entitle the witness as an accomplice, to a *nolle prosequi* in his favor, for his participation in "Confederate crimes."

It is the instinct of the leopard to respect the spots of the leopard, and the serpents are said to live in concord and harmony in their dens; and shall it be said that co-Confederates, equally committed by their deeds, and by a community of guilt or glory, as time and history shall hereafter pronounce to the same "lost cause" of the dead and living, shall not dwell together in the bonds of fraternity and mutual toleration of opinions in the performance of the duties of the hour?

H.

GOETHE.

Germany Clamorous for his Literary Remains.

The Pall Mall *Gazette* hints that there is a skeleton in the closet of Goethe, Germany's great poet. What is the matter? The *Gazette* says that while we have our terrible posthumous revelations—true or false—about Byron, Germany is alive with clamors for Goethe's literary remains, which his grandchildren are accused of wantonly and frivolously secreting, against the express wish of the poet himself. When in 1849 the executors published, through Schuchardt, a catalogue of all Goethe's art and science collections, they declared their disappointment not to be able on that occasion to explain their strange reticence with regard to the delayed publication of the literary remains; but the fact was, they said, their lives were still sealed, and "they begged all those who sincerely and really loved and revered their grandfather" to suspend their judgment till such time when they would be able to give a full and distinct explanation, and, they added, "the granting of so small and just a favor to the grandchildren might, perhaps, be the most natural and the truest outward sign of love toward the grandfather"—more mysterious words, which, since Muller was then still alive, were respected and acted upon. Meanwhile, twenty more years have passed, everybody who could have been in the least degree concerned is dead and gone, and the only action taken by those dutiful executors has consisted in their steady resistance to their grandfather's will; and finally, worst of all, it has come to this, that these treasures are not even any longer accessible. This has exhausted public patience. There are angry protestations throughout the German press.

If this sort of work goes on there will be a call for a Dead Men's Rights party. The skeletons seem to be the only things which haven't their rights at present.

THE people have confidence in the Legislature, and look to that body to discriminate in its selection of a United States Senator with capacity for the position. They want no man of straw. They want a man who will be thoroughly imbued with the idea that it is his duty to attend to their interests in Congress to secure the necessary legislative aid for all our great public works, and to labor without ceasing, in favor of a great Southern Pacific Railroad having Memphis for its initial point. The people's interests are paramount to those of ETHERIDGE or JOHNSON, or any other candidate, and we feel assured will have weight with a Legislature that is in every essential a popular assembly.

WIFE AND I.

We quarreled this morning, wife and I—
We were out of temper, and scarce knew why,
Though the cause was trivial and common;
But to look in our eyes you'd have sworn that we both
We're a couple of enemies, spiteful and wroth—
Not a wedded man and woman.

Wife, like a tragedy-queen in a play,
Tossed her sweet little head in as lofty a way
As so little a woman was able;
She clenched her lips with a sneer and a frown,
While I, being rougher, stamped up and down,
Like a careless groom in a stable.

You'd have thought us the bitterest (seeing us then)
Of little women and little men,
You'd have laughed at our spite and passion;
And would never have dreamed that a storm like this
Would be rainbow'd to tears by that sunlight, a kiss,
Till we talked in the old fond fashion.

Yet the storm was over in less than an hour,
And was followed soon by a sunny shower,
An that again by embraces;
Yet so little the meaning was understood,
That we almost felt ashamed to be good,
And wore a blush on our faces.

Then she, as a woman, much braver became,
And tried to bear the whole weight of the blame,
By her kindness, herself reproving;
When seeing her humble, and knowing her true,
I all at once became humble too,
And very contrite and loving.

But seeing I acted a humble part,
She laughed outright with a frolic heart—
A laugh as careless as Cupid;
And the laughter wrangled along my brain,
Till I almost felt in a passion again,
And became quite stubborn and stupid.

And this was the time for her arms to twine
Around this stubborn neck of mine,
Like the arms of a maid round a lover;
And feeling them there, with their warmth, you know,
I laughed quite a different laugh, and so
The storm (as I called it) was over.

So then we could talk with the power to please,
As, though the passing of storms like these
Leaves a certain felicity
Of getting easily angry again,
Yet they free the heart and rebuke the brain,
And teach us a rough humility.

You see that we love one another so well,
That we find more comfort than you can tell
In jingling our bells and corals;
In the fiercer fights of a world so drear,
We keep our spirits so close and clear,
That we need such trivial quarrels.

In the great fierce fights of the world we try
To shield one another, my wife and I,
Like brave strong man and woman;
But the trivial quarrels of days and nights
Unshackled our souls from the great fierce fights,
And keep us lowly and human.

Clouds would grow in the quietest mind,
And make it unmeet to mix with its kind,
Were nature less wise as a mother;
And with storms like ours there must flutter out
From the bosom the hoarded-up darkness and doubt—
The excess of our love for each other.

I WISH THEE WELL.

I know but that your face is fair—
So fair, it well might tax my wit
To write the sweetness smiling there
In utterance meet and music fit;
Your heart, I have no share in it;
Your home, I am a stranger there;
Yet think not that I care no wit
For one so gentle and so fair;
Cold were the heart that wished you less
Than smiling days and happiness.

Youth fills your girlish path with flowers;
May Age with blossoms strew your way;
Love gilds, I guess, your present hours;
May he forever with you stay;
Young sorrows lightly fleet away;
Your tears are yet but April showers;
May Age's griefs no longer stay
Nor darklier cloud your evening hours,
Dear daughter, friend and girl and wife,
May Love home with you all your life.

What more a pen can wish you here
Of good, may it you be given—
A quiet mind, a faith sincere,
That makes this earth a lowlier heaven;
And when your age shall sigh for heaven,
And find this life no longer dear,
May hope alone to you be given,
And death for you have not a fear;
An angel here, your exile past,
Smiling, regain your home at last.

BARNUM.

The Story of the Man with Five Bricks.

From advance sheets of a book written by Barnum, entitled "Struggles and Triumphs of Forty Years' Recollections," the following experience of the author is taken:

"I thoroughly understood the art of advertising, not merely by means of printer's ink, which I have always used freely, and to which I confess myself so much indebted for my success, but by turning every circumstance to my account. It was my monomania to make the Museum the town wonder and town talk. I often seized upon an opportunity by instinct, even before I had a very definite conception as to how it should be used, and it seemed, somehow, to mature itself and serve my purpose.

As an illustration, one morning a stout, hearty looking man came into my ticket office and begged some money, I asked him why he did not work and earn his living? He replied that he could get nothing to do and that he would be glad of any job at a dollar a day. I handed him a quarter of a dollar and told him to go and return, and I would employ him at light labor at a dollar and a half a day. When he returned I gave him five common bricks.

"Now," said I, "go and lay a brick on the sidewalk at the corner of Broadway and Ann street; another close by the Museum; a third diagonally across the way at the corner of Broadway and Vesey street, by the Astor House; put down the fourth on the sidewalk in front of St. Paul's Church, opposite; then, with the fifth brick in hand, take up a rapid march from one point to the other, making the circuit, exchanging your brick at every point, and say nothing to any one."

"What is the object of this?" inquired the man.

'No matter,' I replied, 'all you need to know is that it brings you fifteen cents wages per hour. It is a bit of my fun, and to assist me properly you must seem to be as deaf as a post; wear a serious countenance; answer no questions; pay no attention to any one; but attend faithfully to the work, and at the end of every hour by St. Paul's clock show this ticket at the Museum door; enter, walking solemnly through every hall in the building; pass out and resume your work.'

With the remark that it was 'all one to him, so long as he could earn his living,' the man placed his brick and began his round. Half an hour afterwards at least five hundred people were watching his mysterious movements. He had assumed a military step and bearing, and looking as sober as a judge he made no response whatever to the constant inquiries as to the object of his singular conduct. At the end of the first hour the sidewalks in the vicinity were packed with people all anxious to solve the mystery. The man, as directed, then went into the Museum, devoting fifteen minutes to a solemn survey of the halls, and afterwards returning to his round. This was repeated every hour till sundown, and whenever the man went into the Museum a dozen or more persons would buy tickets and follow him, hoping to gratify their curiosity in regard to the purpose of his movements. This was continued for several days—the curious people who followed the man into the Museum considerably more than paying his wages—till finally the policeman, to whom I had imparted my object, complained that the obstruction of the sidewalks by crowds had become so serious that he must call in his 'brick man.' This trivial incident excited considerable talk and amusement, it advertised me; and it materially advanced my purpose of making a lively corner near the Museum."

Singular Phenomenon.

The North German correspondent says: "A singular phenomenon has been witnessed in the vicinity of a village in Upper Austria. On Thursday, August 19th, the soil covering several yokes of land in the neighborhood of Moll, a few leagues from the town of Steyer, suddenly fell in with a crash like thunder, and where the oats were waving a few seconds before, there suddenly appeared a lake. The water of this newest addition to Upper Austrian scenery is clear, its temperature is very low, and it is said to have much resemblance to that of the glacier lakes. Though the river Steyer passes the place at no great distance, it does not appear that any communication exists between them; at all events, there is reason to believe that the lake received no contribution to its waters from the river, though the contrary may be possible. The water of the stream is said to be chemically different from that contained in the newly discovered natural reservoir.

THE WILD MAN.

He is Interviewed by Mark Twain and Tells his Story.

There has been so much talk about the mysterious "wild man" out there in the West for sometime, that I finally felt that it was my duty to go out and "interview" him. There was something touchingly romantic about the creature and his strange actions, according to the newspaper reports. He was represented as being hairy, long-armed, and of great strength and stature; ugly and cumbrous; avoiding men, but appearing suddenly and unexpectedly to women and children; going armed with a club, but never molesting any creature, except sheep or other prey; fond of eating and drinking, and not particular about the quality, quantity or character of the beverages and edibles; living in the woods like a wild beast; seeming oppressed and melancholy, but never angry; moaning, and sometimes howling, but never uttering articulate sounds. Such was "Old Shep," as the papers painted him. I felt that the story of his life must be a sad one—a story of suffering, disappointment, exile—a story of man's inhumanity to man in some shape or other—and I longed to persuade the secret from him.

* * * * *

"Since you say you are a member of the press," said the wild man, "I am willing to tell you all you wish to know. By and by you will comprehend why it is that I am so ready to unbosom myself to a newspaper man when I have so studiously avoided conversation with other people. I will now unfold my strange story. I was born with the world we live upon, almost. I am the son of Cain."

"What!"

"I was present when the flood was announced."

"Which?"

"I am the father of the Wandering Jew."

"Sir!"

I moved out of reach of his club, and went on taking notes, but keeping a wary eye on him the while. He smiled a melancholy smile, and resumed:

"When I glance back over the dreary waste of ages, I see many a glimmering landmark that is familiar to my memory. And oh! the leagues I have travelled; the things I have seen; the events I have helped to emphasise! I marched upon Mecca with Mahomet. I was at the assassination of Cæsar. I was in the Crusades, and was with Godfrey when he planted the banner of the Cross upon the battlements of Jerusalem. I—"

"One moment, please—have you given these items to any other journal? Can I—"

"Silence! I was in the Pinta's shrouds with Columbus when America burst upon his vision. I saw Charles I. beheaded. I was in London when the Gunpowder Plot was discovered. I was present at the trial of Warren Hasting. I was on American soil when Lexington was fought—when the Declaration was promulgated—when Cornwallis surrendered—when Washington died. I entered Paris with Napoleon after Elba, I was present when you mounted your guns and manned your fleets for your war of 1812—when the South fired upon Sumter—when Richmond fell—when the President's life was taken. In all the ages, I have helped to celebrate the triumphs of genius, the achievements of arms, the havoc of storm, fire, pestilence, and famine."

"Your career has been a stirring one. Might I ask how you came to locate in these dull Kansas woods, when you have been so accustomed to excitement during what I may term such a protracted period, not to put too fine a point upon it."

"Listen. Once I was the honored servitor of the noble and the illustrious" (here he heaved a sigh and passed his hairy hand across his eyes,) "but in these degenerate days I am become the slave of quack doctors and newspapers. I am driven from pillar to post, and hurried up and down, sometimes with stencil-plate and paste brush to defile the fences with cabalistic legends, and sometimes in grotesque and extravagant character for the behest of some driving journal. I attended to that Ocean Bank robbery some weeks ago, when I was hardly rested from finishing up the pow-wow about the completion of the Pacific Railroad; immediately I was spirited off to an atrocious murder for the New York papers; next to attend the wedding of a patriarchal millionaire; next to raise a hurrah about the great boat race; and then, just when I had begun to hope that my old bones were to have a rest, I am bundled off to this howling wilderness to strip, and jibber, and be ugly and hairy, and pull down fences, and waylay sheep, and scare women and children, and waltz around with a club and play 'Wild Man' generally—and all to gratify the whim of a bedlam of crazy newspaper scribblers! From one end of this continent to the other, I am described as a gorilla, with a sort of human seeming about me—and all to gratify this quill-driving scum of the earth!"

"Poor old carpet-bagger!"

"I have been served infamously, often, in modern and semi-modern times. I have been compelled by base men to create fraudulent history and personate all sorts of impossible humbugs. I wrote those crazy Junius Letters; I moped in a French dungeon for fifteen years, and wore a ridiculous iron mask; I poked around your Northern forests, among poor vagabond Indians, a solemn French idiot, personating the ghost of a dead Dauphin, that the gaping world might wonder if we had a 'Bourbon among us;' I have played sea-serpent off Nahant, and Woolly-Horse and What-is-It for the museum; I have 'interviewed' politicians for the *Sun*, worked all manner of miracles for the *Herald*, ciphered up election returns for the *World*, and thundered political economy through the *Tribune*. I have done all the extravagant things that the wildest invention could contrive, and done them well, and *this* is my reward—playing Wild Man in Kansas without a shirt."

"Mysterious being, a light dawns vaguely upon me—it grows apace—what is your name?"

"Sensation!"

"Hence, horrible shape!"

It spoke again:

"Oh, pitiless fate, my destiny haunts me once more. I am called. I go. Alas, is there no rest for me?"

In a moment the Wild Man's features began to soften and refine, and his form to assume a more human grace and symmetry. His club changed to a spade, and he shouldered it and started away, sighing profoundly and shedding tears.

"Whither, poor shade?"

"To dig up the Byron family!"

Such was the response that floated back upon the wind as the sad spirit shook its ringlets to the breeze, flourished its shovel aloft, and disappeared beyond the brow of the hill.

All of which is in strict accordance with the facts.

[L.S.] Attest: MARK TWAIN.

AFRICA.

The Livingstone and Baker Expeditions.

The anxiety felt for the fate of the great African explorer, Dr. Livingstone, has prompted some of the London papers to call upon the British Government to send out immediately such expeditions as shall sweep the whole continent of Africa, in search of him. It is suggested that small, but well armed steamers shall ascend the navigable rivers in the neighborhood of the spot where he was last heard of, and that they shall carry out detachments of troops sufficient to annihilate all the resistance which could be offered by the natives. If they do not find him, the fact of such expeditions having been sent out will, it is supposed, impress the African chiefs with an idea of European power, and make them respect travelers for the future. Those who suggest such a scheme might as well go a little further, and insist on the military occupation of the interior of Africa, and the deposition of such barbarous monarchs as the King of Cazembe. Another suggestion might be offered to the capitalists of England and the British Government, viz: the construction of an overland railway from Angela to Zanzibar, whereby a saving of 5000 miles would be effected in the journey from England to India, and the doubling of the stormy Cape of Good Hope would be avoided. The Coanze river might be made serviceable for a considerable distance from the Atlantic towards the Mocambe Mountains, which would have to be crossed or tunnelled through; thence to Cabango, Cazembe, or Lucamba and Quilsi, or some other point on the seaboard of the Indian Ocean.

Dr. Livingstone has already explored a large portion of the country between Lake Nyassi Cazembe, and is probably at this moment (as suggested by Sir Roderic Murchison) exploring the remainder of it between Cazembe and the Mocambe Mountains, which he visited some years back. The length of such a line of railway would be about 1600 miles, which, in these days of triumphant engineering, is nothing very great. This suggestion is thrown out for the consideration of those who advocate military expeditions to sweep the interior of Africa, the expense of which would far exceed the cost of the other scheme, and be of very little ultimate benefit. As the formation of grand routes is the leading feature of the age, it would not be surprising if, in a few years, some enterprising company should undertake to construct a route across Africa, from the Bight of Biafra to the Strait of Bab el Mandeb, a distance of about 2500 miles, which would cut a straight line from the mouth of the Amazon to Bombay. Let no one regard this as visionary. Already Sir Samuel Baker is at the head of an expedition, consisting of a flotilla of ten steamers and thirty sailing crafts, with troops on board, comprising several regiments, with engineers and artillery. Along with these are fifty shipwrights, who are to build vessels for the navigation of the lake Albert Nyanza. The expedition will rendezvous at Khartsum, at the confluence of the Blue and White Nile, and it will proceed thence along the latter stream so far as it is navigable. The first object of Sir Samuel Baker is to extirpate the slave trade: he is empowered by the Viceroy of Egypt to recapture and settle all slaves on whom he can lay his hands along the course of the White Nile, and plant them on a tract of fertile land by that river, providing them with seeds, agricultural implements and cattle. A good road is to be made from Gondshero, a settlement on the White Nile, to the lakes Albert and Victoria Nyanza, as a portage past the last of the cataracts, and a grand depot is to be established in latitude 3° 32', from which point the river is navigable to the Albert Nyanza. On that lake, ships will be constructed, so that its entire length (about 250 miles) will be traversed without difficulty. There the expedition will be stopped by a spur of the Lunar Mountains, discovered by Speke and Grant in 1859, but from the northern end of the lake the White Nile continues its course to the Lake Victoria Nyanza, where it loses itself. The last named lake is 250 miles broad and 250 miles from north to south, being triangular in shape. Its western shore is about 250 miles distant from Lake Tanganyika, which was discovered by Burton in 1859, and recently visited by Livingstone. It will thus be seen that if Sir Samuel Baker should succeed in making a regular line of communication by road and steamer between Khartsum and the southern part of Lake Tanganyika, he will have established direct communication between the latter and Alexandria, and consequently with the whole world. He will have traversed 2400 miles of country, and opened up to commerce and cultivation a vast territory said to contain an inexhaustibly fertile soil, a rich climate, a teeming population, and scenery almost unrivalled for beauty and grandeur.

Another victim has just been added to the number who have perished in African exploration. Miss Tinne, a courageous young Dutch lady of fortune, in attemping to penetrate into the interior of Africa by way of Tripoli and Mourzouk, has been murdered by the savages of the Great Desert. Her sister perished in the lands of the Upper Nile many years ago. Miss Tinne was a second Ida Pfeiffer, and had traversed Arabia, Nubia, and other wild regions, speaking Arabic and some of the Negro dialects fluently. Still, while regretting her fate, it is not to be lost sight of that such enterprises, unsafe at the best of times or men, are peculiarly so for women, because among the fierce inhabitants of the desert and of the savage wilds of Africa there is very little respect for the sex. The encroachments of the French in Algeria have roused a feeling of hatred among the black Moslems of Barbary, Tripoli and Sahara against Europeans. They are also robbers by nature, and a lady must be bold, indeed, who would venture among them unprotected. What Miss Tinne hoped to achieve by her ill-starred journey it is not easy to imagine, beyond gaining a personal insight into the characteristics of the great Desert, which have long been known to the world.

The Health of Women.

That this should be the great aim of all improvements in domestic appliances there cannot be a doubt, and that a healthy substitute for the exhaustive, degrading, debilitating—may we not say demoralizing—needle, with its everlasting "stitch, stitch, stitch," and its accompaniments of unhappiness and often misery. Our sisters and wives and daughters have, where the family is large and a good stock of clothes is required, and the family purse is limited, a terrible amount of drudgery to endure. They have no time for reading, for attending amusements, or for self-improvement. Very often they are denied the ordinary intercourse of society; ofttimes many a mother is little better than a slave. But there is no excuse for this state of things any longer. Woman's emancipation is effected by that perfection of mechanical contrivance—the sewing machine, and foolish are they who, from false notions of economy, deny themselves its blessings. The new Silent Wheeler & Wilson machines can be purchased at No. 256 Second street, opposite Court Park, by paying *ten dollars per month*. Terms so liberal should induce every family, no matter how moderate their means, to possess one of these "household fairies."