FINANCE AND TRADE.

OFFICE OF THE DAILY APPEAL, MEMPHIS, May 7, 1870.

FINANCE.

In money matters there is no material change. Cotton is moving more rapidly, and exchange is quite easy, with rates steady at par buying, and ¼ premium selling.

Stocks and bonds are dull and nominal, while City Scrip and Tennessee money are steady at yesterday's quotations.

County Warrants are some weaker, as the Tax-Collector's office closed to-day to make out the list of delinquents. — ...

In the recent debate in the Senate over Mr. Sherman's joint resolution declaratory of the meaning of the income tax law, that gentleman said: "The Government cannot do without this tax." Secretary Boutwell has, within a day or two, declared that the entire sum collected under this iniquitous law for the year 1869 was only twenty-five millions of dollars. To collect this amount over six millions were disbursed to assessors, collectors, and for incidental expenses, so that all the Government received from the tax, which Mr. Sherman says it cannot do without, was, in round numbers, nineteen millions of dollars.

Alluding to the rapid manner in which the Secretary of the Treasury is reducing the public debt, the Philadelphia *Enquirer* says:

Mr. Boutwell's high-pressure manner of doing things is only a successful imitation of making his boat pass his rival's by the aid of pine knots and turpentine. He has used up his cargo to gain speed, and if he continues the practice awhile longer, no one will be surprised if he asks to burn up the boat also.

Business is carried on in ninety-nine cases out of a hundred for the profit it yields, and if it yields no profit it will be abandoned. Just now business is a stand-still, because people cannot afford to conduct it simply as a means to ease the Secretary of the Treasury to borrow that he has spent abroad twelve million of dollars to German bondholders in a single month. They would probably be glad to oblige Mr. Boutwell in his story, taken "whim," but he must pay R. PLIPPIN. altogether too expensive. LUKER WRIGHT.

afford to do it.

The New York *Evening Post* ... late debt statement: ... have peace."

It will be observed ... we have not employs its whole ... ment through-the funded debt, which run before it becomes ... States, without doing nothing in coercion, is ducing the demand ... honored claim upon learned to love this is the cause ... lidation, and cannot disguise our abhorrence of usurpations, and love of liberty and our country. For this the south is subjected, and a policy inaugurated which threatens the liberties of northern quite as much as of southern States. Mr. Lincoln's policy was to conciliate, to forgive, and to act with magnanimity. But his power and influence is no more. Grant was for peace, but he is in like condition. He was for amnesty, but now he dare not grant it; and when it legally exists and was proclaimed by his predecessor, he dare not enforce it through the courts. Indeed, Grant is the first and only cypher which ever occupied the Presidential chair. He became President by being appointed over better men for General, because war was then more the statesman's than the soldier's game, and he was supposed to be little in the way for the Presidency. And if he is ever king it will be from good luck, begotten of the same contempt. The Mortons and Butlers and Schencks control him according to their will, and hence he cannot execute his own wishes, if he was honest when he said "Let us have peace." And so universal amnesty cannot be had; and there is a class of men in the South which is, above all others, distinguished for talents and ... moral and social virtues which is to be kept forever from the exercise of the rights of citizens. They were rebels differing from others only in the fact that their abilities gave them greater prominence than others. But amnesty to them Grant dare not declare, and the Congress at the best is not likely to concede, notwithstanding a large number of leading Republican journals advocate universal amnesty, such as the *Tribune*, the *Times*, the *Herald* and the *Sun*, and larger numbers, if not a majority of fair minded Republicans throughout the North. Nothing is to be expected from the present Congress. On the contrary, what is to be expected is a bill to enforce the fifteenth amendment, martial law, and a final destruction of State rights. The country cries for amnesty, peace and free government, but we have neither—only the sword. Amnesty was promised at the surrender, but these Congressional autocrats have broken the national faith. The ... whether they shall control or the Ordinst whether the government Low Midd... or become demi-Good, 24½c; M... 12 m.—Cotto... sold at 22c. Ordinary, 20½c; Low Middlings, 21c; Good, 21½c; Mobile, The yoke 23½c.

2:20 p.m.—Cotton—demand and prices firm; Low Middlings, 22¾c ... unchanged. Sales on spot 2200 ... tracts 2000 ... July 22¼c ...

3 p.m.—So wise ... to need no ... firm: Only ... to the crest of the ... dling ... leaders and perchance ... an hour to direct the ... Such men disdain to ... Crockett's homely ad... ...re you're right; then go ...ey go ahead first, and ...ire into his preliminary ... They never even recognize ...fact that every man should be an ...uirer, and a confessedly ignorant ...e at that. They consent blindly to ...ain rules as not to be departed ...m, and become enslaved to their ...de. But the candid, inquiring ...arner—wise enough to know he has ...stepped on the threshold of knowl...—exclaims, "Do not restrain me ...a master! Do not bind me by what ...know! Let me pass through the infinite, ... to learn what I do not know, and to believe what I may ...arn!" We hardly know which of ...e two characters cuts the most ludi...s figure—he who never doubts be...he knows it all" at the begin...or who always doubts even the ...f-evident propositions. One ...sure to oppose you if you at...lead in the direction he was ...day, or to himself, and the other ...cool ...ud you to doubt that in spe...bling is true.

T. HALLOCK, editor of the New Y... the *Journal of Commerce*, was forced to dispose of his valuable property in that paper for utering in 1861, the following truth, then prophecy and now accomplised fact. What would be demonstrated by a war on the Southern States he said was:

"That we have not *and in the event of the subjugation of the Southern States* are not likely to have such a Government as the Constitution contemplates, or such as our fathers understood to be instituted when the Union was formed. The Government then established was a government of equals, in which all the States would perform willing parts. The one which our whilom friends represented, it seems, by the Lincoln administration would prove to exist in a *government of force*, where a majority of States *or of their representatives*, as the case may be, shall ... Congress, Washington to ... BERSWAX—Quiet. Selling as ...

BUTTER—A... are irregular, ... quality. ...

BEANS—Navy ... unsized white, $1 ...

BROOMS AND ... steady at $3 00@5 0...

BROOMCORN is scar... $200@300 per ton, ...

BAGGING — Notwi... tucky, 24@26c.

BUILDERS' MATER... ment $3@3 25; Rosend... ter $4 50@5. Hair, ... Fire brick $6@7. ...

M. Ohio River Lime ... Alabama $1 75@2 ... Alabama $1 70 per ... bushel in bulk.

CORNMEAL—The ... prices advancing, ... in lots; on orders ...

COFFEE—Firm; ... 18@22c; Java, 28@...

COTTON YARNS— ... 18@19c; 900, 17@18c; ...

CHEESE—Prices are ... stock. We quote fro... tory, Western Reserve ... Dairy.

COTTON SEED AN... Seed on levee $13 00 ... at mills, buyer furnish... Ito 4c per pound.

CANNED GOODS— ... 14 50 per case. ... per doz.; 2 lbs, $2 7... 2 75. Pears, $3 50. ... 1 75. Cherries, $3 ... Strawberries, $3 2... $4 50@5. Brandy ... Pickles, half gal, ... $3 50; pints, $2 50 ... @2 25. Pepper... ...

EGGS—Good ... In small lots ...

FEED—Than... is scarce, ... on levee ... of 5000 ... $1 25.

...ment ... Bureau ... offices, and the question is ... whether Democrats should ... accept office under such ... instances. We think this is ... question—whether the people shall have honest public servants or not. When that is the case it becomes Democrats to accept office as due to the protection of their fellow citizens.

SOUTHERN NEWS.

About twenty-five thousand white citizens of West Virginia are disfranchised by the fourteenth amendment.

John Morton, who murdered Judge Brice, of Louisville, Ky., has been indicted by the Grand Jury, but admitted to bail in $10,000 bonds.

A young man named Nettles, who killed a man named Mooney, at Rome, Ga., in the latter part of last year, was arrested at Cartersville last Tuesday and sent to jail at Rome. He was driving a wagon for Robinson's circus, and was identified by a young man from Rome.

In the light soil farms in the vicinity of Augusta, Ga., cotton is coming up and growing fifty. The plant had attained a growth of two inches, and exhibited a fine, healthy complexion. The plant is more tardy in the stiffer lands, and needs a few gentle showers to bring it out.

General D. H. Hill announces authoritatively that the report that "Mrs. Stonewall Jackson is about to be married again is false, and that no one has dared even to address the widow of our great and good soldier, and that she had rather remain his widow than marry any living man."

The Huntingdon (Tenn.) Courier of the 5th inst. says: On last Sunday night (29th ult.) in Henry county, Macedonia, in this county, a negro man named Ross Sparks was killed by unknown parties. His wife says she heard the shooting—that three shots were fired. No clue as yet has been found pointing to any one.

Near Raleigh, N. C., on Thursday, an abandoned woman named Mary Ann Dalton dressed herself in man's clothes and went to the residence of Mr. Jarvis Wood, with the object of fighting him. Supposing her to be a man, and that she intended to do him bodily harm, Mr. Wood shot and killed her.

This Major DeLaney seems to be a highly sensible colored man. In a speech at Columbia, S. C., on Thursday, he said: "Keep your Ku-Kluxes away from me, and I am willing to strike hands with you in maintaining a free, honest and pure government in South Carolina."

A dispatch from Tuskaloosa, Ala., to the Montgomery *Mail* dated the 27th, announces that cadet Smith, who was confined in jail for murder in the killing of Mr. Bird in a difficulty with Ryland Randolph, in this place some time since, had made his escape from prison the night previous. The jail was guarded by Federal soldiers.

A train on the Georgia State road, containing an excursion party, collided with a freight train while returning from Kenesaw mountain to Atlanta on Saturday last. Both engines were smashed. Benjamin Kimball, conductor, and Green Turner, fireman, were injured. The excursion party escaped unhurt.

It is stated that W. J. Whipper, colored representative from Beaufort county, S. C., and prospective candidate for Congress, has been appointed Brigadier General of militia for Charleston district. It is further stated that there will at once be organized a regiment of militia in each county, which shall parade on the 4th of July next.

Under the head of "Mistaken Policy," the Montgomery *Advertiser* says: "Corn and bacon are both advancing, and yet planters are devoting the greater part of their space to cotton. During a recent trip over portions of three States, the writer of this paragraph did not see a dozen fields of corn. Any planter who will plow up his cotton and substitute corn will make money by the operation."

The bill reported by the Committee on Disabilities in Congress, removing the disabilities of two or three thousand Southern gentlemen, is likely to pass. Among those who are to be benefited by the bill are the following distinguished Tennesseans: Hon. A. O. P. Nicholson, of Columbia; General John L. T. Sneed, of Somerville; Hon. J. D. ch Atkins, of Paris; and Judge R. R. Hu...h, of Memphis.

There are in Dawson, Ga., four Albinos, aged respectively from about four to ten years. The parents of these children are black. The father is partially the father—the mother being a little the brig... ...est of the two. The mother has given birth to seven children; the three first-born are as black as their parents, while the last four are unnaturally white, with long flaxen hair as soft as down.

Senator Shoonmaker, of Mississippi, proposes, if he shall receive proper encouragement, to make the Ship Island harbor and railroad a grand State work; and he believes the net profits of the whole will, in a few years, go very far in defraying the expenses of the State Government. He thinks it would be as profitable as the Georgia State Road, which has paid into the Treasury enough as $30,000 per month. His proposition is to the labor with the Penitentiary convicts.

A poor girl named Catherine McNeil, recently arrived from Ireland, was thrown from the track of the Ohio and Mississippi Railroad, near Louisville, on Thursday, and instantly killed. Her uncle was leading her along the track, it being quite dark, when a locomotive came along at a rapid rate, giving no sign by whistle or bell of its approach, and, as above, killed the girl. The man escaped with a few slight bruises. The engineer, named Stephens, has been arrested.

The following is a list of the living Bishops in the order of their election, of the Methodist Episcopal Church South, with their places of residence: Bishop J. O. Andrews, Summerfield, Ala.; Bishop Robert Paine, Aberdeen, Miss.; Bishop G. F. Pierce, Sparta, Ga.; Bishop H. H. Kavanaugh, Lexington, Ky.; Bishop W. M. Wightman, Charleston, S. C.; Bishop E. M. Marvin, St. Louis, Mo.; Bishop D. E. Doggett, Richmond, Va.; Bishop H. N. McTyeire, Nashville, Tenn.

On Sunday, the 24th ultimo, the citizens of New Atlanta, in Winn Parish, La., arrested and shot John R. West, David Frame, Frank Thompson, a man by the name of Collins and one named Ingram. The well known Lewson Kimbrel (brother to Wm. Kimbrel, killed by General McClathan) was shot down so dead, but the ball only scalped him, and he made his escape. These men are represented to be of the most desperate character, and had been engaged in a network of crime, and have been frequently arrested and released by the grand jury of the parish.

The Mississippi Legislature has come out at the small end of the horn in the proposition to remove Judge Shackleford disabilities in Congress, removing the disabilities of two or three thousand Southern gentlemen, is likely to pass. Among those who are to be benefited by the bill are the following distinguished Tennesseans: Hon. A. O. P. Nicholson, of Columbia; General John L. T. Sneed, of Somerville; Hon. J. D. ch Atkins, of Paris; and Judge R. R. Hu...h, of Memphis.

The committee have in the progress of their researches discovered that Judge Shackleford is not in office at all, and was not when the writ was granted! Is it not strange that this idea did not penetrate their minds when the resolution was pending? This is certain, however, whether the Judge was in office or not, the prisoner was restored to his liberty by the mandate, and it is not in the power of all the disconsolate Reds in the Legislature to take it from him.

The construction of the New Orleans, Mobile and Chattanooga railroad will render the seashore of Mississippi one of the most interesting, as well as most valuable, portions of the South. In fact, there is no such extent of sea-coast upon the whole Gulf of Mexico, consisting, as it does, almost entirely of high, dry and bluff banks, for a distance of about 70 miles. This railroad passes directly through the towns of Shieldsboro, ... Christian, Mississippi City, Biloxi, Ocean Springs, West Pascagoula and East Pascagoula, all of them well known watering-places. This road will put all of these towns in daily communication with New Orleans and Mobile. Selling as ...

Written for the SUNDAY APPEAL.]

LINES ON THE LATE GEN. PATRICK R. CLEBURNE.

Air.—Remember the glories of Brian, the brave.

Remember forever our Cleburne's name,
Who, before he resigned to the clay,
In his glory shone out from the summit of Fame,
Like the sun at the mid hour of day.
He fell in the cause of a land that did yield
The freedom his own was denied,
And the hope of fair Dixie abandon'd the field,
To fade by the dead hero's side.

Enshrouded in glory, unconquered he sleeps;
Few monarchs can boast such a shroud,
Tho' no more from its scabbard his vengeful sword leaps;
The spirit that rests never bow'd,
The flame of that sword unconfined to a sheath
Shall often melt Tyranny's chain,
And the spell of true valor where'er it doth breathe
Shall awaken his spirit again.

Green Erin, how sadly affected thy rights,
Thy stars by dark shadows how cross'd,
For whenever a beam on thy fetters alights,
Then forever 'tis shaded and lost;
Or like Cleburne, falls in a far foreign land
Like a sunbeam at eve on the wave,
His cold bed smooth'd down by a stranger's kind hand,
While strangers strew flowers o'er his grave.

Emblazoned with Franklin's in letters of light,
His name shall for evermore bloom;
Ah! before he should witness sweet Liberty's flight,
He followed her on to the tomb;
Tho' for Erin he ne'er faced the cannon or rope,
Like a true son of Erin he died;
Tho' his death makes a breach in her rainbow of hope,
His name adds a gem to her pride.

D. R. STEPHENS.

THE RELIEF.

Sometimes at night when on my bed,
Wrapt round with sleep, I seem to hear
In dreams the slow and measured tread
Of soldiers drawing near.

All round the night is hung with gloom;
The murky air is chill and damp;
And grim and dark the shadows loom
Above the sleeping camp.

Nearer and nearer o'er the ground,
Close, even step the soldiers keep;
Hearn with a hollow, falling sound
Distinctly in my sleep.

They reach the tent wherein I seem
Once more, as off, of old, to lie;
And in the network of my dream
With steady tramp go by.

At last they near the sentry's beat—
I hear his order sharply sound:
"Halt!" and no more the marching feet,
Re-echo o'er the ground.

I hear, or seem at least to hear,
His challenge, uttered stern and brief—
The answer, spoken low and clear,
And know 'tis the Relief.

And, waking, find (but a dream,
Born of the cloud of battle past,
Whose fringes brightened with the gleam
Of peace that dawned at last.

Oh, hearts borne down by grief and care,
Yearning and praying for the light,
Watchful as anxious sentries, where
You stand hang round with night;

Who let no doubtful step come near
Without the challenge stern and brief;
Who listen, but who never hear
The tread of the relief.

Sooner or later it will fall,
Through the thick darkness drawing nigh,
And to your earnest challenge call
Shall angel lips reply!

SUPREME COURT.

Proceedings of the Week Ending 6th inst.

Decisions, including those of Curry vs. Wright, and Wright vs. Curry. Reported by H. Clay King, Esq.

From the Jackson Tribune.]

JACKSON, APRIL TERM, 1870.

Claybrook vs. Wade. Hawkins, Judge, delivered the Opinion of the Court.

Bill filed 23d May, 1865.

Complainant alleges that the defendant is indebted to him in the sum of $1400, as evidenced by his four notes, dated June 2, 1860, and due as follows:

One for $1000, due 25th December, 1860.

One due 25th December, 1861, for $1200.

One due 25th December, 1862, for $1200.

One due 25th December, 1863, for $1200.

All payable to Robert Wade, and indorsed by him, and bearing interest from date.

Complainant charges that defendant is the owner of a certain lot of ground situate in Shelby county, Tennessee, the boundaries of which are set out in the bill.

Complainant charges that defendant is a non-resident of the State of Tennessee.

The prayer of the bill is, that the land be attached, that publication be made, as required by law; the land be sold, and for general relief.

An attachment was issued on the 5th of May, 1865, returnable the second Monday in November, 1865, and was levied on the land described in the bill, on the 3d of June, 1865.

An order *pro confesso* was made in the cause; but at what date does not appear, reciting, "It appearing to the court that the defendant, Robert Wade, is a non-resident of the State of Tennessee, and that publication has been duly made requiring said defendant to appear and plead, answer or demur to complainant's bill herein, before or within the first three days of the present term of this court, and it further appearing that he has wholly failed so to do, it is therefore ordered, adjudged and decreed by the court that complainant's bill, with all the allegations therein, be and the same is taken for confessed, and set for hearing *ex parte* as to him.

On the 25th of November, 1865, the cause was referred to the Master to ascertain the indebtedness of the defendant to complainant.

The notes mentioned in complainant's bill were filed on the 2d of December, 1865, and the Master reported the indebtedness at $3852 00.

On the 6th of December, 1865, the cause was further heard upon the report of the Master; which was confirmed, and a decree pronounced, for the complainant, for the amount of the indebtedness and costs, and directing that in case said indebtedness should not be paid before or within the first three days of the next regular term of said court, the Master, after advertising, etc., should sell the land on seven and twelve months' time, retaining a lien, etc.

The decree was not executed, and on the 18th of March, 1867, the same was renewed, and upon motion of complainant it was ordered, the sale be without the equity of redemption, etc.

The defendant has removed the cause into this court by writ of error, and assigns several grounds of error.

The record does not show that publication was made as required by law—requiring the defendant to appear.

The order of publication is not set out in this record, except as it appears, in what purports to be a copy of the notice, as published in the "Memphis *Argus*," which, according to the certificate of one Grehan, which is sworn to, was published once a week for four successive years in the "Memphis *Argus*," previous to November 13th, 1865.

It appears from this notice, which purports to be a copy of the order of publication, that the defendant was required to make his appearance, within the first three days of the next term of court, to commence on the second Monday in November, 1865.

It is now argued that it does not appear, that Grehan, who proved the publication of the notice, was a printer, or connected with any newspaper. Nor does the paper, to which is appended the affidavit, show, that, the "Memphis *Argus*" is a newspaper. Nor that it was published after the order of publication was made. Nor does the order of publication show the "Memphis *Argus*" is a newspaper. Nor does the certificate of the clerk, show, that the paper signed by Grehan was sworn to by him.

These objections are all highly technical, and seem in the course of conscientious merit. ... office, or with any of the points ... We have ... same will be removed by the City ... 4359 of the ... without expense to the parties. ... vides, the ... C. T. SMITH, Sanitary Surgeon. OFFICE—City Hall.

by affidavit of the printer or actual production of the newspaper in court.

The statute requires the clerk, shall cause a copy of the order, to be published in the newspaper designated by the general rules of the court, and we must presume, in the absence of proof to the contrary, that the "Memphis *Argus*" was a "newspaper," within the meaning of the statute.

And it must also be presumed that the publication was subsequent to and in pursuance of the order. Every presumption, at least in civil proceedings, is in favor of the regularity of such proceedings, whilst the section of the Code before referred to provides the fact of publication may be proved, in a certain manner; it by no means restricts, but, in fact, enlarges the means of establishing the fact of publication, and that fact may be established by any other competent evidence.

Besides, this court has frequently holden that where it is recited in the decree of the court below that notice has been duly given by publication, this court will presume the fact is as recited in the decree.

Presumptions of this character are necessary to uphold the proceedings of the judicial tribunals of the country.

And there is nothing in this record to contradict the recital in the decree that publication had been duly made.

The next objection is that the record does not show that any decree *pro confesso* was *filed* in the cause. We are unable to see the force of this objection.

It appears from the record that a full and formal decree, *pro confesso*, was regularly entered in the cause, and the record further shows that the cause was heard upon the bill and order *pro confesso* taken herein.

There is nothing in this objection.

The next objection is that there was no proof of the execution of the notes—none was necessary.

The bill alleges the indebtedness of defendant to complainant by notes, and describes the notes with great particularity.

The bill was taken for confessed, and thereby all its allegations admitted to be true.

Besides, to render proof of the execution of the notes necessary, their execution must have been denied under oath, which was not done in this case.

We are unable to perceive that the fact that the practice should be different in case of a *pro confesso* based upon due publication from that in case it is based upon personal services. The levy of the attachment and publications are in lieu of personal service.

There is nothing in this objection.

Code (sec. 3526) provides, that if defendant fail to appear, the plaintiff may take judgment in the same manner if there had been personal service.

The next objection is that the order of publication required the defendant to appear at the November term, 1865, of said court, within the first three days of the term commencing on the 2d Monday in November, 1865, and the decree was pronounced on the 6th of December following—and we are asked if this was error.

It would doubtless have been erroneous to have taken a decision before the party was required to make his appearance, but we are unable to see any error in taking a decree after he had made default. There is nothing in this.

We are asked, when does a cause stand for hearing, in view of the provisions of our statutes, allowing each party four months to take proof in chief, and two months for rebutting proof.

We answer: Those statutes have no application to a case like the present, and in case an order *pro confesso* is taken—the bill is taken for confessed—because of the default of the defendant, the cause stands for hearing immediately thereafter.

The next objection is that no stay of judgment was allowed as required by sec. 25, chap. 1, of the act of 1794, and by sec. 3528 of the Code.

Sec. 3527, of the Code, under the head of "Mode of Proceeding in Attachment Cases," provides—

"Where the defendant does not appear, the court may, and a justice shall, stay final judgment, or decrees, not exceeding twelve, nor less than six months, from the times of the return."

Sec. 3528 provides—

"Where the attachment is sued out, because the defendant is a non-resident, the stay shall be allowed, unless sufficient cause appear to the contrary."

The provisions of these sections have been literally complied with in this case.

The attachment was returned duly executed to the November term, 1865, of the Chancery Court, holden on the 2d Monday in November, 1865.

The decree was entered Dec. 6th, 1865, at the same term; and upon its face provided that unless the deft., before or during the first three days of the next regular term of the Court, paid the amount of complainant's recovery, the clerk should, after advertising twenty days, sell the land attached, etc.

This was staying the execution of the final decree more than six months from the time of the return.

Besides this decree was not executed, on the 11th March, 1867, order of sale was upon motion of complainant, renewed and modified.

There is nothing in this objection.

Curry vs. Wright, and Wright vs. Curry—In the Shelby Circuit Court.

Wright was inducted by the County Court of Shelby county into the office of sheriff. Curry being the old sheriff, and claiming that he was legally re-elected to the same office, filed this proceeding in the Circuit Court in the nature of a *quo warranto* against Wright, enjoining him from exercising the duties of sheriff. Before Wright's induction into office by the county court, he filed a similar proceeding in the same court, claiming the office, and enjoining Curry from exercising the duties of the office.

Both causes were heard at Chambers by the Circuit Judge on motions to dissolve the injunctions granted in the causes.

The Judge dissolved the injunction of Curry, and Wright being in office, by his counsel, dismissed his own injunction against Curry. Curry then presented his petition to the Supreme Court for a supersedeas against the orders of the Judge at Chambers; *first*, superseding the order dissolving his injunction restraining Wright from exercising the duties of sheriff, and secondly superseding the order of the Judge granting the injunction in favor of Wright, and especially so much of the writ of that injunction *issued by the clerk*, as directed Curry to turn over the books and papers of the office to Wright.

McClain, Judge, delivered the opinion of the court verbally, as follows:

The Judges of this court adhere respectively to their opinions delivered at Nashville at the last term, in the case of the McMinnville and Manchester Railroad vs. Huggins, McLain holding that this court has no jurisdiction, under section 3933 of the Code, to supersede an interlocutory order of a judge made at chambers; the other judges, constituting the majority of the court, holding that the court has jurisdiction under said section to supersede an order at chambers, *provided* the order or decree is of a nature to be actively enforced against the party.

In this case the injunction of Curry simply restrains Wright from exercising the duties of Sheriff, and does not compel the active performance of anything, and hence the order dissolving that injunction cannot be superseded by this court.

The injunction of Wright against Curry being similar in its nature, the order granting it cannot be superseded by this court.

In reference to the writ of injunction issued by the court, it appears that so much of this writ as directed Curry to deliver the books and papers of the office to Wright was not authorized by the *fiat* of the Judge, and, being an unauthorized act of a clerk, the remedy is not in this court at this stage of the proceedings.

Rebel vs. Wickersham.

... resignation of E. W. Wickersham administrator, being made to appear, suit was by counsel revived in the name of his successor, E. L. Belcher.

Merrill vs. Beatty.

Decree of Special Chancellor Craft affirmed. Andrews, Judge.

Bland vs. Walker.

Death of Bland suggested and proved, and suit revived in the name of his personal representative, J. W. Scales.

Ketchum vs. Dew.

Decree of Chancellor affirmed. McClain, Judge.

Edmondson vs. Neal, Kortrecht and Brooks vs. Walt, were also heard, but no opinions announced.

The unfinished Chancery docket of Memphis, upon which the Court is now engaged, in view of number and litigation, is unusually heavy, and although the Court is earnestly at work to dispose of it, so as to take up the unfinished business from the circuits, it is uncertain whether this desired result can be accomplished before the time of final adjournment.

THE SOUTHERN BAPTISTS.

Brief Sketch of their History and Prospects---Their Convention in Louisville, Ky.

Full Report of the Proceedings of the First and Second Days.

From the Louisville Courier-Journal of Thursday.]

The Southern Baptist Convention, which meets in the Walnut Street Church to-day, is a most important body, whether we consider its composition or the interests which it represents. The Baptist denomination is a power in the land. From carefully compiled tables, we learn that the statistics of the Baptists in the United States are as follows: 728 associations, 15,143 churches, and 8,957 ordained ministers. They have twenty-seven male colleges, fourteen theological seminaries, and a very large number of female institutes. They have forty-five denominational papers and magazines, which reach all sections and classes.

The Southern Baptist Convention represents a constituency of about seven hundred thousand white members, in churches scattered over an area extending from Maryland to Texas and from Virginia to Missouri. Southern Baptists have under their control fourteen male colleges and a general theological seminary which has upward of sixty students. Most of the endowments of these were lost by the war, but they have been re-endowed by a self-sacrificing liberality worthy of all praise.

Up to 1838 the Baptists of the North and South worked harmoniously together in the same general organizations, and no strife was permitted to appear. But at the meeting for this year, held in the city of New York, sectional feeling was engendered, which was still more manifest three years later at the meeting in Baltimore, and which grew so bitter at the meeting in Philadelphia, in 1844, that it was apparent to all that the day of separation was at hand. In the autumn of this year the Foreign Mission Board (located at Boston, but established and sustained by the contributions of the Baptists of the whole country), in response to a direct question from the Baptist State Convention of Alabama, declared that: "If any one should offer himself as a missionary, having slaves, and insist on retaining them as his property whilst in the service of the board, they should not appoint him." This declaration, of course, rendered the withdrawal of the Southern churches from the general organization imperative.

Accordingly there assembled, in Augusta, Georgia, in May, 1845, a convention of Southern Baptists, distinguished alike for its ability, numbers, and the entire unanimity with which it resolved to withdraw from all organized association with Northern Baptists in the conduct of its missionary operations. Thus was formed the "Southern Baptist Convention," which, up to the breaking out of the late war, had a degree of prosperity and success unsurpassed, if it has been equaled, in the history of such organizations. At this time the Convention was sustaining its foreign mission work with such liberality that the board announced that their need was "not money, but more men to carry the gospel to the heathen," and in response to this appeal young men all over the South were saying, "Here am I—send me." In the domestic and Indian mission department they had had great success, and were enlarging their operations every year. They had just raised a liberal endowment and put into successful operation the "Southern Baptist Theological Seminary," located at Greenville, S. C. In a word, they were nobly doing their part toward promoting the interests of that conservative Christianity for which all denominations at the South were so earnestly working. The blighting effects of the war were felt by none more severely than by the enterprises of the Southern Baptist Convention. Cut off during the war from communication with their missionaries, the Foreign Mission Board found itself with a heavy debt and an empty treasury, and all of the other boards were in a like situation. Thus the convention has had great obstacles to contend with. Yet it has struggled on through these. The churches are rallying, and the boards of the convention will report their work in a much better condition at present than at any time since the war. A pleasing feature in the present meeting will be the presence of a number of Northern brethren, who come as corresponding delegates, and will be most fraternally received. At the meeting in Baltimore in 1868 a delegation from the Northern societies bore a fraternal message to the Southern Convention, which met with a most fraternal response, and since then the relations between the two sections have been very pleasant.

The Convention, then, whether we consider its numbers, the important interests which it represents, or the ability which composes it, will attract general interest and attention.

Its first session will be held at 10 o'clock this morning. It is impossible to give now an accurate list of the names. We give only a few of the prominent arrivals: Rev. A. B. Woodfin, Mobile; Rev. A. D. Phillips, Missionary to Africa; Rev. Dr. Skinner, Nashville; Rev. Dr. Reynolds, S. C.; Rev. Dr. S. H. Ford, and Rev. Dr. R. Graves, Memphis; Rev. Dr. P. H. Mell, Ga.; Rev. Dr. M. T. Sumner, Ala.; Rev. W. F. Broaddus, Va.; Rev. Dr. T. C. Teasdale, Miss.; Rev. J. J. D. Renfroe, Ala.; Rev. Dr. J. P. Boyce, Rev. Crawford H. Toy, and Rev. W. D. Thomas, S. C.; Rev. Dr. S. Henderson, Ala.; Rev. Dr. William Williams, S. C.; Rev. Dr. N. A. Purfoy and Rev. Dr. Pritchard, N. C.; Rev. Dr. W. C. Crane and Rev. Mr. Smith, of Texas; Rev. Dr. Griffith, of Philadelphia; Rev. Dr. Anderson, of Pa.; Rev. Dr. Jeter, Rev. Dr. Poindexter, Rev. Dr. Taylor, Rev. Dr. Dodge, Rev. Dr. Haynes, Rev. Dr. Dickinson, Rev. C. C. Bitting, Rev. J. B. Taylor, Jr., all of Va.; Rev. Dr. J. W. M. Williams, Rev. J. B. Hawthorn and A. Fuller Crane, Esq., of Baltimore; Rev. C. C. Chaplin, Rev. H. H. Wyer and Prof. C. H. Winston, of Va.; Rev. R. W. Fuller, Rev. F. H. Ivey, Rev. A. R. Calloway, of Ga.; Rev. R. H. Graves, Canton, China, and a large number of others, whose names will appear in the list of delegates.

FIRST DAY'S PROCEEDINGS.

According to previous announcement, the Southern Baptist Convention met in Walnut Street Baptist Church at 10 o'clock yesterday.

Each train for several days has been bringing into the city delegates from various sections, and it has been pleasant to witness the cordial greetings of those who have been separated for some time and of new-made friends.

At the appointed hour, the President of the Convention, Rev. Dr. Mell, of Georgia, took the chair. The Secretary of the last session—A. F. Crane, Esq., of Baltimore—was at his post, and the exercises were opened by singing 856th hymn of the Psalmist, the reading of the 53d chapter of Isaish, and prayer by Rev. Dr. Pritchard, of North Carolina.

The enrollment of delegates was proceeded with.

After the enrollment of delegates, the chair announced that the election of officers was in order.

Rev. Dr. S. Henderson, of Alabama, moved that Dr. Mell be elected President by acclamation.

The chair ruled that it required unanimous consent.

Dr. Boyce, of South Carolina, objected on the ground that while we are all unanimous now, it might not be so in future, and he was opposed to establishing a precedent that might hereafter give trouble.

The chair ruled that Dr. Boyce's point was well taken.

Dr. Jeter, of Virginia, appealed from the decision of the chair on the ground that the precedent had been already established in the action of the Convention last year in electing Dr. Mell by acclamation.

The Convention sustained the appeal, and Dr. Henderson renewed his motion to elect by acclamation.

Rev. Dr. Poindexter, of Virginia, moved, as a substitute, that the Convention proceed to elect by ballot, and was sustaining his view of the importance of adhering to this at a time when all are agreed as to who should be President, when, at the earnest request of President Mell, Dr. Henderson withdrew his motion, and the ballot for President was proceeded with. There being no nominations, and the result being that of 232 votes cast, Dr. Mell received 230.

The election of Vice Presidents being in order, the following were put in nomination: Hiram Woods, Esq., of Baltimore; Rev. Dr. W. C. Crane, of Texas; Rev. Dr. J. S. Coleman, of Kentucky; Rev. W. W. Gardner, of Kentucky; Rev. Dr. Crawford of Kentucky; Rev. Dr. Boyce, of South Carolina, and Rev. Dr. J. R. Graves, of Tennessee.

The president returned thanks in appropriate terms. He should endeavor to do justice to all, but he hoped it would be considered a personal favor to him for brethren to appeal from his decision to the House. He should have to speak loudly in this large building, and noisy street, and should have to speak promptly, but he should try to be courteous. He appealed to the members and the audience to assist him in the matter.

A. P. Abell, Esq., of Virginia, being absent, and A. Fuller Crane, Esq., of Maryland, declining re-election, the Convention elected as secretaries Dr. J. R. Hawkins, of Kentucky, and E. C. Williams, Esq., of Maryland.

The afternoon session was opened with prayer by Rev. Dr. W. C. Crane, of Texas.

Rev. Dr. Poindexter offered the following resolutions:

WHEREAS, For the correctness of our judgment and the success of our plans, we are dependent upon the guidance and blessing of God, and on occasions of this kind there should be a profound feeling and suitable expression of this truth; therefore,

Resolved, 1. That we the members of the Southern Baptist Convention, will endeavor, throughout the sessions of this meeting, to maintain a devout and prayerful spirit.

2. That the time from half-past nine to ten o'clock each morning, be spent in devotional exercises.

Rev. Mr. Brewer, of Alabama, asked leave to present a paper from his district association.

The chair ruled that Brother Brewer had a right to present any matter, in order, in his individual capacity as a member of the convention, but that no association not connected with this body had a right to be heard here.

Mr. Brewer appealed, but the decision of the chair was unanimously sustained.

Brother Brewer then offered a series of resolutions to the effect: "That we dissent from and disown all that part of the report of the committee to visit the Home Mission Society found in the minutes of last session, which may seem to imply that we in a convention respond to the overture of the Home Mission Society that we will unite with them 'in raising up millions of freedmen to the exercise of all the rights and duties of citizenship.'"

Rev. Mr. Brewer made an earnest speech in favor of his resolution, and against the spirit of the sentence complained of by his association.

Rev. Dr. Poindexter, of Virginia moved to refer the resolutions to a committee. He was satisfied that Brother Brewer and those who acted with him were under misapprehension as to the action of the convention. They had never indorsed any such sentiment.

Rev. Dr. J. R. Renfroe, of Alabama, would be willing to refer to the committee except for the fear that the report of the committee would elicit lengthy discussion upon matters of minor importance compared to the great objects of the convention. The Alabama Baptist Convention had refused to send this matter here, and while, therefore, he bore willing testimony to the purity of the motive which actuated Brother Brewer, he yet felt constrained to move to lay the resolutions on the table. The motion was almost unanimously passed.

The tellers on the election of Vice Presidents reported that Rev. Dr. W. C. Crane, of Texas, was the only one elected. On motion, the three next highest were declared elected, and were announced to be Rev. J. S. Coleman, D.D., of Kentucky; Rev. Dr. J. P. Boyce, of South Carolina, and Rev. Dr. A. Sherwood, of Georgia.

Rev. Dr. M. T. Sumner read the report of the Domestic Mission Board located at Marion, Ala. The report was referred to the following committees:

1. On work of the Domestic Department, past and future.

2. On the work of the Indian Department past and future.

3. On Coliseum Place Baptist Church, New Orleans.

The report reviewed the past history of the operations of the board, and showed them to have been most satisfactory; discussed the question of agencies; made a very gratifying exhibit of its finances, and made the following exhibit of work performed by its missionaries, some of whom had been employed for only a part of their time:

The Year's Work—Domestic Field—Sermons and addresses, 4353; baptisms, 225; miles traveled, 33,902; baptisms in connection with labor, but by others, 211; prayer meetings attended, 1087; persons converted, but not baptized, 92; religious visits to families, 6127; weeks' labor, 907; churches and stations supplied, 902; churches and ministers ordained, 19; Sunday-schools organized, 72, with 191 teachers and 1567 pupils; number received by letter, 144; Bible classes, 39, with 237 pupils; total in fellowship in 23 churches, 2010; Bibles and Testaments distribed, 501; tracts and papers distributed, 23,486; aumber restored, 22; meeting houses commenced, 3; meeting houses finished, 6; temperance societies organized, 29.

Indian Field—Weeks' labor, 268; sermons and addresses, 433; baptisms, 118; restored, 73; stations and churches supplied, 46; churches constituted, 3; prayer meetings held, 94; religious visits to families, 79; ministers