THE MEMPHIS DAILY APPEAL.

ESTABLISHED 1840. MEMPHIS, TENN., TUESDAY, MARCH 28, 1876. VOL 36. NO 76

CLOSING RATES

Yesterday of cotton and gold: New York, cotton, 13¼c; Memphis, 13c. New York, gold closed at 113¼; Memphis, 113.

WEATHER PROBABILITIES.

WASHINGTON, March 28, 1 a.m.

For Tennessee and the Ohio valley, rain and severe local storms, variable winds, shifting to northerly and westerly; falling, followed by rising, barometer and colder clearing weather during the night.

The Mississippi river will continue to rise below Cairo, and floods will occur in the vicinity of Vicksburg, near Helena, and above Memphis.

THE poet Longfellow is spoken of as Schenck and Dana's successor. Too good to be true.

MONTGOMERY BLAIR is out for Governor Tilden for President, and says he is the right man for the place.

TREASURER NEW, by request of the President and Secretary Bristow, withholds his resignation for the present.

A GOOD suggestion. A monument to the memory of the late Commodore M. F. Maury is proposed by the Richmond *Enquirer*.

THE Democrats of Davidson county and Nashville have organized and called a county convention to be held on the twenty-seventh of May.

THE Democracy in all the counties in Tennessee are now expected to follow the example of Davidson, and organize and prepare for the coming campaign.

THE senate yesterday considered the report of the committee on foreign affairs, who are opposed to Dana's confirmation. It is thought the report will be agreed to.

THE Republicans of Ohio, Pennsylvania and Vermont hold State conventions to-morrow, the twenty-ninth, and the Mississippi Republicans and Mississippi colored men on Thursday, the thirtieth.

THE Radicals are busy villifying Tilden, Hendricks, Thurman and Pendleton, but so far have utterly failed to father upon either of them anything unworthy of a gentleman. Their honesty and integrity are above the reach of Radical malice.

THE London *Mark Lane Express* in yesterday's reviews of the grain trade of the past week, says the tendency to improvement noticed last week has assumed the shape of a definite advance in prices, and the caution with which buyers operated lately has been succeeded by a feeling of greater confidence.

GEORGE FRANCIS TRAIN is a bankrupt. He gives his assets at thirty million—made up of claims on every government in the world—his debts being one hundred million dollars. He has no personal property except his clothes and a watch, valued at one hundred dollars. He pays ten dollars a week for his board. His wife has an income of her own.

MISSISSIPPI.

Ames's Impeachment Trial Postponed—Additional Articles of Impeachment—Legislative Proceedings.

Special to the Appeal.]

JACKSON, March 27.—The trial of Governor Ames has been postponed until Wednesday, in consequence of filing two additional articles of impeachment covering the charge that Ames pardoned Alexander Smith, in consideration of three thousand dollars paid by Smith to other parties.

The senate appointed a committee of six to draft a revenue bill, and passed the bills prohibiting the killing of birds and game between the first of May and the fifteenth of September; requiring the Vicksburg and Nashville railroad to deposit State bonds in the treasury before drawing on agricultural land scrip fund; requiring justices of the peace to file certified transcripts of the dockets with the grand juries, and adding Kemper and Lauderdale counties in the sixth and Jones and Lawrence in the fifth circuit and chancery court districts.

The bill redistricting the State into circuit and chancery court districts, is now a law, and the courts will not hold regular April terms.

Associated Press Dispatch.]

JACKSON, March 27.—The house managers to-day filed two additional articles of impeachment against Governor Ames, to the effect that in consideration of twenty-eight hundred dollars paid to the superintendent of the penitentiary, and two hundred paid to a member of the legislature, the governor pardoned one Alexander Smith, sentenced to the penitentiary for life for rape. Ames's counsel have been allowed until Wednesday to make answer. The governor's counsel are Roger A. Pryor and Thomas J. Durant.

LOUISIANA.

Another Conspiracy and Intimidation Case—Prisoners Taken to New Orleans.

NEW ORLEANS, March 27.—John H. Lamon, John A. Dougherty, William Carig, Andrew Jackson, Charles K. Davis, James M'Ves, Edward Willis, John Fisher, William G. Randolph and Dr. J. W. Dupree, citizens of East Baton Rouge, were arrested at the instance of Parish Judge George P. Davis, and brought to this city. They are charged with conspiracy and intimidation, in violation of article 5518 of the revised statutes. Some months ago the parties above named attended a public meeting the object of which was to secure the resignation of Parish Judge Davis. Davis resigned, but Kellogg did not appoint a successor, and Davis continued in office. About a month ago another meeting was held, and a committee appointed to notify Davis that the people would not longer be responsible for his protection. Davis then left the parish. It now appears that besides being parish judge, he was clerk in the office of the collector of internal revenue, and the parties were arrested charged with interfering with him in the discharge of his duties as revenue clerk. The prisoners pleaded not guilty, and were bailed in five thousand dollars each.

Italian Politics.

ROME, March 26.—The *Diritto*, the organ of the left, says that the programme of the new ministry is calculated to reassure Europe that the views of the cabinet on many points resemble those of the French ministry. Germany will find the Italian home policy aiding her in vigorously pursuing the course which she has adopted. The Italian cabinet will assume an energetic attitude on the ecclesiastical question. It will not change the foreign policy of Italy, but will pursue a more liberal home policy.

AT LAST.

The Mills of the Gods Grind Slowly—The Radical Election and Enforcement Laws Declared Unconstitutional.

The Defendants in the Grant Parish Case Discharged—Synopsis of the Decision of the Supreme Court—Points of Law.

The Kentucky Election Case Decided—Judgment of the Circuit Court Affirmed—Text of the Decision—Etc.

WASHINGTON, March 27.—The supreme court to-day decided that the Federal election law under which certain white parties were indicted for interfering with the exercise of suffrage of colored voters, was unconstitutional and void. It is understood that the court in Grant parish will to-day decide the enforcement act unconstitutional, thus affirming the opinion of Justice Bradley in the court below.

Text of Decision in Grant Parish Case.

WASHINGTON, March 27.—The decision of the supreme court in the Grant parish case is very elaborate. It says that there is nothing to show that the elections voted at were any other than State elections, or that a conspiracy was formed on account of the race of the parties against whom the conspirators were to act. The charge, as made, is really nothing more than a conspiracy to commit a breach of the peace within a State. Certainly it will not be claimed that the United States have the power, or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may act upon the call of the executive, when the legislature cannot be convened, to lend their assistance for that purpose. This is a guaranty of the constitution, act 4 section 4 but it applies to no case like this. We are, therefore, of the opinion that the first, second, third, fourth, sixth, seventh, ninth, tenth, eleventh, twelfth, fourteenth and fifteenth counts do not contain charges of a nature made indictable under the laws of the United States, and that consequently they are not good and sufficient in law. They do not show that it was the intention of the defendants, by their conspiracy, to hinder or prevent the enjoyment of any right granted or secured by the constitution. We come now to consider the fifth, thirteenth, eighth and sixteenth counts, which may be brought together for that purpose. The intent charged in the fifth and thirteenth is to hinder and prevent parties in their respective free exercise and enjoyment of the rights, privileges, immunities and protection granted and secured to them respectively as citizens of the United States and as citizens of the said State of Louisiana, for the reason that they, being then and there citizens of the said State and of the United States, were persons of African descent and race, and persons of color and not white citizens thereof; and in the eighth and sixteenth, to hinder and prevent them in their several and respective free exercise and enjoyment of every, each and all and singular the several rights and privileges granted and secured to them by the constitution and the laws of the United States. The same general statement of rights to be interfered with is found in the fifth and thirteenth counts; the question is not whether it is enough in general to describe the statutory offense in the language of the statute, but whether the offense has here been described at all. The statute provides for the punishment of those who conspire to injure, oppress, threaten or intimidate any citizen, with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured him by the constitution or laws of the United States. These counts in the indictment charge in substance that the intent in this case was to hinder and prevent these citizens in the free exercise and enjoyment of every, each, all and singular the rights granted them by the constitution. The accused has the right to have a specification of charges against him in this respect, in order that he may decide whether he should present his defense by a motion to quash the demurrer or plea, and the court that it may determine whether the facts will sustain the indictment. So there the crime is made to consist in unlawful combination, with an intent to prevent the enjoyment of any right granted or secured by the constitution. All rights are not so granted or secured. Whether this one is or not, is a question of law to be decided by the court, not the prosecution. Therefore the indictment should state the particulars, so as to inform the court as well as the accused. It must be made to appear—that is to say, appear from the indictment—without going further that the acts charged will, if proven, support a conviction for the offense alleged. The conclusion is irresistible that these counts are too vague and general. They lack that certainty and precision required by the established rules of criminal pleading. It follows that they are not good and sufficient in law. They are so defective that no judgment of conviction should be pronounced on them. The order of the circuit court arresting judgment upon the verdict is therefore affirmed, and the cause remanded with instructions to discharge the defendants. Justice Clifford dissented from the opinion, but concurred in the judgment.

The Kentucky Election Case.

WASHINGTON, March 27.—Chief-Justice Waite delivered the opinion of the supreme court in the Kentucky election case. It is very lengthy. After stating that the United States abandons the first and second counts, and expressly waives consideration of all claims not arising out of the enforcement of the fifteenth amendment of the constitution, the opinion details the provisions of the amendment and says the power of congress to legislate at all upon the subject of voting at State elections rests on this amendment. The effect of article 1 section 4 of the constitution in respect to elections for senators and representatives is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose a penalty for every wrongful refusal to receive the vote of a qualified elector at a State election. It is only when a wrongful refusal, at such an election, is because of race, color, or previous condition of servitude, that congress can interfere and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit they are unauthorized. The statute contemplates a most important change in the election laws. Previous to its adoption the States, as a general rule, regulated all the details of their own elections; they prescribed the qualifications of voters, and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice, and prescribes rules not provided by the laws of the States. It of substitutes under certain circumstances, the performance wrongfully prevented for the performance itself. If the elector makes and presents his affidavit in the form and to the effect prescribed, the inspectors are to treat this as equivalent of the specified requirement of the State law. This is a radical change in practice, and the statute which creates it should be explicit in its terms; nothing should be left to the construction if it can be avoided. The law ought not to be in such a condition that the elector may act on one idea of its meaning and the inspector on another. The elector, under the provisions of the statute, is only required to state in his affidavit that he has been wrongfully prevented by the officer from qualifying; there are no words of limitation in this part of the section. In a case like this, if an affidavit is in the language of the statute, it ought to be sufficient both for the voter and the inspector. Laws which prohibit the doing of things, and provide a punishment for their violation, should have no double meaning. A citizen should not unnecessarily be placed where, by an honest error in the construction of a penal statute, he may be subjected to prosecution for a false oath; and an inspector of elections should not be put in jeopardy because he, with equal honesty, entertains an opposite opinion. If this statute limmits the wrongful act which will justify the affidavit to discrimination on account of race and color, then a citizen who makes an affidavit that he has been wrongfully prevented by officers, which is true in the ordinary sense of that term, subjects himself to indictment and trial, if not to conviction, because it is not true that he had been prevented by such an wrongful act as the statute contemplated, and if there is no such limitation, but any wrongful act of exclusion will justify the affidavit and give the right to vote without the actual performance of the prerequisite, then the inspector who rejects the vote because he reads the law in its limited sense, and thinks it is confined to a wrongful discrimination on account of race, etc., subjects himself to prosecution, if not to punishment, because he has misconstrued the law. When we go beyond the third section and read the fourth, we find there no words of limitation, or reference even, that can be construed as manifesting any intention to confine its provisions to the terms of the fifteenth amendment. That section has for its object the punishment of all persons who, by force, bribery, etc., hinder, delay, etc., any person from qualifying or voting. In view of all these facts, we feel compelled to say that, in our opinion, the language of the third and fourth sections does not confine their operation to unlawful discriminations on account of race and color. If congress had the power to provide generally for the punishment of those who unlawfully interfere to prevent the exercise of the elective franchise without regard to such discrimination, the language of these sections would be broad enough for that purpose; it remains now to consider whether a statute so general as this in its provisions can be made available for the punishment of those who may be guilty of unlawful discrimination against citizens of the United States while exercising the elective franchise on account of their race, etc. There is no attempt in the sections now under consideration to provide specifically for such an offense. If the case is provided for at all, it is because it comes under the general prohibition against any wrongful act or obstruction. In this particular we are, therefore, directly called upon to decide, whether a penal statute created by congress, with its united powers, which provides in general language, broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which congress may rightfully prohibit and punish. For this purpose we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole, or fall together. The language is plain, and there is no room for the construction, unless it be as to the effect of the constitution. The question, then, to be determined is whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only. It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would to some extent substitute the judicial for the legislative department of the government. The courts enforce the legislative will when ascertained, if within the constitutional grant of power. In its legitimate sphere congress is supreme and beyond control of the courts, but if it steps outside of its constitutional limitation and attempts that which is beyond its reach, the courts are authorized to, and when called on in due course of legal proceedings must, annul its encroachments. The reserved power of the States and people to limit this statute, in the manner now asked for, would be to make a new law—not enforce an old one. This is no part of our duty. We must decide that congress has not, as yet, provided by appropriate legislation for the punishment of the offense charged in the indictment, and the circuit court properly sustained the demurrers, and gave judgment for the defendants. This makes it unnecessary to answer any of the other questions certified, since the law gives the presiding judge the casting vote in cases of division, and authorizes a judgment in accordance with his opinion. [Revenue statute, section 650.] If we find that the judgment rendered is correct, we need not do more than affirm it. If, however, we reverse it, all questions certified, which may be considered in the final determination of the case, according to the opinion we express, should be answered. The judgment of the circuit court is affirmed. Dissenting, Mr. Justice Hunt. Mr. Justice Clifford dissented from the opinion, but concurred in the judgment.

French Politics.

PARIS, March 27.—A discussion in the bureaux develops the fact that the minority in favor of amnesty is even smaller than was anticipated. Several deputies intend to introduce a motion that the chamber, confiding in the firmness and sentiments of clemency of the government, passes to the order of the day. The motion will in all probability be adopted. The left have resolved to strongly contest, and will probably invalidate, several elections, among them those of Keller, clericalist deputy from Belfort; Count Damaini, who claimed a majority over Gambetta in Avignon; De la Rochejaquelin, legitimist, and Gavani, Bonapartist. It is stated that the left have decided to confirm the validity of the election of Mun, clericalist. According to reliable intelligence, it is certain that almost the entire left has resolved to support the ministry for some length of time. The recent attacks of republican journals were really not serious, being merely due to political tactics.

Imposing Funeral Obsequies.

LONDON, March 27.—Ferdinand Freiligrath was buried in the cemetery of Caunstadt, near Stuttgart, on the twenty-first instant. An enormous multitude followed the hearse, covered with flowers, wreaths and palms, to the place of last destination. From all parts of Germany the mourners assembled, and from every quarter the most touching sympathy was manifested. Many literary bodies were represented, either through members or rich floral gifts, while thousands of private individuals joined the procession. The grave was surrounded by Ludwig Pfau, Otto Mueller, J. G. Fischer, Prof. Lubke, Schmidt Weisenfels, and many other leaders of the people's party mourning their loss. Minister Herrie, of Caunstadt, preached the funeral sermon, and was followed by Carl Mayer, who, in the name of the people's party, bade the beloved dead a farewell.

WASHINGTON.

The Question of Silver Currency in the House—Payne's Bill Voted on Without Debate, and Defeated.

The Senate Texas Pacific Again Postponed—Another Embezzling Clerk Arrested—More and Worse from Marsh.

Another Witness Against Belknap—Bristow's Illicit Case—New Postal Law—Morton and Mississippi—Etc.

In the senate yesterday, the secretary of war presented a communication asking the appropriation of three hundred thousand dollars for the purchase of subsistence for the army during the present fiscal year. The petition from the colored citizens praying that the fourteenth of April, the occasion of the unveiling of the Lincoln monument, be observed as a national holiday, passed. Senator Morton called up his resolution for the appointment of a committee on Mississippi affairs, when Senator Christiancy offered a substitute which was accepted by Senator Morton, but a motion to take the matter up was lost, and the senate went into committee of the whole on the consular and diplomatic bill, but without final result, and the senate, after executive session, adjourned. In the house yesterday Mr. Wells introduced a bill to restore the national credit by funding the non-interest bearing debt into four per cent. bonds. Mr. Payne moved to suspend the rules and pass his bill to provide for a gradual resumption of specie payment, the text of which was published in the APPEAL some days since. The vote was taken without debate, and resulted in 81 yeas to 156 nays, and the motion was defeated. It would have required a two-thirds vote to pass the bill, and the fact that there was nearly a two-thirds majority against it, caused laughter. The house then went into the committee of the whole, Mr. Taylor in the chair, on the bill providing for more efficiency in the engraving and printing bureau of the treasury, and for the issuance of subsidiary silver coin. Mr. Townsend [Pa] offered an amendment providing that silver coins shall be exchangable at par for United States notes in sums not less than three dollars, and shall be receivable for postage and revenue stamps, and for all duties to the United States, except customs, in sums not over five dollars, and shall be redeemed on presentation in such sums and under such regulations as shall be prescribed, and that the total issue of silver coin shall not exceed fifty million dollars. Speeches were made by Messrs. Landers [Ind.] and Phillips [Ks.] against the bill, and by Messrs. Eames [R. I] and Burchard [Ill] in support of it. Mr. Bright [Tenn] opposed the silver currency feature of the bill. Mr. Hamilton [N. Y.] charged the Radicals with the responsibility for the rag-baby. Mr. Randall, chairman of the committee on appropriations, closed the debate with a speech in favor of the bill. Various amendments were offered by Messrs. Wells [Mo.], Holman, Townsend [N. Y] and others. The committee then rose and reported the bill and amendments, with the understanding that a five-minute debate will be allowed in the house, and a vote taken on each amendment. The house adjourned.

Texas Pacific Again Postponed.

WASHINGTON, March 27.—The senate committee on the Pacific railroad to-day discussed the Texas and Pacific bill and other propositions in regard to the construction of a transcontinental railroad in or near the thirty-second parallel, but arrived at no conclusion, and postponed further consideration of the whole subject for two weeks.

Another Embezzling Clerk.

SAN FRANCISCO, March 27.—Charles H. Barth, transportation clerk in the quartermaster's department, United States army, in this city, was arrested a few days ago, and ascertained to have defrauded the government to the amount of sixty thousand dollars, most of which he restored after being arrested. Yesterday he was ordered to confinement at Alcatraz, but while taking a bath before starting escaped, and has not yet been recaptured.

Another Witness Against Belknap.

MANCHESTER, N. H., March 25.—An evening paper here publishes the statement that J. R. A. Sargent, of this city, paid Secretary Belknap twelve thousand dollars for the contract to furnish the heating-apparatus in the government buildings at Fort Leavenworth.

Marsh Gives Still Stranger Testimony.

WASHINGTON, March 27.—Members of the house judiciary committee, including some Republicans, say that the testimony given by Marsh before that committee is stronger than his testimony before the committee on expenditures in the war department, and that it is so conclusive of Belknap's guilt that he cannot escape. It is believed that the judiciary committee can and will formally present their articles of impeachment this week.

Bristow Again.

LOUISVILLE, March 27.—An examination of the records of the United States court by District-Attorney Wharton, who was assistant-attorney when Bristow was district-attorney in 1866 and 1867, does not show the name of Isaac Reeves anywhere. Since 1866, the only name that could be found in the records similar to this was that of John Reeves, of Fleming county, charged with illicit distilling in the year 1866. His case was taken to Covington, to which place Colonel Wharton telegraphed yesterday to find what disposition had been made of the case. A reply received last evening stated that the man had not been indicted.

New Postal Law.

WASHINGTON, March 27.—The postage bill was reported favorably from the senate postal committee to-day. Senator Hamlin's measure was amended so as to provide that the rate for third-class mail matter shall be one cent per ounce for any distance not exceeding one thousand miles, and two cents per ounce for any distance over one thousand miles. The amended bill also provides that transient newspapers and magazines shall pay postage for any distance at the rate of one cent for every three ounces, and one cent for each two ounces or fractional part of two ounces additional.

Christiancy's Substitute for Morton's Mississippi Resolution.

WASHINGTON, March 27.—In the senate to-day, Senator Morton called up the resolution for the appointment of a committee to investigate the frauds in the Mississippi elections. Senator Christiancy introduced an amendment, and proceeded to discuss its merits. Senator Morton said he was willing to accept the substitute, which is as follows:

WHEREAS, It is alleged that the late election in Mississippi, in 1875, for members of congress, and State officers, and members of the legislature, was characterized by great fraud committed upon and violence exercised toward the colored citizens of that State, and while citizens were disposed to support their rights at the election, and especially that of colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote contrary to their wishes for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and, whereas, the people of the United States have an interest in and a right to insist on the enforcement of this constitutional amendment, and congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose; therefore,

Resolved, That a committee of five senators be appointed by the chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have in said election been violated by force, fraud and intimidation, and to inquire and report to the senate, before the end of the present session, whether any, if so, what further legislation is necessary to secure to colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath, and to use all the necessary processes for these purposes.

The motion to take up the matter in the senate to-day was lost.

STORM AND FLOOD.

Effects of the Recent Heavy Snows and Rains—A Flood Pouring Down upon us from Above.

Planters Below Must Look Out, Must Make Preparation for an Overflow—More Snow on the Plains.

Destructive Floods and Freshets in Connecticut, Massachusetts and New York—Loss of Life at Sea—Etc., Etc.

The weather in this locality the past two days has been as variable between the conditions of rain and sunshine as it were possible to conceive. All day Sunday, until the sun went down, we enjoyed the bright sunshine, with perfectly delightful spring temperature. At night, however, a dark line of clouds appeared in the northwest, and throughout the night the heavens were black with dense clouds, threatening to pour out torrents upon the already flooded earth. No rain fell worth notice until near daylight, when a regular April shower prevailed until about nine or ten o'clock, when signs of clearing weather became apparent. In the afternoon the clouds partially cleared away until the sun went down, when another pluvial wave rolled up, obscuring the heavens and for an hour pouring down a torrent of rain upon our devoted heads. It has been predicted by those who claim to be experienced in the freaks of the river, that owing to the unusually mild winter there will be no spring overflow of the Mississippi. The present hight of the water line, and the prospect of more coming, however, will have the effect to change their opinion. We append here the weather observer's summary of the weather the past twenty-four hours at all points: "The barometer has risen in New England, in the Middle States, and the lower lake regions, with westerly winds, partly cloudy weather and a slight fall in temperature. A severe snowstorm is central in Missouri, and heavy rains have prevailed from the gulf-coast northward to the Ohio and Missouri valleys, followed by clearing, cooler weather and northerly winds in the southwest. Colder northerly winds prevail in the upper lake region and the northwest, with increased cloudiness in the lake region, and snow in the Mississippi and Missouri valleys. The thermometer is decidedly high in the extreme northwest, and is low in southern Missouri. The Mississippi river has risen south of Cairo; it has reached the danger line at Vicksburg; is one foot and three inches above it at Helena; three feet ten inches above it at Cairo; and is seven inches below it at Memphis. The Cumberland has risen three feet at Nashville. The Savannah has fallen thirty-three inches at Augusta."

The cut-off at Devil's Elbow, by which the Shawnee and Haile bends, containing, it is estimated, twenty thousand acres of valuable lands, are reclaimed, besides saving about twenty miles to river navigation, is now the sensation in marine circles. The chute, through which the water broke a few days ago, is said to be half a mile wide, and promises to become of good navigable depth. It is thought its formation will prevent the river from making such disastrous incroachments upon the levee at this port. The ginhouse and smokehouse of Dr. B. J. Williams were washed away by the water in making the cut-off, as was also the site of the late residence of Mr. E. W. Massey, which was recently destroyed by fire. The heavy draft of the current through the cut-off has already relieved the overflowed districts above, and it is thought by experienced river men that the change will benefit the farmers generally in the vicinity of Island No. 37. A beautiful lake is thus added to the number to be found on the "line of the Mississippi." If conjectures prove true as to the great benefits to all accruing from this great change in the channel of Big Muddy, we hope proper measures will be adopted to aid the work of deepening the channel in the new cut-off, so that it may become the main channel of the river. The number of acres of valuable farming lands, and the distance saved to steamboat navigation, should warrant the expenditure of a considerable amount of money, and the employment of the best engineering talent in the effort to make the new cut-off a success.

RESULTS IN NEW YORK.

NEW YORK, March 27.—Yesterday's storm raged over the whole of New England with disastrous effects. Railroad travel was interfered very seriously by land slides and washouts, but as these were anticipated and caution exercised no accidents of consequence to the trains are reported. Fears of a dangerous freshet in Merrimac river are entertained. The loss by the breakage of dams, destruction of bridges, mills, dwellings, and by inundation where property is not swept away, is immense and cannot be accurately estimated.

At Providence yesterday the rain-fall was 4.06 inches, and for six days, including Saturday, 7.66 inches. At Danielsonville, Connecticut, Gainsbough's mill was undermined and likely be carried away; loss already estimated at twenty thousand dollars. The Baltic mill at Norwich, Connecticut, was partly swept away, and will not be able to repair short of three months. Four persons crossing the pond at Norwich were drowned. At Burrillville, Connecticut, the mill and manufacturing property, valued at over two hundred thousand dollars, was swept away. Some damage is reported from New Jersey.

All the vessels arriving here to-day report more or less damage caused by the heavy gales during the past few days. The bark Daphore, from Baltimore for Marseilles, put into this port for repairs to-day, having been in collision with a steamer said to be the Great Western.

DAMAGE IN CONNECTICUT.

NORWICH, March 26.—The damage in eastern Connecticut by the freshet amounts to several hundred thousand dollars, and several lives were lost.

FLOODS IN MASSACHUSETTS.

LAWRENCE, March 27.—Some five thousand or six thousand mill operators here are idle to-day, owing to the stoppage of many mills in consequence of the unprecedented high water. All the mills on Shickel river are also stopped. Serious damage has been done at several points, but, fortunately, the rivers are free from ice. Water on the Merrimac this morning was forty-one feet about the dam, and though the river had fallen four inches at noon, still higher water was expected.

LATER FROM CLINTON.

BOSTON, March 27.—Later advices from Clinton, Massachusetts, show that the damage by the giving way of Mossy Pond dam is even greater than at first estimated, and that two hundred thousand dollars will hardly cover it. It is not known that any lives were lost, but it is reported that two men are missing who were known to have been in one of the buildings destroyed. The scene to-day for a distance of two miles in the track of the waters recalls the terrible Mill River disaster. About two o'clock on Sunday it became evident there was danger, and efforts to strengthen the dam were made with mattresses, bales of hay, and small trees, but all efforts were unavailing and the dyke melted. At three o'clock the waters burst forth with a mighty rush, sweeping away everything in its path. Trees were twisted, snapped and uprooted; earth and bowlders were torn from between the hills, leaving a rough gorge several rods in width. After passing Fullerville to a branch of Nashua river the water had a scope of a large interval, and without further obstacle was carried off by the river. The summary of the buildings destroyed includes the Clinton tannery, Fullerville factory, comb factory, and four other buildings. The principal losses were at Fullerville, which is now a complete ruin, where was once a thriving manufacturing settlement. The company occupied five buildings, hardly a vestige of which now remains.

BOSTON, March 27.—Details continue to be received of losses by Saturday's storm. Dams continued breaking yesterday and to-day. The loss in the neighborhood of Clinton, Massachusetts, will amount to three hundred and fifty thousand dollars, and about Norwich, Connecticut, the same amount. At Taftsville, Connecticut, to-day, five men were drowned by the washing away of an embankment they were strengthening. The aggregate loss in New England is enormous.

IN NEBRASKA.

OMAHA, March 27.—There was another snow-storm to-day. Reports from the west state that a constant succession of storms is prevailing, everything is overwhelmed with snow, and the thermometer is registering low. The Union Pacific passenger-trains were delayed eight hours by snow between Bitter creek and Rawlins last night, and are probably laid up for safety.

AT WORCESTER, MASS.

WORCESTER, MASS., March 27.—The top of Paxton dam down to the piling gave way this morning, and caused a panic below, the manufacturers removing their goods along the stream, and in the narrow gorge of Cherry Valley the citizens are removing their chattels and families to the hills. The stream runs into Blackstone river through a series of reservoirs.

VESSELS ASHORE.

PORTLAND, ME., March 27.—The schooner Harriet Newell went ashore on Bluff island yesterday. The captain and his wife were drowned.

PORTSMOUTH, N. H., March 27.—The brig A. Porter went ashore on White island yesterday. The captain and seven men were drowned. The first-mate was the only one saved.

ADDITIONAL RIVER REPORTS

NEW ORLEANS, March 27.—Weather clear and warm. Arrived: Golden Rule and Cherokee, Cincinnati.

LOUISVILLE, March 27.—Weather cool and cloudy. Departed: Mary Houston and Glasgow, Cincinnati. River 13 feet 8 inches in the canal.

ST. LOUIS, March 27.—Arrived: Colorado, Vicksburg. Departed: City of Chester, Memphis. The river has fallen 2 inches, but will rise again immediately. Rain has fallen all day, and continues to-night, with signs of letting up.

CINCINNATI, March 27.—River 33 feet and falling. Weather cloudy and threatening. Arrived: Cons Millar, Memphis; Mary Houston and H. S. Turner, New Orleans.

NASHVILLE, March 27.—The river is rising, with 25 feet on the shoals.

VICKSBURG, March 27.—Down: Commonwealth, 5 p.m; Fargoud, 7 p.m. Glencoe, 7 p.m.

DIED.

NUETZEL—At her residence in this city, No. 90 South street, last night at 11:25 o'clock, Mrs. HARRIETT NUETZEL, aged 57 years.

Due notice of the funeral will be given.

Attention, Knights Templar.

THE members of St. Elmo Commandery, No. 15, are ordered to meet at the asylum of the commandery, this (TUESDAY) evening, March 28th, at 7½ o'clock, FOR DRILL. The members of Cyrene Commandery No. 4, are courteously invited.

By order. B. F. HALLER, E. C.
R. W. SHELTON, Recorder.

PURE

JAVA PROLIFIC COTTON SEED.

SUPERIOR to any other seed for early maturity, extra fine staple and quantity of lint, producing in some instances two and-a-half bales to the acre. Price, $4 per bushel, cash. References—Judge James A. Anderson, Memphis, Tenn.; Captain Kenneth Garrett, Withe, Tenn.; Mr. J. H. Schrader, Collierville, Tenn.; Mr. J. A. Owen, Des Arc, Ark., and many others who have tried it. For sale by J. M. WILLIAMS & CO.,
mh28 222 Front street, Memphis, Tenn.

Temple of Love, No. 1.

THE regular quarterly election of officers will take place on Friday evening next, March 31st. The Temple will meet at 8 o'cl'k.

By order JACKSON P. CREWS, T. S.
EDWARD L. RAWLINGS, R. S.

$250 REWARD.

JAMES D. PORTER, Governor of the State of Tennessee—To all who shall see these Presents—Greeting:

WHEREAS, It has been made known to me that a certain BOB THOMAS, alias BOB WHEELER charged with having committed a foul and atrocious murder on the 20th day of March, 1876, upon the body of Ben. Bloomenstein, late of our county Shelby, has fled from justice, and is now running at large;

Now, therefore, I, James D. Porter, Governor, as aforesaid, by virtue of the power and authority in me vested, do hereby offer a reward of $250 to any person or persons who may apprehend the said Bob Thomas, alias Bob Wheeler, colored, and deliver him to the sheriff or jailer of our county of Shelby, in order that justice in that behalf may be had and executed.

In testimony whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed, at Nashville, on the 24th day of March, 1876.

JAMES D. PORTER.

By the Governor:
CHARLES N. GIBBS, Secretary. mh26

GRAND TROTTING RACE!

CHICKASAW COURSE,

Tuesday, March 28d, at 3 p.m.

PURSE, $500—1st, $350; 2d, $100; 3d, $50.

E. S. Brown, Augusta, Ga., b. g. Gen. Hood.
Wm. Lovell, New York, b. g. Barney Kelly.
E. Horton, Philadelphia, br. m. Annie Collins.
Cliff Porter, Chicago, b. m. Kate Campbell.

Creditors' Notice.

No. 1872—In the Chancery Court of Shelby county, Tennessee—Courtland N. Starr vs. C. W. Kealhofer et al.

Whereas, An order was entered in the above cause on the 17th day of March, 1876, directing the Clerk and Master to make publication for all of the creditors of R. D. Starr, deceased, to appear and file their claims, etc.:

It is therefore ordered, That all the creditors of the estate of R. D. Starr, deceased, make their appearance herein, at the courthouse in the city of Memphis, Tenn., on or before the first day of July, 1876, and file their claims herein and have themselves made parties, or their claims will be forever barred; and that a copy of this order be published once a week, for four successive weeks, in the Memphis Appeal.

This 20th day of March, 1876.

A copy—attest: EDMUND A. COLE, Clerk and Master.
By E. B. McHenry, D. C. & M.
Jarnagin & Frayser and J. A. Taylor, Sols. for estate. mh21tu

SILVERWARE, ETC.

LOYD & FRITZ

No. 224 Main

Offer a carefully selected stock of

SILVERWARE, DIAMONDS, WATCHES, JEWELRY

ALL OF THE

VERY LATEST DESIGNS!

AT PRICES TO SUIT THE TIMES.

☞ Do not make purchases in this line before examining their stock.☜

HOOPSKIRTS.

Southern Hoopskirt and Corset Manufactory, 383 Main St.

ESTABLISHED 1867. Latest style Uncrushable Backskirts, Abdomen Corsets, Nursing Corsets, Invalid's Corsets, The Memphis Corsets, Tulleries Corsets, Werly Corsets, Misses' Corsets, and Extra-long Corsets for large ladies. Pads, Braces, Double-steels, Whalebones and Busties.

Goods sent C. O. D., and warranted. LOUIS LANGE.

INSURANCE.

1876. STATEMENT. Chart'd 1848

UNION

Marine and Fire Insurance Co.

Assets - - - - $230,112 89.

REINSURED BY

TEXAS BANKING & INSURANCE CO.,

Assets, $354,378 26,

And Galveston Insurance Company,

Assets, $125,861 70.

ALL OF GALVESTON.

INVESTED AS FOLLOWS:

Stocks and Bonds of the U. S., city of Galveston, Banks, and other corporations	$264,851 00
Real Estate	35,488 70
Loans on First Mortgages	145,373 67
Loans on Stocks and Bonds of U. S. and city of Galveston	152,147 58
Cash in Banks	94,460 10
Premiums in course of collection	10,373 51
Accrued Int., $715 42. Salvage, $3,152 96	3,868 38
Office Furniture and Personal Property	3,589 91
Total	$710,152 85

LIABILITIES.

Reinsurance Fire at 50 per cent. / Marine at 100 per cent.	$38,243 62
All Unpaid Losses	12,874 54—$51,118 16

STURM & HIRSCH, Agents,
mh10 Memphis, Tenn.

1867. SAINT JOSEPH 1876.

Fire and Marine Insurance Co.,

OF THE CITY OF ST. JOSEPH, MO.

Incorporated 1867.

Financial Exhibit, Dec. 31, 1875.

Capital, $400,000 00

ASSETS.

Cash in Bank (New York and St. Joseph) and in Company's office	$32,476 79
Cash in course of transmission (principally November and December premiums) net	30,646 47
Missouri 6's, St. Joseph and other Bonds (present market value)	148,330 50
Accrued interest on Bonds to December 31, 1875	8,441 74
Bank and other Stocks (present val.)	2,825 00
Real Estate (present value)	4,515 29
Loans on Bond and Mortgage (first liens on improved real estate) 10 per cent. interest, payable quarterly in advance (value of mortgaged premises $399,560)	148,515 68
Amount loaned on Stocks, Bonds, etc., as collateral security	24,288 50
Uncollected premiums at home office	1,313 73
Stock Notes secured by real estate, approved collaterals, or three responsible indorsers	200,000 00
Total available assets	$601,343 70

LIABILITIES.

Capital Stock	$400,000 00
Losses adjusted and unadjusted	17,008 84
Reinsurance Reserve (N. Y. Standard)	86,526 52
Unpaid Dividends and all other liabilities	3,303 80—$506,839 16
Net cash surplus over all liabilities and capital	$94,504 54

Comparative Statement of Surplus Funds of this Company since organization:

December 31, 1868	$8,865 15
December 31, 1869	12,186 13
December 31, 1870	19,907 95
December 31, 1871	10,471 14
December 31, 1872	36,542 17
December 31, 1873	37,980 90
December 31, 1874	58,774 99
December 31, 1875	$94,504 54

STURM, HIRSCH & CO., Agents,
mh10 41 Madison Street.

PEOPLES Insurance Comp'y

OF MEMPHIS, TENN.

OFFICE 16 MADISON ST.

CASH CAPITAL, : $300,000 00

CASH ASSETS, : : 444,046 87

OFFICERS.

WM. M. FARRINGTON, President.
H. T. LEMMON, Vice-President.
J. A. SIMMONS, Secretary.

DIRECTORS.

WM. M. FARRINGTON. H. T. LEMMON.
C. B. CHURCH. J. B. ROBINSON.
ENOCH ENSLEY. JNO. OVERTON, JR.
W. E. GREENLAW

PROPOSALS.

NOTICE.

SEALED PROPOSALS will be received by the Sinking Fund Commission, till Monday, April 3d, at 12 o'clock, for the purchase of Fifty Thousand Dollars of Memphis City Bonds, for account said Fund. Commissioners reserve the right to reject any or all bids.

I. M. HILL, Chm'n S. F. C.,
mh14 283 Main street.

NOTICES.

MEMPHIS BOARD OF HEALTH

MEMPHIS, TENN., March 6, 1876.

THE office of the Board of Health has been located at 266 Second street, cor. Court. Citizens are requested to report nuisances at this office, and assured that they will receive attention at the earliest possible moment.

PROPOSALS.

Sealed proposals will be received at the office until March 30th, for removal of Garbage from the city. Specifications to be seen at the office of the Board.

Board reserves the right to reject all bids.

NOTICE.

Citizens are hereby notified that in compliance with section 80 of the Health Ordinance, they must discontinue the practice of sweeping trash, waste paper, rubbish, ashes, etc., into the gutters and streets. They must provide suitable receptacles for such refuse, keep them in the alleys or in the rear of their business houses, and remove the same at regular intervals.

Violators of this order will be brought before the Recorder.

By order of the Board of Health.
HEBER W. JONES, M. D.,
mh7 Secretary.

COMMISSIONER SALES

COMMISSIONER'S SALE —OF— REAL ESTATE.

No. 1775, R. D.—Chancery Court of Shelby county, Tennessee.—B. P. Anderson, Commissioner of Revenue, etc., vs. George B. Peters et al.

Pursuant to a decree for sale entered in this cause, on the 10th day of March, 1876, and recorded in Minute Book 14, page 86, etc., I will sell, at public auction, to the highest bidder, for cash, in front of the courthouse, in the city of Memphis, on

Saturday, 8th Day of April, 1876,

within legal hours, the following real estate, or so much thereof as may be necessary to discharge the taxes adjudged against said property and all costs as shown by said decree, to wit: A parcel of land lying in the 14th Civil District of Shelby county, immediately south of the "State Female College," and described as follows: Lot 17 and part of lot 16, of the Witherspoon subdivision of lots 1 to 4 and 9 to 14 of the Kerr tract; said lot 17 fronting 185 feet on the east side of an avenue (College avenue) and running east from said avenue, with a like width, 792 feet to Fowler avenue; and said part of lot 16, lying north of lot 17, fronting 185 feet on east side of the avenue first mentioned, and running back east, with same width, 347 feet; the said lot 17 and part of 16 containing 4¾ acres, and being all of said lots 17 and 16 not heretofore sold and conveyed to Mr. Shaw and Mrs. Glover.

Also, part of lot 190, in the city of Memphis, and bounded as follows: Beginning at the northeast corner of Main and Winchester streets; thence north 20 feet; thence east 50 feet; thence south 20 feet to Winchester street; thence west 50 feet to Main street, the beginning.

Also, part of lot 146, in the city of Memphis in said city: Beginning at the southwest corner of Main and Winchester streets; thence south with west side of Main street about 25 feet to the center of partition wall; thence west through middle of said wall, parallel with Winchester street, 55 feet; thence north and parallel with Main street about 25 feet to the south side of Winchester street; thence 55 feet to the beginning. This March 16, 1876.

B. P. ANDERSON, Commissioner of Revenue, Etc.
John Johnston, Attorney.

No. 1169, N. R. D.—Second Chancery Court Docket—B. P. Anderson, Commissioner of Revenue, etc., vs. Bridget Cooney.

Pursuant to a decree of sale, entered in the above cause on the 10th day of March, 1876, in the Chancery Court of Memphis, I will sell at public auction, to the highest bidder, for cash, in front of the courthouse, in the city of Memphis, on

Saturday, 8th Day of April, 1876,

within legal hours, the following real estate, or so much thereof as may be necessary to discharge the taxes adjudged against said property and all costs as shown by said decree, to wit: Part of lot 46, in the city of Memphis, between Overton and Jackson streets: Bounded west by Chickasaw street; east by Front alley; north by south line of Martin Kennedy's lot; south by north line of lot formerly M. Leonard's—fronting 18 feet on Chickasaw street by 148 feet deep.

This 16th March, 1876.

B. P. ANDERSON, Commissioner of Revenue, etc.
John Johnston, Attorney. mh18 thu

No. 1578, R. D.—First Chancery Court of Shelby county, Tennessee.—B. P. Anderson, Commissioner of Revenue, vs. Wm. Ferrell.

Pursuant to a decree for sale, entered in this cause on the 10th March, 1876, and recorded in Minute Book 14, page 89, etc., I will sell, at public auction, to the highest bidder, for cash, in front of the courthouse, in the city of Memphis, on

Saturday, 8th Day of April, 1876,

within legal hours, the following described real estate, or so much thereof as may be necessary to discharge the taxes adjudged against said property, and all costs as shown by said decree, to wit: The west half of lot 6, in block 43, in South Memphis, fronting 40 feet, more or less, on Brown's avenue, and extending back south 170 feet.

This 14th day of March, 1876.

B. P. ANDERSON, Commissioner of Revenue, etc.
John Johnston, Attorney. mh14tu

No. 661, R. D.—First Chancery Court of Shelby county, Tennessee.—B. P. Anderson, Commissioner of Revenue, etc., vs. W. D. Lumpkin et al.

Pursuant to a decree for sale entered in the above cause on 28th day of November, 1875, in Minute Book, No. 12, page 584, I will sell at public auction, to the highest bidder, for cash, in front of the courthouse of Shelby county, on Main street, in the city of Memphis, on

Saturday, 8th Day of April, 1876,

within legal hours, the following described real estate, or so much thereof as shall be sufficient to discharge the taxes adjudged against said property and all costs as shown by said decree, to wit: A certain lot of ground described as follows: Beginning on the south side of old Madison street 24 feet west of J. B. Hill's lot: thence west with the south line of said lot 45 feet; thence south 22° west 67 9 10 feet; thence east 38¾ feet: and thence north 22° east 81 4 10 feet to the beginning.

Also, Lot 15, on the south side of Madison street: Beginning at the intersection of the south side of Madison street with the west line of Wellington street, and running south with Wellington street 148½ feet; thence west 97¾ feet; thence north 148½ feet to Madison street, and thence east 97¾ feet to the beginning.

Also, the west two-thirds of lot No. 16; said lot fronting 72 feet on the east side of Wellington street by 148 feet in depth.

This 8th day of March, 1876.

B. P. ANDERSON, Commissioner of Revenue, Etc.
W. W. McDowell, Solicitor.

DRY GOODS.

COCHRAN, McLEAN & CO.

BROADWAY, GRAND & CROSBY STS.,

NEW YORK.

IMPORTERS AND JOBBERS

—OF—

DRY GOODS!

RESPECTFULLY CALL THE ATTENTION of their friends generally, and buyers about to visit New York, to their STOCK OF

LACES, EMBROIDERIES, RIBBONS,

WHITE GOODS, LINENS,

SHAWLS, DRESS GOODS, NOTIONS,

WOOLENS, HOSIERY, Etc., Etc.,

and ask that buyers will examine the same before purchasing elsewhere. fb23 t f su

FOR SALE.

BUTTER!

EXTRA

TABLE BUTTER

OLIVER, FINNIE & CO.

Valuable Books for Sale.

THE undersigned is still offering for sale his Library of Miscellaneous Books, and at extremely low prices. Persons wishing to purchase the whole, or any part, are requested to call and examine the collection, which embraces many of the finest books in print.

mh5 F. W. SMITH, 322 Second st.

FRESH GROUND GRAHAM FLOUR

CORNMEAL AND SECONDS,

Also, CHOICE FAMILY FLOUR

Constantly on hand at

Bonjes' Mills.

fb29 Corner Second and Jackson Sts.