AMUSEMENTS.

MEMPHIS THEATER.

DAVEY & BROOKS.....PROPRIETORS

UNBOUNDED SUCCESS & LAST PERFORMANCES of the Celebrated Tragedian,

MR. JOHN M'CULLOUGH,

Supported by the Eminent Actor, MR. CHAS. BARRON,

AND A SUPERIOR DRAMATIC COMPANY, under the management of WM. M. CONNER.

THURSDAY.....KING LEAR
FRIDAY...BRUTUS, OR THE FALL OF TARQUIN
KATHERINE AND PETRUCIO.
SATURDAY MATINEE.....By Urgent Request, JULIUS CÆSAR.
SATURDAY NIGHT.....RICHARD III

Monday, March 17th,
HAVERLY'S UNITED MASTODON MINSTRELS.

MEMPHIS THEATER—Monday, Tuesday and Wednesday, March 17-18-19. Mastnee Wednesday. The Masterpiece of Minstrelsy. Surpassing all—Imitating none, and Distancing the Field. The world-famous

Haverly's United Mastodon Minstrels!

J. H. Haverly, Proprietor | Wm. Foote, Manager.
W. H. Strickland General Agent.

The Greatest Confederation of Minstrel Talent ever in existence. 40 Famous Performers. A concentration of talent en masse. 32 Celebrated Artists in First Part. Original, Novel and Sensational. 12 Superior Song-and-Dance Stars—all appearing at once in wonderful acts. 12 Champion Clog Dancers—illustrating every style of dancing. 8 Eminent End-men—all appearing in new styles dress and business. 40 other original features. Each a sensation in itself, unapproachable in merit, stupendous in magnitude. 40 people in procession. Remember this, the only visit this season. Owing to great number of Artists and Acts, positively only one encore. Reserved seats at Hollenberg's Music store.

LOST.

$50 REWARD—One large solitaire DIAMOND RING; old style setting. Above amount will be paid to any person who returns said ring to J. N. SUTHERLAND, 59 Adams. No questions asked.

REWARD.

CANARY BIRD—Brown head and white wings and tail. A liberal reward will be paid for return of same to 85 Adams street.

FOR SALE.

$1000 WILL buy a cottage, with five rooms; lot 55 by 150, on Peyton av., Chelsea
$1000 will buy a cottage, 4 rooms, on Causey street; lot 50 by 150.
$150c will buy a brick cottage on Dunlap street, near Bates avenue.
$2000 will buy a complete 2-story frame dwelling on Robeson avenue, near Hall.
$1200 will buy a 2-story brick on Avery street.
$800 will buy a 1-story frame on Union avenue, just east of Medical College.
$700 will buy a small cottage on Rutla, near Vance.
$500 will buy a cottage, 3½ acres ground, 5 miles east of Memphis, on Charleston railroad.
L. D. CONAWAY, Real Estate Agent, No 8 Madison street.

HORSE, BRIDLE AND SADDLE—Apply at County Jail.

RESIDENCE—Good frame residence, 7 rooms, No. 117 Alabama street; cheap for cash; a good bargain. W. A. WHEATLEY, 281 Main.

SPRING WAGON—In good order, will be sold to pay charges, on Monday, March 17th, at Stoddard's auction store. L. JACKSON.

WOOD!—WOOD!—Yard, 130 Main street. All qualities, at low rates.

TAYLOR SILK COTTON SEED—Apply to GAGE & FISHER, 300 Front st.

LAND—880 acres of land—350 cleared and improved—about seven miles from Hopefield, near Memphis and Little Rock railroad. Will sell for Memphis city compromise bonds, gas stock or gas bonds, or less than ten dollars per acre cash. J. P. MEUX, 289 Main street.

GROCERY—A rare chance for a man with small capital to start in a first-class grocery and location. Satisfactory cause given for selling. Apply at 74 Jefferson street. J. STEWART & CO.

BRICK—Shipped cheap by river or railroad. Leave orders at John A. Denie's, 352 Front street. Large concessions will be made on orders for good Salmon Brick, suitable for chimneys or setting boilers, etc. O. H. P. PIERE.

WANTS.

MAN AND WIFE—To go a short distance in the country; man to work on the farm; wife to do housework. Inquire at 186 Main street.

MRS. CZAPSKI receives pupils in Vocal and Instrumental music, at her residence, No. 266 Third street, corner Court. Cultivation of the voice a specialty.

GARDENERS—Three first-class gardeners. NAIL & LAMB, Florists, 355 Main street.

TWO first-class TRAVELERS and SALESMEN. Apply at 229 Main street.

$100 FOR NINETY DAYS—Security given. P., Appeal office.

WET NURSE—White or colored; one without child preferred. Apply at 502 Vance street, between 7 and 8 o'clock, morning or evening.

SHIRT-MAKERS—AT MAY'S.

COOK—A white woman as cook. Apply at 209 UNION ST.

FIFTY DAY BOARDERS—At $3 per week or $12 per month, at the Cincinnati Restaurant and Saloon, No. 12 Adams street.

ONE SALESMAN for each State. Salary $75 to $100 per month and expenses. References required. LABELLE M'FG CO., Chicago, Ill.

TENANT—To cultivate 50 acres on island 34 on shares; good dwellings and cisterns. Apply to Gage & Fisher, 300 Front, or A. Lea & Co., Fulton.

COOK—A white cook. Apply at 97 MONROE ST.

PARTIES wishing to purchase the GROVER & BAKER SEWING-MACHINE, to call at their office, 318 Main street. Repairing promptly attended to, and warranted. MRS. C. O. VALENTINE.

TEACHER—For the Somerville District High School, an experienced lady music teacher; good recommendations required; salary guaranteed. Address G. B. SALE, Sec'y, Atoka, Tenn.

SITUATION—By a first-class Sawyer and Engineer. Address A. B. J., Corner LaRose and Webster streets.

BOARDERS—At 72 Court street. Rates to suit the times. Front or back rooms. Also day boarders wanted.

FOR RENT.

TWO PLANTATIONS—Cheap to desirable tenant; one near Mason, Tenn., and one near Forrest City, Ark. Apply to A. N. M'KAY, 371 Main st.

COTTAGE—Bay window, 6 rooms, stable. Dr. LAURENCE, South Seventh and Broadway.

COTTAGE-HOUSE—A truly new house of cottage-house, garden and neat yard, No. 15 Tate street, near Vance, and near Mr. Lemmon's residence. Price, $20 per month. W. A. WHEATLEY, 281 Main st.

HOUSE AND FURNITURE—Centrally located; man and wife will board with the occupant. Address No. 6 Mulberry street.

RESIDENCE—No. 16 Orleans street. Has been thoroughly repaired recently; contains 7 large ventilated rooms. Apply at 102 ADAMS ST.

GREENLAW OPERA-HOUSE. Storehouse No. 305 Union street. Storehouse No. 343 to 347 Second street. Basement office No. 18 Madison street. Sleeping rooms in the Magnolia block, corner Union and Front streets; also in the Knickerbocker building, Madison street. Apply to W. L. PARKER, No. 16 Madison street.

FRONT STREET STORE—Next door north of Eckerly & Co.'s; lately occupied by H. Beattus. Apply to JEROME HILL, at Hill, Fontaine & Co.

RARE CHANCE—Very desirable residence, seven rooms, servants' stable, smokehouse, etc.; good orchard with variety of fruits; good garden with grapes and a variety of berries; the place has 18 acres of good land, at Cherry Station, 8 miles from Memphis, on M. and C. R. R. For further information apply to W. A. HALL, 128 Vance street, or to W. L. BERLIN & CO.

COTTAGE—Six rooms, in fine repair, at Looney's switch. Will rent cheap. Apply to B. F. SMITH, 268 Front street.

FRUIT-TREE, CONFECTIONERY STANDS—Nos. 308 and 310 Second street, at present occupied by R. Stotz & Bro. Possession given first of March. Apply to R. DUDLEY FRASER, Attorney at Law, 9 Madison street.

HOUSE—The desirable two-story frame dwelling-house, No. 443 Pontotoc street, just east of Orleans; in good repair, and convenient to either Vance or Beale street cars. Apply to J. H. SHEPHERD, 10 Madison st.

ROOMS—Pleasant sleeping rooms and offices, 349 Madison. J. J. LOCKART, 349 Madison.

ROOMS—Furnished or unfurnished; suitable also for families to housekeep. 101 JEFFERSON.

FURNISHED ROOMS—With or without board. No. 266 Third street.

NEWLY FURNISHED ROOMS—Cheap to gentlemen. New brick house, 34 Mulberry street.

GROCERIES.

LOW FIGURES!

BOUGHT AT

LOW FIGURES!

—AND—

WILL BE SOLD ACCORDINGLY:

Choice Lemons,
Choice Oranges,
Whittaker Hams,
Magnolia Hams,
Armour's Hams,

WHITE SWAN FLOUR

The King Flour,
Our Eagle Flour,
Self-Rising Flour,
Self-Rising Buckwheat,
Choice Molasses,
Choice Sugars,
Choice Golden Syrup,
Genuine Maple Syrup,
Genuine Maple Sugar,
Choice Coffees,
Fresh Parched Coffee,
Fairbanks's Lard.

B. M. STRATTON & CO.

GOVERNMENT BONDS.

German National Bank

OF MEMPHIS

HAVE for sale the **4 per cent U. S. Bonds** for immediate delivery. All other issues of U. S. Bonds taken in exchange.

STRAYED.

HORSE—A gray horse, 15½ hands high; thin mane and tail; about eleven years old; supposed to have gone in the direction of Memphis. Any information as to his whereabouts will be rewarded, addressing Dr. JOHN BUCHANAN, Collierville.

TAKEN UP.

HORSE—Medium-sized—sorrel; about 7 years old; white blaze on forehead; had saddle and halter on. The owner can have same by calling on JONES CROFORD, colored, rear 112 Washington.

COW—A large size brindle cow, with a calf 4 months old, which the owner can have by paying charges and proving property. Chas. Boyde, colored, Bass avenue, two miles from city.

PERSONAL.

DR. LAURENCE—Office, 27 South Court, from 11 to 4. Residence, City Hospital.

DR. G. B. THORNTON. Office: 29 South Court | Residence: 138 Adams.

FOR SALE OR EXCHANGE.

THE SPENCER PLACE, on Poplar avenue, two and one-half miles from Court Square, containing ten acres; five acres orchard; house contains 10 rooms; also cistern; good outbuildings. Apply on the place. H. SPENCER.

ROOMS AND BOARD.

ROOM—Nice furnished room for lady and gentleman, or two young men, at 81 LINDEN ST.

BOARD—First class, with furnished or unfurnished rooms, for families or single gentlemen. Also day-boarders. AT 179 SECOND ST.

ROOMS—Splendid rooms, with board, at reduced rates; day-boarders wanted. 93 Hernando st.

ROOMS—Furnished and unfurnished, with board; also, day-boarders, at 481 Shelby street; references required.

ROOMS—Elegant front and back rooms, with board, can be had at 431 SHELBY STREET. Day-boarders also wanted.

FIRST-CLASS Boardinghouse just opened by Mrs. Edwards and Mrs. Curtis, at 306 SECOND ST.

ROOMS—First-class, with good board. Terms moderate. At 104 MARKET ST.

ROOMS—Desirable rooms and good board at 69 JEFFERSON STREET.

ROOM—Desirable front room, with board, at 62 MADISON STREET.

TWO Gentlemen can obtain a large front room on first floor, with or without board, in private family, or will take 4 gentlemen as day boarders. References exchanged. Address, "Q," care Appeal.

ROOMS Suit of front rooms, with board, at 111 Court street. Day boarders wanted.

FIRST-CLASS rooms, with or without board. Terms very moderate. No. 34 Mulberry.

STEAMBOAT STORES!

Oliver, Finnie & Co

With a very large stock, we are prepared to furnish Steamboats with Stores, at most reasonable prices, for cash. TRY US.

LOCAL PARAGRAPHS.

—Next week we will have Haverly's minstrels.

—Stone-cutting is progressing on the custom-house grounds.

—The third story of the Masonic Temple approaches completion.

—The army of street sprinklers succeeds in laying the dust on Main street.

—Fogs have been hanging around town during the past few nights.

—Base-ball will make it interesting and lively for suburban residents on Sunday next.

—The commissioners and executive council will hold a meeting to-day at the court-house.

—No one in Memphis drew a big prize in last Thursday's drawing of the Louisiana lottery.

—*What to Wear and How to Make It*, for spring and summer, at Mansford's, 298 Main street.

—The delightful weather induced hundreds of ladies to go on shopping excursions yesterday.

—The case of Blackburn *vs.* the Selma railroad, is still on hearing at the United States court.

—An effort is making to get up a Shelby county agricultural fair next fall at the old fair grounds.

—At the Theater matinee to-morrow *Julius Caesar* will be presented, and at night *Richard III.*

—At the Theater to-night Mr. M'Cullough and company will appear in *Brutus, or the Fall of Tarquin*, and *Taming of the Shrew.*

—Billy Lieben's book and news depot, No. 236½ Main street, has received *What to Wear*, also portfolios, twenty cents per copy.

—The Buddhist preacher who was here a week ago and declaimed against christianity, did not succeed in securing a single convert.

—The sale of lager beer, soda cocktails, lemonade and all other drinks is increasing rapidly, now that the warm weather has set in.

—The spring-fights have commenced. Several occurred yesterday around town. All animal and vegetable life warms up in the spring.

—Next week, commencing on Thursday night, Joaquin Miller's *Danites* will be presented at the Theater by the Rankin dramatic company.

—Sunday next those who cannot get a drink or get shaved on the bluff, will walk down to the landing and get both on board some steamboat.

—The Chickasaw Guards engaged in a competitive drill in the manual of arms last night, also a dress-parade, and a hop with their lady friends.

—The Ladies' christian association will close their series of dinners with an ice-cream festival this (Friday) evening. They will be glad to see all their friends.

—Several sporting men here had put up their money on O'Leary, the tramp, but their champion broke down in the New York contest, and retired from the field.

—During the Easter holidays a number of fashionable weddings will be celebrated in Memphis. The arrangements are now being perfected for these social unions.

—The divorce mania continues in Memphis. Not a day passes but some unfortunate man or woman files a petition for divorce in one of our courts of justice.

—Bouquets of violets are fashionable these days—

"A violet by a mossy stone,
Half hidden from the eye,
Fair as a star, when only one
Is shining in the sky."

—At the circuit court Sallie R. Lyon has filed a petition for divorce against Stephen Lyon, on the grounds of desertion. The parties intermarried in 1878, and in August of the same year Lyon deserted her, hence the petition for divorce.

—"I have been contributing to the relief of the orphans," said a pompous citizen yesterday. He had visited the Ladies' christian association dining-room and had paid fifty cents for a dollar dinner. He goes there daily.

—Quite a number of citizens intend visiting Arkansas Sunday next on fishing excursions. They will take their flasks with them, because bayou and lake water by itself is a thin potation and is unhealthy for Memphians.

—The sanitary carts will be around tomorrow after piles of dirt on Main, Second and Front streets, which the owners or occupants of buildings will have scraped and swept into the center of the streets, under the order promulgated by the commissioners.

—The trial of the case of the State *vs.* Tony Casserretta, on indictment for the murder of Joe Davis, colored, came to a dead stop yesterday owing to the sudden illness of one of the jurors, Mr. B. F. Jackson, who was attacked with a severe hemorrhage of the lungs. Since then several other hemorrhages have followed, and it is not probable that he will be able to continue as a juror. If so the jury will have to be discharged and another impaneled to hear and determine the case. In the meantime the remaining eleven jurors remain locked up and guarded by the sheriff's deputies.

—The Chickasaw Guards have determined to turn out in a body and escort Mr. M'Cullough to the Theater to-morrow evening. Every member of the company who is not on the sick list is expected to put in an appearance. The Guards will form at their armory and march to Gaston's, where Mr. M'Cullough is stopping.

—Yesterday, at Blackfish bayou, Mr. Jerry Cockrell, of this vicinity, while hunting, accidentally shot himself with a shot-gun, the load of shot entering and shattering his arm in a terrible and dangerous manner. He was brought in on the train last night and was carried to the Peabody hotel, where he received proper medical attention. His wounds are quite serious.

—The other night, at the Theater, while Mr. M'Cullough was delighting the audience with *Virginius*, an Arkansas man, in the back part of the dress circle near the door, was enjoying a sound snore, and he snored audibly, to the great amusement of those around him. He was more of a Dane than the antique Roman, and had been enjoying his cups before he visited the Theater.

—Poor Hebe, who stands on top of the Court square fountain, has taken a rest from her labors, pouring out liquor from a pitcher into a goblet for the gods. The charming little nymph is having a new spring costume fitted on in the shape of a coat of paint. She ought not to be permitted to serve up drinks on next Sunday. The example of Hebe the bar-maid is bad to those who are read up in mythology.

—Yesterday the detectives arrested a gentlemanly-looking man who gave his name as Crawford M'Carty, but who is charged with some offenses of a commercial character at Little Rock. A letter was received from some person at Little Rock by the officers of the State national bank of this city, asking that M'Carty be arrested upon a charge of obtaining money under false pretenses. Chief Athy, to whom the matter was referred, had the man arrested and then telegraphed to Little Rock for further instructions. An answer came stating that an officer with a requisition would start immediately for Memphis for the rendition of the prisoner. Mr. M'Carty informed Chief Athy that he was willing to return to Little Rock without the requisition. The chief so telegraphed back, and the officer or messenger will be here today to carry back the prisoner. Mr. M'Carty is a resident of Louisville, where he has very respectable connections. The facts in the case have not been developed here yet, but when the officer arrives, something additional as to the charges may be learned by our reporters.

RIBBONS and feathers at Lavigne's.

PERSONALS.

MR. THOMAS E. MOORE, of Bourbon county, Kentucky, is in the Taxing-District.

MR. JULIUS WIENER, late of Menken Bros., has connected himself with Messrs. B. Lowenstein & Bros.

MR. ROBERT HARRIS carried off the blue plume last night, at the Chickasaw Guards' competitive drill in the manual of arms.

VICTOR D. FUCHS received by express yesterday five hundred pounds of red snapper, five hundred pounds of Reelfoot lake trout and perch, for sale low at his game depot, Nos. 39 and 41 Jefferson street.

MR. THOMAS WOMAC, an old and reliable merchant of Batesville, Arkansas, is in the city, and, if our wholesale merchants will make the proper efforts, he may be persuaded to buy his spring stock here instead of going on to Louisville.

MR. J. F. GILLESPIE, of the sterling house of Gillespie Bros., Pine Bluff, Arkansas, has been in our city a day or two, *en route* to New Orleans. Messrs. Goodbar & Co. were fortunate enough to secure a large order for boots and shoes from him during his stop here, and as he designs returning here in a few days, it is to be hoped he may be induced to purchase his entire stock in this market.

COLONEL R. M. KNOX, a prominent merchant of Pine Bluff, Arkansas, is in the city, and is the guest of Mr. H. Furstenheim. Furstenheim & Wellford, to which firm he is a very large shipper of cotton. Colonel Knox is recognized as one of the best merchants and closest buyers that visits our market, and it is to be hoped that our large jobbing houses will not fail to offer him such inducements in goods and prices as will prevent him from going further east for his spring stock.

A BRILLIANT wedding was celebrated about noon yesterday, at the First Methodist church, on Second street. The groom was Dr. T. W. Fullilove, of Vaiden, Mississippi, and the bride Miss Annie R. Knott, only daughter of Rev. Dr. J. W. Knott, of this city. By twelve o'clock this neat and commodious church was occupied by the friends of the parties. The audience was not large, but select and fashionable. Promptly at twelve o'clock the bride's father and mother, accompanied by two sons and a daughter-in-law, entered the church, and were soon followed by the bride and groom, who took position in front of the altar, where they were married by Rev. W. P. Barton, assisted by Rev. Mr. Mahon. The happy couple received many congratulations of many friends, after which the bridal party repaired to the residence of Dr. Knott, where a sumptuous repast was spread and enjoyed amid many congratulations for the happy couple. The bride, still in mourning for the death of the brother she idolized, was dressed in a costly black silk and looked sad but beautiful. The bride and groom left at three o'clock on the Mississippi and Tennessee railroad, for Vaiden, Mississippi, the home of the bridegroom. The bride is well known in Memphis, where she is universally popular. An only daughter, there is sadness and sorrow around the hearthstone where she was the life and light, ever dispensing joy and gladness. The groom, Dr. Fullilove, is of a wealthy and influential family in Mississippi, is a young physician of great promise at Vaiden, where he already enjoys an extensive practice. He is a gentleman of splendid physique, and his bearing yesterday was manly and admired by all present. Memphis has lost a charming young lady in the marriage of Miss Knott, but Vaiden, Mississippi, has received an accession which will adorn its society, already noted for its intelligence and moral worth.

Remnant Sale.

To-day, March 14th.

2 cases Colored Pique Remnants, 5c.

2 cases Prints, Remnants, 4½c.

B. LOWENSTEIN & BROS.

LAW REPORTS.

Chancery Court—M'Dowell, Judge.

To-day is motion day. On Monday all cases on the hearing docket, in which Chancellor M'Dowell is incompetent, will be set for hearing.

Circuit Court—Hon. J. O. Pierce, Judge.

Calendar for to-day: 5851, Nuttal vs Correll; 3881, Garvin vs Curry; 5685, Johnson vs Washington fire and marine insurance company; 5102, Carroll vs Jones et al; 5613, Berlin vs Terrell; 5623, Macon vs Buhler; 5842, Louisville and Nashville railroad vs Hooth, 3891, Harris et al vs M'Dermott et al.

United States Courts—Hon. E. S. Hammond, Presiding.

Blackburn vs Selma railroad—argument concluded and case submitted.

Judge's calendar for to-day: 895, Wooldridge vs Moore et al.; 216, Cochran vs Knickerbocker life insurance company; 229, Calhoun vs Paducah railroad, petition of Fisher; 2490, Green vs Dyersburg; 2278, Behr vs Connecticut mutual life insurance company.

Attorneys having papers in the case of Moore vs Wooldridge et al., No. 895, will please return immediately.

Criminal Court—J. E. R. Ray, Judge.

Criminal court calendar for Friday, March 14, 1879: 416, Lizzie Wolf; 420, James Holland and Charles Harris, alias Brown; 118, Manuel Stovall; 85, Caroline Freeman; 114, John Murphy; 54 and 56, Willis Goodrich; 67, Charles Stacy; 98, Gus Lambert et al; 93, Mary Williams; 97, Cæsar Gromin; 127, Jesse Cooper; 156, 157, 159 and 169, Mrs. E. Hovey; 161 and 162, Bill Lattimer; 171, S. D. Porter; 342, James Caperton; 367, James Martin; 232 Abe Brinkley; 254, Knox Walker; 268, Thomas Kane.

LEAVE your orders for good wood at Kirk Allen's, 349 Shelby street.

SOUTHERN LIFE INSURANCE CO.

Judge Brown, of the United States Court, Decides the Case in Favor of the Creditors in Bankruptcy and in Favor of the Assignee.

The following important decision by Judge Brown, of the United States court, who heard the case in Memphis, was received yesterday from Detroit, Michigan. The case involves the property formerly owned and occupied by the Carolina and Southern life insurance companies, on Madison street, and now occupied by the Memphis gaslight company. Judge Brown decides against the creditor who levied on the property before the insurance company went into bankruptcy, and gives judgment in favor of the assignee in bankruptcy and all creditors claiming under him. The amount involved is some fifteen thousand dollars:

In the district court of the United States for the western district of Tennessee. In bankruptcy—Martha E. Owen *vs.* Oscar Wooldridge, assignee of the Southern Life Insurance company.

On petition of Mrs. Owen for an order recognizing and establishing a judgment lien upon certain real property in the city of Memphis.

The facts of the case are substantially as follows: The Carolina and Southern life insurance companies had been, for several years prior to 1873, engaged in a general life insurance business under charters from the State of Tennessee, with their home offices in the city of Memphis. On April 25, 1873, the Carolina borrowed of Hill, Bruce, Wilkins and Fizer the sum of ten thousand dollars, for the payment of which a note was given, secured by a trust deed upon the property in question. The deed was signed by the president and secretary without the corporate seal.

On July 26th five thousand dollars was paid on this note, as appears by an indorsement. On the ninth of August, 1873, the Carolina, being then greatly embarrassed and without the means of paying its debts, transferred its policies, and bills receivable, and other assets to the Southern, under a contract between the two companies, "for the purpose of reinsuring the risks of the Carolina, for the protection of the policy-holders and creditors, and for procuring the means to discharge the indebtedness of said company." The contract further provided for the transfer to the Southern of all the balance of the assets of the Carolina, to be administered by it in the payment of its liabilities. On August 26th a warranty deed of the property in question, in the usual form, was made by the Carolina to the Southern, for the nominal consideration of twenty-seven thousand dollars. The deed made no reference to the previous contract. From the twenty-seven thousand dollars was deducted five thousand dollars due upon the note, and a levy of forty-two hundred dollars made upon the property. Both of these incumbrances were subsequently paid off. On December 22, 1873, Hill, Bruce and Fizer, having been paid their money by the Southern life, transferred to it their interest in the note, and on March 16, 1874, Wilkins, the remaining payee, also transferred his interest. On March 27, 1874, one Kirkpatrick filed a creditor's bill against the Carolina, upon which an injunction was issued, which did not, however, forbid the petitioner from obtaining a judgment.

Petitioner had brought suit in the State court, and recovered judgment on December 23, 1875, for somewhat over ten thousand dollars, but no execution was issued thereon until January 29, 1876, the day after the injunction in the Kirkpatrick suit was dissolved. On January 31, 1876, a new levy was made on the property in question, by virtue of this execution, and upon the same day a petition in bankruptcy was filed by the Southern life insurance company. On January 28th a bill was filed by one Nelson against the Southern life, and an injunction granted against the plaintiff's execution, out it seems the execution was issued by the clerk, and levied by the sheriff in ignorance of this injunction. On July 29, 1876, an order was made by Judge Trigg, enjoining all parties from proceeding to assert their liens, and subjecting the property of the bankrupt to the payment of their debts without leave of the court. On August 29th an assignee was appointed, and on December 22d Mrs. Owen filed her petition, by leave of the court, to set up her lien, and prayed that the same might be established.

BROWN, Judge.

Clark & Meux for petitioners.
Myers & Sneed for the assignee.

By the Code of Tennessee, section 2980, "Judgments and decrees obtained in any court of record in the State, in the county where the debtor resides at the time of rendition shall be a lien upon the debtor's land from the time the same were rendered."

"Section 2982. The lien thus given will be lost unless an execution is taken out and the land sold within twelve months after the rendition of the judgment or decree."

"Sec. 2983. If the sale within the twelve months is prevented by injunction, writ of error, or other adverse proceedings in court, the lien will be continued, provided the creditor shall issue execution and sell the land within one year after the injunction is dissolved, the judment or decree affirmed, or other adverse legal proceeding dismissed."

"Sec. 2984. A judgment or decree shall not bind the equitable interest of the debtor in real estate or other property, unless within sixty days from its rendition a memorandum of the judgment or decree, stating the amount and date thereof, with the names of the parties, is registered in the register's office of the county where the real estate is situated."

"Sec. 2986. And in both cases the lien shall cease unless a bill in equity to subject said interest is filed within thirty days from the return of the execution unsatisfied."

As the proceedings in this case were taken under the first three sections above quoted, and upon the hypothesis that the Southern life insurance company had a legal estate in this property, the first question to be considered is whether it took such estate under its deed of August 26, 1873, from the Carolina, or whether it held the same simply as trustee to the Carolina, to be administered by it in the interest of the debts of the grantor.

The proceedings culminating in this transfer were somewhat informal and peculiar, but it seems to me there can be no doubt of the real intention of the parties.

At a meeting of the directors of the Carolina, held August 7, 1873, a committee was appointed, as appears by the minutes, "for the purpose of reinsuring the risks of the Carolina, for the protection of the policy-holders and creditors, and for procuring the means to discharge the indebtedness of said company; and to effect these objects the committee was authorized to use and dispose of the assets and properties of the Carolina to the full extent that might be found necessary." On August 13th, the committee reported the following proposition:

"We will turn over our entire policy list actually in force, at six per cent. reserve on the actuary's tables, this reserve to be made up:

"First—In loans on policies in force.

"Second—Deferred premiums on policies in force, less the actual cost of collecting; and,

"Third—Premiums in course of collection upon policies in force. * * * If these assets fail to equal the reserve at six per cent., the deficit to be made good out of the bills receivable, and if a surplus, the Southern life is to hold the amount to the credit of the Carolina; then we hand over to the Southern life all the balance of our assets, *to be administered by it in the payment of our liabilities not enumerated above*, after the payment of which any balance remaining is to be paid over to our stockholders *pro rata*, in cash or stock at par in the Southern life, as each stockholder may elect."

This proposition, with a slight immaterial alteration, was accepted by both companies, and the secretary was instructed at a meeting held August 9th, to turn over to the secretary of the Southern life, all the assets and properties of the Carolina, taking his receipt for the same.

Now, without determining whether under the laws of Tennessee parol evidence is competent to show that a warranty deed, absolute upon its face, was intended to create a trust, it seems to me very clear, from the proceedings above set forth, that a trust was intended in this case for the benefit of the Carolina's creditors, and that it is competent for us to look at these proceedings to determine the effect of the deed.

The trust need not be expressed upon the face of the instrument. It may be gathered from any other cotemporaneous writings. While there is no reference made in the deed to the written contract between the two companies, and no direct testimony that the consideration less the deductions was not paid, the inference certainly is that it was not, since, under the contract, the money would have been immediately returned to the Southern to be used in paying the debts of the Carolina. (1 Perry on Trusts, sec. 82; Brown on Statute of Frauds, secs. 256-353; Salmon Falls Manufacturing Co. vs Goddard, 14 How., 446-456; Blodget vs Hildreth, 103 Mass., 404; Haywood vs Ensley, 8 Humph., 460.)

I am further of the opinion that the payment of the five-thousand-dollar note was not intended to, and did not in fact operate to extinguish the lien of the mortgage; that it was perfectly competent for the Southern life to keep this mortgage alive for its own protection; that by the payment of this mortgage it became subrogated to the rights of the mortgagee, and that the State national bank also became subrogated to such rights upon its making the advance of five thousand dollars. The rule that payment by a mortgagor extinguishes the mortgage is founded upon the reason that there could be no advantage to him in keeping on foot his own mortgage against his own estate, but no such reason exists where a purchaser pays an incumbrance existing before the time of his purchase. Very frequently in such case there is an advantage in keeping the mortgage on foot as a security; and whenever there is such advantage the purchaser is entitled to hold it as a separate title. (1 Jones on Mortgages, sec. 869; Abbot vs Kasson, 72 Pa., 183; Millspaugh vs M'Bride, 7 Paige, 509; Skeel vs Spraker, 8 Paige, 183; Poole vs Hathway, 22 Me., 85.)

The petitioner in this case does not stand in the attitude of a *bona fide* purchaser, and obtains by her judgment lien no more than the actual interest of the defendant in the property. The estate of the Southern life, being nothing but the naked legal title, under what was in reality an assignment for the benefit of creditors, was not subject to the lien of the judgment. (Freeman on Judg., sec. 357; Churchill vs Morse, 23 Ia., 229; O'Rourke vs O'Connor, 29 Cal., 442; Walke vs Moody, 56 N. C., 509; Ament vs Brennan, 1 Coop., 432; Eds vs Touseley, 1 Paige, 280; Morris vs Mouat, 2 Paige, 586.)

A court of equity ought not to permit a creditor of an insolvent corporation thus to appropriate to itself a large amount of its assets upon a technicality without exhibiting a clear right to do so. (Marr vs the Bank of West Tenn., 4 Cold., 488.)

The assignee in this case has not only the title of the Southern life in the property, but has the same right as against the petitioner that a creditor would have. (In re, Hinds, 3 B. R., 356; Kane vs Rice, 10 B. R., 475; Upton vs Handsbrough, 10 B. R., 379; Sawyer vs Hoag, 17 Wall., 630.) Entertaining these views, it results that the petition must be dismissed. A like order will be made in the case of Douglass vs the Southern life insurance company.

H. B. BROWN, Judge.

IT comes graceful from any firm to decline the publication of testimonials, as so many fraud enterprises are backed by such frivolous notions. Such seems the opinion of Fleming Bros., Pittsburg, sole proprietors of Dr. C. M'Lane's celebrated vermifuge, which has received volumes of testimonials. This medicine is its own testimonial, and invariably speaks with positive satisfactory results.

Remnant Sale.

To-day, March 14th.

2 cases Colored Pique Remnants, 5c.

2 cases Prints, Remnants, 4½c.

B. LOWENSTEIN & BROS.

ANY one would judge by the crowds that visit the American museum, No. 232 Main street, that Mr. Hall, the proprietor, understands what the people want these hard times. He has put the price of admission for children accompanied by their parents to five cents during the day. Next week will be added the alligator family, old and young. They are now on their way here from New Orleans. Exhibition open from 10 a.m. to 10 p.m.

Six-Wheel Casters,

For all sewing-machines, for $1 50, at J. B. ALDRICH'S, 254 Second street.

Queer, Isn't It,

how fast all smokers are learning that "Duke's Durham" smoking tobacco is the best? Ask your dealer for it, and take no other

Lemon and pineapple sherbets—ice-cream made from pure cream, at Floyd's.

German millet, Hungarian millet, Missouri millet, for sale by Otto Schwill & Co., seedsmen, 223 Main

Hibner's Champion Plaiters,

Simplest, cheapest and best for all kinds of plaiting, at J. B. ALDRICH'S, 254 Second street.

Good young plantation mules received daily, for sale cheap, at C. H. BRACKETT & CO'S, 321 Second street.

Neuril Cures Neuralgia Instantly.

New size, 50 cents.
G. W. Jones & Co., agents.

By Express.

And now ready for exhibition.

Spring Walking Suits,

Spring Dolmans and Fichus,

New Underwear for Ladies and Misses.

B. LOWENSTEIN & BROS.

A Beautiful Floral Display.

Nale & Lamb, florists, are constructing a magnificent conservatory in connection with their extensive greenhouses, south gate of Elmwood, and in a few days will exhibit the grandest and largest collection of bedding and blooming plants ever offered in Memphis, and the best varieties of roses, camelias, geraniums, coleus, verbenas, etc., in the finest condition. It will be a treat to all who can visit their greenhouses. Send for catalogue. Salesrooms, 355 Main street.

Country saloons will find it to their interest to get a "Pride of the West Faucet and Air Pressure," and keep the celebrated "Lemp's Lager Beer." Fritz Pfemfert & Co., sole agents, 13 Court street.

Received, 100 Cases

of that celebrated brand of Crescent baking powder, and for sale by

B. M. STRATTON & CO.

Floyd's,

The ladies' resort. Business men get their meals there. Patronized by the best people. A fine dinner bill this week.

How to Save Money!

Buy a *good* hat for yourself or son. Go to Leidy's, where you get them. Style, quality and price *not* to be excelled. *Light-weights* of the *finest textures.*

LEIDY & CO.,
Opposite Court square.

Sewing-Machines! Sewing-Machines!!

Howe, Singer, White, Wilson, Wheeler & Wilson, and Domestic, all new and of the latest improvement, at $25 to $35, with all the extras.

J. B. ALDRICH, 254 Second Street.

Novelties

in jet, fancy and gold-plated jewelry, received daily at Jet Palace, 355 Main street.

May, the Shirt Tailor.

Best shirts to measure, For $2.

Down Goes Fresh Oysters.

Extra select, 40c.; select, 30c.; medium F, 25c; prime, 20c.; 25c extra on every dozen for shipping, at J. A. SIGNAIGO'S, 278 Second.

Fritz Pfemfert & Co., No. 13 Court street, receive beer each day fresh from Lemp's renowned brewery, packed in ice in their refrigerator cars Order your beer from them.

LOCAL NOTICES.

CALL before buying your wood at 111 or 190 Main street. You will be astonished at the cheapness.

SALOONS which keep first-class liquors should have Greenbrier in stock; it is uniform in purity and flavor.

SLAGER & GOLDBAUM, the tailors, invite the public to call and examine their spring patterns and their extreme low prices.

CALL at 262 Second street for Wilson sewing-machines and repairs. B. J. DONOVAN & CO., Agents.

WHEN you feel a cough or bronchial affection creeping on the lungs, take Ayer's cherry pectoral, and cure it before it becomes incurable.

J. W. ALLEY, the coal and wood dealer, at 395 Main street, 230 Second street and 158 Beale street, is selling wood at four dollars per cord, delivered.

CARBOLINE, a deodorized extract of petroleum, the only article that will restore hair on bald heads, is an elegant dressing, and contains not a particle of lead, sulphur, or other poisonous drugs. Sold by druggists.

The Hammoth Weekly Appeal

In wrappers, ready for mailing, can be had for five cents per copy. It contains more than double the quantity of reading matter published in any other Memphis weekly. Its news and commercial reports are the fullest, latest and most accurate. The weekly is $2 per year, postage included.

Odorless Excavating Company.

Vaults emptied at reduced rates. Offices, 192 Washington and 45 Madison, Kit Williams Block.

John Sturla's Restaurant.

Ladies' parlor up stairs, 357 Main, corner of Union.

PUBLIC SCHOOL BUILDINGS.

One Building Closed—Another Declared a Nuisance—Sanitary Condition of Others Very Bad—The School Board Ordered to Clean up and Disinfect.

At a meeting of the board of health, held yesterday morning and attended by an APPEAL commissioner, the following important report on the sanitary condition of the public school buildings of the city was read and ordered to be sent to the superintendent of public schools, Mr. Foute.

Court street.—The basement of the main building is in a bad sanitary condition, the board, therefore, ordered it cleaned. The rear building, on account of its location, construction and overcrowded condition, is totally unfit for school purposes and is hereby ordered closed. The privy vaults are also ordered cleaned and disinfec ed.

Monroe street.—Sanitary condition good, the rooms somewhat overcrowded.

Clay street.—The basement of this schoolhouse is in a bad condition; it, with the privy-vault, are ordered cleaned.

Peabody—Condition good.

Alabama street.—Condition fair, cistern defective, privy vault ordered cleaned.

Second street, colored.—Condition very bad; unless it can be put in good condition, will be ab