

Clarion Club Rates: THE CLARION ONE YEAR \$1.00, SIX MONTHS .60, THREE MONTHS .30, PER COPY .05.

PAT FORD and John Murphy were executed in New Orleans yesterday.

The Elksville Eagle is in favor of abolishing the Penitentiary, "and of making each county responsible for the safe keeping and maintenance of its own criminals."

The election of Capt. Wm. McWillie, of Canton, for the First District, the Hon. J. F. Sessions, of Brookhaven, for the Second, and the Hon. J. C. Kyle, of Sardis, for the Third, gives to the State an efficient Railroad Commission.

The Local Option Law. In response to numerous requests, we publish today the full text of the Local Option Bill, which is now a law, having been approved by the Governor on the 12th.

The Goose that Lays the Golden Egg. We have read with some interest the letter of Judge Brame on the "Compensation of District Attorneys," published in THE CLARION, and the reply thereto of District Attorney Miller, published in the Ledger.

Among the points made by Judge Brame in favor of the bill to pay District Attorneys a salary of \$2000, and to require the payment of all fees into the county treasury, is the point that the fees received by District Attorneys, under the present system, are out of all proportion to the fees received by the State.

The illustration given by Judge Brame is a remarkable one. It is this: At the June term of the Circuit Court in the First District of Hinds county, twenty defendants were embraced in one indictment; all pleaded guilty and the fines—the State's money—amounted to \$50, while the District Attorney's money amounted to \$400.

It is well known that in a large majority of the criminal cases determined in favor of the State, the fines imposed are merely nominal, and, at least, one of the Judges in this State has said that he was, in most cases, constrained to impose such nominal fines by arrangements and agreements made between the District Attorney and the defendants.

To put an end to the evil arising from the practice of dismissing or "not prosecuting" criminal cases on payment of the costs, it was enacted by the Legislature, in 1880, that in all cases, so disposed of, the District Attorney should receive no fee. The law referred to has had the effect of preventing dismissals and "not prosecuting" but it has established in their stead "nominal fines." What is wanted now is a law that will get rid of "nominal fines"—an evil as much to be condemned as that which it has supplanted.

We do not feel under obligations to apologize to the gentlemen who occupy the offices of District Attorney, in this State, because we see fit to call the attention of the Legislature to the "nominal fine" system; for we but follow in the footsteps of the Legislature when we call attention to the fact that the evil of "not prosecuting" on the payment of costs which is denounced, has been succeeded by the evil of "nominal fines" on payment of costs, which ought to be denounced.

Criminal laws are enacted for the suppression of crime, and they should be executed with that object in view; but under the present system the misdemeanor—the habitual misdemeanant—is the goose that lays the golden egg. Ought it to be left with the District Attorney to say whether he shall be

kill'd? Is it to their interest to kill him? The *hic fabula docet*, is that the goose that lays the golden egg ought not to be killed. And so we would say, in laying the golden egg, he were not violating the laws of the land and greatly adding to the judiciary expenses of the county.

We have heard it said that the former District Attorney of this District quit the office with \$16,000 in cash. This would represent an income of \$6,000 a year. We have also heard it said that he received, in one year, fees to the amount of \$9,000 in cash. This represents, we suppose, the possibilities of the office. The all-important question is: Ought a system which permits such "possibilities" to be tolerated?

We are surprised to hear that a District Attorney who discharges his duties in this or any other District, has no time to practice law. The fact is, that they all have time to practice in the Circuit Courts, and one, whom we know, has time to practice in the United States Court, and in the Supreme Court, besides giving some little attention to legislation. That their private practice is interfered with by their official duties, is admitted; but not two thousand dollars worth. If it is, the remedy is too plain to need suggestion.

We do not agree with Mr. Miller that the office of public prosecutor imposes the meanest work of the profession, and that no lawyer worthy the position would seek the office of prosecutor unless it be well paid, if by that he means to say that District Attorneys should be paid a bonus because of the nature of their duties. Whether a lawyer will accept the position of District Attorney depends on the condition of his private practice, and nothing else, and it is for the Legislature to decide whether the interests of the State require two thousand or six thousand-dollar lawyers in the office of District Attorney.

THE LOCAL OPTION LAW. AN ACT FOR PREVENTING THE EVILS OF INTERFERENCE BY LOCAL OPTION IN ANY COUNTY IN THE STATE BY SUBMITTING THE QUESTION OF PROHIBITING THE SALE OF INTOXICATING LIQUORS TO THE QUALIFIED VOTERS OF EACH COUNTY, TO PROVIDE PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That upon application by petition signed by one-fourth of the voters who are qualified to vote for members of the Legislature, in any county in the State, addressed to the Board of Supervisors of said county, it shall be the duty of the Board of Supervisors to order an election to be held at the place of holding elections for members of the Legislature in such county, to take place within thirty days after the receipt of the petition to determine whether or not such intoxicating liquors are to be sold within the limits of such county; and such election shall be held under this act, and shall be held within less than two months of any county, State or national election held in such county, so that such election as are held under this act, shall be separate and distinct from any other general election whatever; Provided, further, That the Board of Supervisors shall determine upon the sufficiency of the petition, presented by the county registration books of the year before.

SEC. 2. That the election ordered by the Board of Supervisors under the first section of this act shall be held by three Commissioners to be appointed by them, who shall be suitable and competent men, who shall not all be of the same opinion as to the question to be submitted, and who for any cause may be removed in the same manner as they are appointed. Before acting, the said Commissioners shall severally take an oath faithfully to discharge their duties; while engaged in their duties the said Commissioners shall be conservators of the peace, with all the powers and duties of such in the county in which they are acting, and shall continue in office until the election is held and due return therefrom made, and promulgated of the results effected, as hereinafter directed. Such election shall be conducted in the like manner with other elections held in this State under and as provided in chapter 5, of the Revised Code of 1880, and all the provisions of the said chapter shall apply, as far as practicable, to the said special election ordered by the Board of Supervisors. It shall be the duty of the several civil officers of the State to turn over to the said Commissioners, on their demand, all ballot boxes and poll books in their keeping, for use in holding such election; and the said Commissioners so appointed by the Board of Supervisors, shall have and exercise all the rights, powers, privileges and immunities, and discharge all the duties, and be under the like obligations as to the said special elections which are devolved upon the Commissioners of election appointed under chapter 5, of the Code of 1880; Provided, however, That the statement of the whole number of votes cast in any county, and the return of said special election, shall be transmitted and made to the Board of Supervisors by whom the election was ordered. The inspectors and clerks of the voting precincts in which any such special election may be held shall, as to such election, have and exercise like powers, privileges and immunities, and discharge the like duties and be under the like obligations as are devolved upon the inspectors and clerks of any general or special election ordered and held in pursuance of existing law; but their reports and returns shall be made to the Commissioners appointed as aforesaid by the Board of Supervisors. It being the object and purpose of this act that any special election ordered and held under it, shall be conducted as far as possible in accordance with existing statutes, and that the Commissioners, inspectors and clerks thereof shall be, in like cases with the Commissioners, inspectors and clerks of elections authorized by the Code of 1880, except as modified by the requirements and exigencies of this act.

SEC. 3. That all persons voting at any election held under the provisions of this act who are against the sale of such intoxicating liquors as are mentioned in the sixth section of this act, shall have printed or written on their ballots "Against the Sale," and those who favor the articles mentioned in said sixth section shall have written or printed on their ballots "For the Sale."

SEC. 4. That when the result shall have been ascertained by the inspectors, they or one of them, or some fit person designated by them, shall by twelve o'clock noon of the second day after the election, deliver to the Commissioners of said special election, at the court-house of the county, a statement of the whole number of votes cast for and against the sale of liquor specified in the sixth section of this act, and the said Commissioners of election shall canvass the returns so made to them and shall ascertain and determine the result, and shall, within ten days after the election, make a written report to the Board of Supervisors, verified by their affidavits, of the result so declared by them upon such canvass and return, which said report shall be spread upon the minutes of the Board of Supervisors of the county in which the election may be held as soon as may be, copies of such report may be read as evidence in all the courts of this State when duly certified by the clerks of the Chancery Courts.

SEC. 5. That if the result of any election held under the provisions of this act, shall be for or against the sale, then no other election shall be held in the same county in less than two years thereafter, and then only upon a new petition as aforesaid and by otherwise conforming to this act.

SEC. 6. That if a majority of the legal votes cast at any election held under the provisions of this act shall be against the sale, it shall not be lawful for any person within the limits of such county to sell or barter for valuable consideration, either directly or indirectly, or give away to induce trade at any place of business, or furnish at other public places, any alcoholic, spirituous, vinous, malt or intoxicating liquors or intoxicating mixtures, or other drinks which if drunk to excess will produce intoxication, under the penalties hereinafter prescribed, but if a majority of the votes cast at any such election shall be for the sale of such liquors, then license to sell the same may be granted by the Board of Supervisors of the county at a regular term or by the proper municipal authorities, to any male person over the age of twenty-one years, when such applicant is a resident in the county where such liquors are to be sold, who in the opinion of the authority granting such license shall be of good moral character and a sober and suitable person to receive such license.

SEC. 7. That the Acts in relation to the sale of vinous and spirituous liquors, as found in Revised Code of 1880, and Acts amendatory thereof, shall govern and control the granting and issuance of license to sell such liquors, and all private acts, or acts of local application, shall be in force until the election contemplated in this Act shall be ordered and held. Provided, that in no case shall this Act be construed to repeal any law prohibiting the sale of any intoxicating liquors at Oxford, Starkville, Clinton, or at any other place where there may be any institutions of learning chartered by legislative enactment, or manufactory where such sale is now prohibited.

SEC. 8. That any person who shall violate the provisions of this act, shall be guilty of a misdemeanor, and shall on conviction be punished for the first offense by a fine not exceeding fifty dollars, and by imprisonment in the county jail for not exceeding sixty days; and for the second offense by a fine of one hundred dollars and imprisonment in the county jail for four months; and for the third, or other offenses, by a fine of five hundred dollars and imprisonment in the county jail for six months. The selling of liquor in violation of this Act, shall also be a nuisance, and the same may be abated by an appropriate proceeding at law, or enjoined on the application of any citizen of this State by Chancery Court of the proper county, and there shall be no property in any intoxicating liquors kept or offered for sale in violation of law.

SEC. 9. That nothing in this Act shall be construed as to prevent the manufacture of wine or cider for domestic or sacramental purposes, nor shall anything herein contained prevent licensed druggists from selling or furnishing pure alcohol for medicinal, art, scientific or mechanical purposes; and for every sale of wine, the seller shall be guilty of a misdemeanor, and may be punished as provided by section 8 of this Act in reference to violations thereof, and nothing herein contained shall prevent physicians of good standing in this State, from keeping vinous, spirituous or malt liquors for use in their practice, and dispensing the same for the use of their patients; Provided, however, no such liquors shall be kept by physicians at any drug store or other public place, or disposed of in quantities of more than one pint, and it shall be unlawful for them to sell it at all.

SEC. 10. That this act shall take effect and be in force from and after its passage. Approved March 12, 1886.

On the passage of the Revenue Bill providing for the issuance of \$500,000 of six per cent interest-bearing bonds, to defray the current expenses of the State Government, Mr. Burdick, of Chickasaw, asked and obtained leave to explain his votes, which explanation was as follows:

MR. SPEAKER: In my humble opinion there would have been no necessity for issuing bonds, if we had been economical in making appropriations. I voted "no" on the passage of what I regard as a most extravagant appropriation bill, and I now vote "no" when it is proposed to run the State in debt to pay said appropriations.

The Poll Tax. Pending discussion of the Revenue Bill in the House of Representatives, on Thursday last, Mr. Allen, of Coahoma, said:

Mr. Speaker: I am very quietly in my chair yesterday, and to-day, listening to the report of the Committee of Ways and Means on the bill to raise the revenue to conduct our State for the next two years, but now, sir, I am constrained to rise and express my ideas on this subject.

There is a bill to tax the school teacher, the book-seller—who next? Go and take what the poor man has, and sell it for his poll-tax; all, everything he has for a simple poll-tax; and there is another bill which takes that poor man to the court-house, indicts him for a misdemeanor, and under the law fines him for misdemeanor, and if he is not able to pay the fine, puts him in jail—all for one dollar due the State for a poll-tax, and to secure the payment of this tax and the costs accrued in the trial, the poor man is sold—sold to the highest bidder to work it out.

Now, who are the class that will suffer by the passage of this law? Why, Mr. Speaker, it is the poor laborer, who stands in July's hot sun between the plow-handles, and in the cold wintry days, the latter part of the year, gathering the cotton and the corn which he has made to pay his debts.

Sir, I venture to say that many have been in the hands of the Jews, who came all the way from Jerusalem, the land of the Cross, to the cotton fields of Mississippi, and ever since that day, nearly two thousand years ago, there has not been money enough left in their hands to pay a poll tax.

As a member of this House, Mr. Speaker, I say the poor colored laborer, as well as the poor white laborer, will pay his poll-tax when able to do so, and take a pride in doing it; but I appeal to the House, in the name of God, and humanity, and justice, do not pass this bill or the amendment, for we have already a law as strong and sufficient as can be for the collection of these taxes. Do not press the poor class to take from them what they have not, and deprive them of what they have—their liberty—by incarcerating them in jail and selling them. Sir, if this law passes and takes effect in the month of December, the poor man has paid all he has made on his crop to the merchant, then the sheriff or county contractor gets him, and during the cold winter, while he is thus in durance, his family are suffering. I oppose the bill and move it be indefinitely postponed.

MISSISSIPPI LEGISLATURE.

FRIDAY, March 12, 1886. SENATE—FIFTY-FOURTH DAY.

House met pursuant to adjournment. Speaker Sharp in the chair. Leave of absence granted to Mr. Flowers. By Mr. Williamson, of Carroll—Resolved that the Senate be requested to return to the House the Revenue Bill for further consideration. Adopted.

Mr. Dale in the chair. The report of the Committee to visit the Normal School at Holly Springs and University at Oxford was read and tabled subject to call.

Mr. Bontie moved that the Senate hold a session until six o'clock, and when they adjourn it will be to meet at 9:30 A. M. to-morrow. Adopted.

Senate adjourned until 9:30 A. M. to-morrow morning.

HOUSE—FIFTY-THIRD DAY. THURSDAY, March 11, 1886. NIGHT SESSION.

Senate met pursuant to adjournment. Lieut.-Gov. Shands in the chair. Mr. Love called up House Bill, an act for the relief of S. Cox, of Amite county. Passed.

Mr. Reynolds called up House Bill, to incorporate the Hill City Street Railroad Company. The bill passed.

Mr. Bontie made the following motion: I move a reconsideration of the vote whereby an act in relation to the free public schools, and amendments thereto, was this day indefinitely postponed.

A Committee from the House informed the Senate that the House was ready to receive them in Joint Convention, and the Senate then proceeded to the House to elect a Superintendent of the Penitentiary. [See House proceedings.] At 10 o'clock the Senate adjourned.

HOUSE—FIFTY-THIRD DAY. THURSDAY, March 10, 1886. NIGHT SESSION. House met pursuant to adjournment. Speaker Sharp in the chair. Leave of absence granted to Mr. McArthur.

This being the time set apart for election of a Superintendent of the Penitentiary, Mr. Williamson moved that a Committee of three be appointed to notify the Senate that the House was in readiness to receive them—Messrs. Williamson, of Carroll, Johnson, of Hinds, and Watts appointed, who having repaired the duty done, were discharged.

solvoed, the Senators retired, and the House at 9:45 p. m., adjourned.

SENATE—FIFTY-FOURTH DAY. FRIDAY, March 12, 1886.

Senate met pursuant to adjournment. Lieut.-Gov. Shands in the chair. Mr. Tarsher called up House bill in relation to changes in Claiborne county. Passed.

Mr. Batcher called up House bill to amend the charter of the city of Vicksburg. Passed.

Mr. Whitney called up Senate bill to amend the charter of the city of Vicksburg, and Mr. Shanks in the chair.

Mr. Batcher called up Senate bill for the relief of H. J. Silk and T. O. Flynn. Passed.

INTRODUCTION OF BILLS. Mr. Dadds—For the relief of Mrs. E. E. Ferguson. Claims.

Mr. Dadds—For the relief of Oliver Banks, of Isaacson county. Judiciary.

Mr. Dilard—To abolish the eleventh chancery circuit district, and for other purposes. Judiciary.

At 10 a. m. the Senate went into executive session, and after some time spent therein the doors were thrown open and legislative business resumed.

The special order for the hour was taken up. To create a Board of Control of the Penitentiary, and for other purposes. Referred to Committee on Railroads, and made special order for to-morrow morning.

Mr. Eyles—Resolved by the Senate, the House concurring, That in the nomination this afternoon, there shall be no nominating speeches or speeches made. Resolutions adopted.

The second special order for the hour was taken up. To require the State's charitable institutions to be conducted on business principles. The bill was considered by sections.

Pending consideration, the Senate took a recess at 1:55 until 3:30 p. m.

AFTERNOON SESSION. Senate convened promptly at 3:30 p. m. Mr. Reynolds moved that the Senate appoint a Special Committee to inform the House that the Senate was ready, willing and waiting to go into Joint Convention for the purpose of electing Railroad Commissioners. The President appointed Messrs. Reynolds, Walker and Dilard.

The Committee returned and reported that they had been to the House and communicated the pleasure of the Senate. [The proceedings of Convention will be found in House proceedings.]

Mr. Powell called up House Bill, to prescribe a rule of evidence as to lands sold by the Board of Liquidating Levee Commissioners. Recommended to Judiciary Committee.

Mr. Gayton introduced the following bill. To incorporate the Baltic State and Female Institute in Avata county. Read three times and passed.

Mr. Bontie moved that the Senate hold a session until six o'clock, and when they adjourn it will be to meet at 9:30 A. M. to-morrow. Adopted.

Senate adjourned until 9:30 A. M. to-morrow morning.

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HOUSE—FIFTY-FOURTH DAY. FRIDAY, March 12, 1886.

ed that duty performed and were discharged.

Sensors were announced, roll of both Houses called, and President Shands announced the purpose of the Convention and read resolutions adopted by the House in regard to the mode of procedure.

Senator Walker withdrew the name of Mr. Whitaker, of Lauderdale, as a candidate for Railroad Commissioner.

Mr. Love, of the Senate, and Messrs. Williamson, of Hinds, and Burdick were appointed tellers.

FIRST BALLOT.—FIRST SUPREME COURT DISTRICT. Wm. McWillie received.....45

J. N. McLean.....20

John T. Butt.....6

H. W. Crook.....23

F. L. Bates.....5

H. C. Fairman.....8

Scattering.....3

SECOND DISTRICT. J. F. Sessions received.....90

J. M. Wesson, Sr.....7

Elliott Henderson.....23

THIRD DISTRICT. J. M. Stone.....58

J. C. Kyle.....60

Total votes cast 139. Necessary to a choice 70.

Messrs. J. F. Sessions, of the Second District, and J. C. Kyle, of the Third, having received a majority of all the votes cast were declared elected. No one having received a majority of all the votes cast in First District there was no election as to said District.

SECOND BALLOT. Wm. McWillie, received.....52

J. N. McLean.....13

John T. Butt.....4

H. W. Crook.....30

F. L. Bates.....2

H. C. Fairman.....1

Total votes cast, 139; necessary to a choice 71. No election.

Mr. Sullivan withdrew the name of Mr. Pettus; Senator Gayton withdrew the name of Mr. Butt; Mr. McCabe withdrew the name of Mr. Fairman.

Mr. Scarborough moved that after each subsequent ballot the two names receiving the lowest number of votes be dropped. Carried.

THIRD BALLOT. Wm. McWillie, received.....65

J. N. McLean.....39

H. W. Crook.....29

Total votes cast, 139; necessary to a choice, 70; scattering 1. Mr. Gwin withdrew the name of Mr. McLean.

FOURTH BALLOT. Wm. McWillie, received.....65

J. N. McLean.....42

H. W. Crook.....37

Scattering.....3

Total votes cast, 137; necessary to a choice, 69.

FIFTH BALLOT. Mr. McWillie received.....58

Mr. Argus.....46

Mr. Crook.....29

Total number of votes cast 137, necessary to a choice 67.

Mr. McCabe withdrew the name of Mr. Crook.

SIXTH BALLOT. Mr. McWillie received.....70

Mr. Argus.....53

Mr. McWillie having received a majority of all the votes cast was declared duly elected.

The Joint Convention was declared dissolved and the Senate repaired to its chamber.

At 8:20 the House adjourned till 9:30 to-morrow.

1886.

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