The Knoxville Whig

BROWNLOW, HAWS & CO., Publishers.

Yielding to the other shock,
Dropping heavily on the house,
Closing lips when dared to speak,
Will not do to times like these.

Knoxville, Tenn., Dec. 12, 1868.

The WHIG can be had every week at the News Depot of B. H. Singleton, Post Office Building Nashville, Tenn.

A Call

For a State Republican Union Convention to Meet at Nashville, February 22d, 1867.

After consultation it has been thought proper to issue a call to the unconditional Union men of Tennessee to meet in the Hall of Representatives at Nashville, February 22, 1867, for the purpose of nominating a suitable candidate for Governor, to represent their sentiments in this State, and to consider other matters of hundred character.

The vital importance of the issues before the country, the future destiny of Tennessee, free, and under true Republican influences demand prompt and decisive action. It is, therefore, earnestly requested that each county in the State will hold primary meetings, and send up delegates of unconditional Unionists to this convention. A full attendance is confidently expected.

J M Arnell,	T J Cooper,
P T Jones,	Geo W J Smith,
A O Fleig,	John Wesley,
Jno G Thornburgh,	A A Bachelor,
E R S Polson,	J Gilmer,
Geo W Blackburn,	James Mellon,
J J Porter,	C Inman, late Major 3d Tenn
J A Taylor, late Captain 10th Tennessee Cavalry,	Cavalry,
	James Hale,
E H Brown,	R Cunningham, late Major 3d
Thomas Maxwell,	Tenn Cavalry,
J N Puckett,	Thomas Jones,
G N Andrews,	N L Waters,
Tom J Beach,	J H Walker,
B Mitchell, late Lt Colonel 3d Tenn Cavalry,	Maj R Thornburgh,
	L N Blackmon, late Maj. 4th Tenn Cavalry,
Jno Hudson,	
W Switzler, late Lt Col 3d Tenn Cavalry,	Thos Gentry,
	J M Meek,
J H McNeill, late Lt Col 8th Tenn Cavalry,	Wm Wilson,
	W H Shepherd, late Lt 8th
J A Dougherty, Maj of Artillery,	Tenn Cav,
	J P Gatlewith, late Capt 3d
G H Donaldson, Maj of Mounted Rangers,	Tenn Infantry,
	Reuben Rogers, Kol of mounted rangers,
J A Fowler,	
Thomas Maxwell, Maj of Rangers, Hamilton county,	Wm M Caldwell, Maj of Rangers, Hamilton county,
W Rankin, Hamilton county,	W Spence, Hamilton county,
John Aldridge, McMinn county,	H B Fairmowe, Smith county,
J Powell, Grainger county,	W K Hall, Dyer county,
G W Keith,	W C Dunlap, Sullivan county,
Thomas Mitchell, Hardeman co,	A M Chen, Hamilton county,
G A Pearson, Chattanooga,	A W Sharp, Chattanooga,
John H Dakes, Nashville,	John W Jones, Chattanooga,
D A Deaton,	

Liberal Railroad Appropriations.

The Senate bill, for the construction of Railroads, passed to third and last reading without a dissenting voice, and will go through the House safe, without a doubt. The bill gives to the Knoxville and Kentucky road, $500,000; to the Morristown and Carolina road $500,000; to Brannon's East Tennessee road, $500,000; and to the Knoxville and Charleston road, via Maryville, $200,000. In all *Eleven Hundred Thousand* to East Tennessee. East Tennessee can't complain of the present Legislature being wanting in liberality. This added to what was given in a former bill, falls but little short of *Three Millions*. And allow us to say that East Tennessee is entitled to it all. She will now put her great Railroads through, develop her immense resources, and in five years more present to the world a country worth settling in, and worth coming to. All honor to Brownlow's logic Legislature! As a body, it has done more for the State than any former Legislature ever did. It has restored the credit of the State, established law and order and brought peace and quiet out of war and confusion, encountering a degree of bitter and malicious opposition that no other legislative body ever did.—To the Radical members, and a Radical Governor, are the people of East Tennessee indebted for all this and. And to no one than do we owe more than to the Senator from Grainger, D. W. C. Senter.

Important to Loyal Tennesseeans.

Under the heading, "PAY FOR NEGROES," we publish in this paper an advertisement containing important information for the loyal creditors of East Tennessee. Under a recent act of Congress, a Commission has been appointed by the Secretary of War, which will soon convene in Nashville, for the purpose of awarding to persons entitled to the benefits of said act, compensation for such slaves impressed or drafted into the U. S. service, in Tennessee. These claims must be prosecuted before this Commission at Nashville.

Col. John H. James, of Nashville, is prosecuting these claims. Those desiring to have the compensation would do well to send their names and the number of slaves taken from them, together with proof of LOYALTY, to Col. James, when the proper papers will be sent to them to sign, and the claims immediately forwarded to Washington. Colonel James desires that, where it can be done, the company and regiment be given in which the negro drafted served. This is not necessary to insure the payment of the claim, and in many instances cannot be done, but it would be well to do so, where it can be done. Col. James was Chief Quartermaster of Tennessee troops during the war, and is well known to East Tennessee. He is a worthy, reliable man, and we take pleasure in advising loyal people to submit their claims to his charge.

Progress of Radicalism.

Murfreesboro', in Middle Tennessee, is well known as one of the most disloyal towns in the State. On Saturday week a municipal election was held in this place, at which Mr. Reed (Johnsonite) received 86 votes. Mr. Jordan (Radical) 30 votes, and Mr. Winston (Radical) 18 votes. It is to be regretted that our friends did not unite their forces and elect their candidate. East Tennessee is not guilty of the folly of frittering away their strength in this manner. From the election of a little municipal office, it is evident we can carry the rebel districts of Middle and West Tennessee by the enforcement of the Franchise law. To the enforcement law Brownlow is pledged in the most solemn manner, and this pledge he will carry out in the coming State elections, let the consequence be what they may. Then, to insure triumph in the election of a Radical Governor and Legislature in August next, it only devolves upon Union men to organize and poll their full strength.

To the Young Men of the 2d Congressional District of Tennessee.

I have just been informed officially by the War Department, that there will be, next year, a vacancy at the Military Academy, West Point, to be filled from this District; and I am requested to nominate a person permanently residing in the District to fill the vacancy.

According to a purpose long since announced, I have decided to leave a Medical Board, to be composed by Drs. James Rodgers, Edward Goetz, D. T. Boynton, Joshua Curtis, and A. H. Tadlock; and an Academic Board, to be composed of Messrs. the Rev. Thomas W. Humes, Maj. Gen. Alvan C. Gillem, Rev. Prof. Thomas J. Lamar, Prof. John R. Payne, and Prof. A. E. Hunt, to assemble at Knoxville, on Saturday, the 12th of January, 1867, and examine all applicants for the position. The nomination will be made upon their recommendation.

The qualifications for admission to the Academy are indicated in the following extracts from the regulations:

The several papers of this District will oblige you and greatly oblige by publishing this notice.

HORACE MAYNARD.

Washington, December 5, 1866.

EXTRACTS FROM REGULATIONS, &c.

Candidates must be over seventeen and under twenty-two years of age at the time of entrance into the Military Academy, but any person who has served honorably and faithfully not less than one year as an officer or enlisted man in the army of the United States, either as a volunteer or in the regular service, during the war for the suppression of the rebellion, shall be eligible for appointment up to the age of twenty-four years. They must be at least five feet in height, and free from any deformity, disease, or infirmity which would render them unfit for the military service, and from any disorder of an objectionable or immoral character. They must be able to read and write well, and perform with facility and accuracy the various operations of the four ground rules of arithmetic, of reduction, of simple and compound proportion, and of vulgar and decimal fractions. The arithmetic is to be studied understandingly, and not merely committed to memory. They will also be required to have a knowledge of the elements of the history of the United States.

It must be understood that a full compliance with the above conditions will be insisted on; that to pass, the candidate must write a fair and legible hand, and without any material mistake in spelling, such orthography shall be dictated by the examiner; and he must answer promptly and without errors all those questions in the above-mentioned rules of arithmetic; failing in any of these particulars, he will be rejected.

It must be also understood that every candidate will, soon after his arrival at West Point, be subject to a rigid examination by an experienced Medical Board.

No person who has served in any capacity in the military or naval service of the so-called Confederate States during the late rebellion, shall hereafter receive an appointment as a cadet at the Military or Naval Academy.

TENNESSEE LEGISLATURE.

SENATE.

TUESDAY, December 4, 1866.

The Senate met, pursuant to adjournment, Mr. Speaker Frierson in the chair.

Mr. Nolen presented Senate joint resolution, which was read and referred to the Committee on Federal Relations. The resolution is as follows:

Memorial of the Legislature of Tennessee, praying for the payment of a debt due the loyal people of Tennessee, growing out of the recent rebellion.

To the Honorable Senate and House of Representatives of the United States, in Congress assembled:

The Legislative Assembly of Tennessee respectfully submit the following memorial:

Your memorialists cannot adequately express the warm emotions of thankfulness with which they and the people of Tennessee generally hailed the arrival of peace and protection that have been re-established by your authority and the loyal bayonets of America, and sustained by your munificence and power. Reposing once more in peaceful security under our country's flag, we feel renewed courage and hope in the adoption of those measures which are necessary to our internal peace and general prosperity.

With high considerations of central gratitude we derive encouragement from what you have already done, to lay before you the following brief exhibition of the great wants of this State, and ask for them your generous and liberal consideration. The great demand and unconditional interest of this State to which we would invite your attention, We respectfully represent unto your honorable body, that the loyal citizens of Tennessee have undergone a perfect wreck and bankruptcy by reason of the ravages of war, during the late rebellion. In the first instance, we were subjected to the iron rule of conscription and impressment. Second, banishment from our homes and families, leaving everything that was sacred to us in the hands of the merciless foe. And while thus making sacrifices and precious embarkments for the salvation of our country's banner, we were advised and encouraged that we should be fully paid for our losses on account of the war. The debt, however, contracted in the prosecution of the late rebellion remains, to a great degree, unadjusted. And while your memorialists would thus represent unto your honorable body and make you fully acquainted with all the circumstances under which the debt was contracted, you will doubtless concur with us in the opinion and conviction that it should be speedily liquidated. This debt, it should be remembered, is due to many private citizens of the country, as well as the soldier, who are, as a general thing, in limited circumstances, and many of them feel sensibly the need of their dues, having nobly come forth in the hour of need, and having made great personal and pecuniary sacrifices in the public cause. And a large number of these claims are left in an informal condition from the fact that they had their horses, cattle, sheep, hogs and forage taken by rushing armies both by day and by night, and the owners failed to obtain the necessary vouchers and encumbrances, receipts from the proper officers. These claims due the many hundreds of our Tennessee loyal citizens are for services rendered, and materials furnished, many of whom, by so doing, were left in a suffering condition. Many left families, depending on their daily labor for subsistence; farmers turned their horses loose from their ploughs in the furrow and furnished them to the army for transportation. They have waited nearly five years and received, as yet, no remuneration for their property. Your memorialists respectfully but firmly conceive that the expenses of the war should be borne by the nation at large, that it was a war fought in self defense for the United States by the loyal people of Tennessee. The time has come when the men who spent their time, money and property in the prosecution of the late war should be remunerated. The State of Tennessee is too weak to do it and meet the demands made upon her resources by her growing interests. On our people's behalf we would earnestly pray you, to make such provisions and appropriations as will secure to them their dues as speedily as they shall be properly authenticated. Your memorialists would further represent that they are confidently assured that they do no more than utter the universal opinion of American citizens here when they say they believe that the United States Government is solemnly bound, not only by a constitutional obligation, or of honor, but of virtual contract with the loyal citizens of Tennessee, which substants they give for the maintenance of our national flag and for the protection of the Union rights and liberties of the American people. Believing then as we do, that simple justice demands in behalf of the people here, at the hands of the General Government, a payment as above and being sufficiently assured that the Government which we are ever proud to call our own, will never so far forget the respect due to her own character, to say nothing of the claims of humanity, as to refuse a simple act of justice to an enterprising and enlightened few of her own citizens.

To conclude, your memorialists respectfully but firmly pray your honorable body, at your present session, to appropriate and provide for the claimants brought to your notice in the foregoing memorial, and on such other matters as our Representatives in Congress may bring before your honorable body, you will perform acts of appropriate duty, and your memorialists will ever pray, &c. &c.

Resolved, by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts and influence for the passage of a law that will effect the earliest possible payment of loyal claims in the State of Tennessee, as set forth and prayed for in the foregoing preamble.

Be it further enacted, That the Governor of this State be requested to forward to each of our members in Congress a copy of the foregoing preamble and resolution.

The Speaker presented a petition from the Chamber of Commerce of Memphis, asking for a repeal of the two per cent. tax on merchandise.

The Committee on Finance and Ways and Means submitted the following report

The Committee on Finance and Ways and Means, to whom was referred the memorial of five hundred citizens of the State, asking for the establishment of more ample provision for the destitute orphan population of the State, report the same to the Senate, with the bill, and recommend its passage.

Your committee would be false to their own sympathies and their sense of duty to the destitute orphans of the State, whose number has been greatly increased by the events of the past four years, to withhold this report.

The orphans are truly the children of the State, and everywhere, all over our State, their hands are imploringly lifted, beckoning the Legislature to day to sympathize with them in their loneliness and helpless and exposed condition.

In the past Tennessee has erected monuments to its beneficent legislation in its asylum for the lunatic, its asylum for deaf, dumb and blind. These institutions are the pride of the State—they provide liberally for the unfortunate and helpless, and your committee would therefore urge on the Senate the absolute necessity of giving expression to the sympathy they feel for the orphan who, left all alone, needs and hopefully looks to the exercise of the paternal care of the State Government, that they shall not depend on the cold charity of the world for support and guidance.

The orphan needs moral and intellectual instruction, and his future usefulness and character, and relations to society and the State, greatly depend on the liberal legislation in his behalf.

Give to the orphan a home, assume the just obligations of attending the development of his religious and intellectual character and improvement, and you will wipe away his tears, give joy to his heart, and cause him to feel commanded gratitude for the liberality and wisdom of the Legislature.

Senate bill, to incorporate the Southern Live Stock Insurance Company. Passed the first reading and referred to the Committee on Corporations.

Mr. Bosson offered a resolution calling upon the Treasurer of the State to report the amount of monies deposited by him in banks or fiscal agents, and also the condition of that portion of the school fund in his hands known as "Bills. The rules were suspended and the resolution passed.

House joint resolution, in regard to the Penitentiary and the contract of the lessee, &c., was passed over informally

SENATE BILLS ON THIRD READING.

Bill in regard to the Governor's staff. Passed and transmitted to the House.

Bill to remove certain machinery carried out of the State by order of Gov. Brown & Harris. Passed and transmitted.

Bill to increase the fees of county Register. Passed and transmitted to the House.

House bill to amend the charter of the Union Consolidated Mining Company, was passed on the third reading.

HOUSE

Mr. Saunders introduced a bill providing that in addition to the regular fees accruing to sheriffs, they be allowed commission on the raised bid of all lands sold by order of Court. Passed.

Mr. Waters introduced a bill to amend the Mechanics lien law, so as to extend its provisions to millers, carriage and cabinet makers, blacksmiths and other mechanics. Passed.

The resolution guaranteeing remuneration to N. G. Love, for damages sustained by a train on the Edgefield & Kentucky Railroad, was lost.

The bill incorporating the Holston Conference of the Methodist Episcopal Church passed second reading.

The bill authorizing the Governor to issue new outstanding bonds of the State to bondholders, in lieu of those which may have become impaired by mutilation or otherwise, passed its third reading.

The bill to prevent the carrying of concealed weapons came up on its second reading. A bill in lieu was reported by the Judiciary Committee, repealing an act for the benefit of discharged Union soldiers. Both bills were laid on the table.

MEXICO.

More of General Sedgwick's Movement.

Matamoras Occupied by United States Troops.

General Escobedo Severely Defeated by Canales

He Attributes his Defeat to Interference of U. S. Troops.

A special despatch to the Cincinnati Commercial, from Brownsville, Texas, dated November 60, says General Sedgwick on the 24th made a formal demand on Colonel Canales for the immediate surrender of Matamoras, which was acceded to, and Canales occupied the fortifications, while the American flag floats over the city. A sufficient number of troops occupy the city to render the occupation secure.

Escobedo attacked Canales on the 24th, and a desperate battle ensued, lasting three hours, resulting in the defeat of Escobedo, with a loss of six hundred men, including General Espinosa. Colonel Canales lost seventy-five men. Escobedo lays his defeat to interference of the United States troops.

Another despatch says Escobedo attacked Canales in Matamoras on Tuesday morning, at half-past five o'clock, but fell back after two hours desperate struggle. An occasion of his defeat was the occupation of Matamoras three days before by a body of American troops, who relieved Canales of the care of the city, and left him to use his force in defending the fortifications.

Escobedo indignantly complains of the action of General Sedgwick. He expects reinforcements, when he will renew the attack. Meanwhile, the American flag floats within the besieged defences.

ARREST OF JOHN H. SURRATT.

He is Taken in Egypt.

A dispatch from Washington to the New York Times, dated December 3, says:

The State Department received a despatch by the Atlantic cable, dated December 3, of which the following is a copy:

"Have arrested John H. Surratt, one of President Lincoln's assassins. No doubt of identity.

CHARLES HALE.

U. S. Consul General, Alexandria, Egypt."

It appears, as we learn from official sources, that Surratt was arrested in Italy, as heretofore reported, while serving in the Papal Zouaves, and afterwards escaped. The Pope promptly gave the necessary order for his arrest, upon the request of our minister, Mr. King, notwithstanding there was no treaty between the United States and the Papal Government binding the latter to grant the request of Mr. King. Surratt was traced after his escape to Egypt, and arrested, as stated. As incidental to the above, it may be stated that Mr. Boutwell, in a rescript, made the statement that the Government had known of the whereabouts of Surratt for six months.

SPECIAL NOTICES.

AYER'S CHERRY PECTORAL.

FOR THE RAPID CURE OF

Coughs, Colds, Influenza, Hoarseness, Croup, Bronchitis, Incipient Consumption, and for the relief of Consumptive Patients in advanced stages of the disease.

As while in the field of its usefulness and so numerous are the cases of its cures, that almost every section of country abounds in persons publicly known, who have been restored from alarming and even desperate diseases of the lungs by its use. When once tried, its superiority over every other expectorant is the approval it merits from observation, and where its virtues are known, the public no longer hesitate what antidote to employ for the distressing and dangerous affections of the pulmonary organs that are incident to our climate. While many inferior remedies thrust upon the community have failed and been discarded, this has gained friends by every trial, conferred benefits on the afflicted they can never forget, and produced cures the numerous and too remarkable to be forgotten.

We can only assure the public, that its quality is carefully kept up to the best it ever has been, and that it may be relied on to do for their relief all that it has ever done.

Great numbers of Clergymen, Physicians, Statesmen, and eminent personages, have lent their names to certify the unparalled excellence of our remedies, but space here will not permit the insertion of them. The Agents below named furnish gratis our American Almanac in which they are given, with also full descriptions of the complaints they cure.

Those who require an alterative medicine to purify the blood will find AYER'S QUAS. SAR. SARSAPARILLA the remedy to use. Try it again, and you will know its value.

Prepared by J. C. AYER & CO., Lowell, Mass., and sold by Druggists and Dealers everywhere, in Knoxville, at wholesale and retail by E. J. SANFORD & CO. nov28-3m

We believe Mrs. Winslow's Quieting Syrup to be the best preparation for the best ever offered for sale in this country. It will gradually change the hair to its natural color, will preserve and invigorate. It is also the most desirable dressing we ever saw.

See advertisement.

Wines

From the Longworth Vineyards and Wine House, Cincinnati. W. P. & F. F. Anderson, Proprietors.

Golden Wedding,
Sparkling Catawba,
Dry Catawba,
Isabella, &c.

These celebrated Wines are furnished at much lower rates than imported goods, and for purity and bouquet, are equal to any, either native or foreign.

For sale by W. P. WILSON & CO. nov7-6m

ITCH! ITCH! ITCH!
SCRATCH! SCRATCH! SCRATCH!
WHEATON'S OINTMENT
Will Cure the Itch in 48 Hours.

Also cures SALT RHEUM, ULCERS, CHILBLAINS, and all ERUPTIONS OF THE SKIN. Price 50 cents. For sale by all druggists. By mail, on receipt of 60 cents in STAMPS, Pole Agents, 170 Washington street, Boston. It will be forwarded by mail, free of postage, to any part of the United States. july14-6m

COLGATE'S HONEY SOAP.

This celebrated **toilet Soap**, in such universal demand, is made from the **choicest** materials, is **mild** and **emollient** in its nature, **fragrantly scented**, and extremely **beneficial** in its action upon the skin.—For sale by all Druggists and Fancy Goods Dealers. 1y53

MARRIED,

At the residence of G. T. P. Dutts, on the 18th of October, by Rev. T. P. Dutts, Esq., Mr. WILY ROBINSON and Miss ELMYNE A. BARNES, all of Ga.

At the residence of the bride's father, at Cayton, on the 19th of November, by the same, Mr. WILLIAM WAYMAN, of Sevier county, and Miss MARTHA DELASHMIT.

On the 21st of November, by the same, Mr. WM. HALL, of the 8th Tennessee Cavalry, and Miss MARGARET A. SCHUMERS.

At the bride's father's on the 7th of December, by the same, Mr GARVIN RAGAINS of the 8th Tennessee Infantry, and Miss MARIAH BYARLY.

At the residence of the bride's mother, in Tazewell, Tenn., on the 23d of November, by the Rev. James Baker, Mr. EDWARD E. EPPS and Miss KATE L. FUGATE, all of Tazewell.

NEW ADVERTISEMENTS.

HOLIDAY PRESENTS.

G. H SMITH IS NOW RECEIVING an elegant stock of goods suitable for Holiday and Bridal Gifts. Call and see

dec12-3t G. H. SMITH

First National Bank of Knoxville.

STOCKHOLDER'S MEETING.

THE REGULAR ANNUAL MEETING of the Stock holders of the First National Bank of Knoxville, Tenn., will be held at the banking house, on Tuesday, the 8th, inst.

R. M. McCLUNG, Cashier.

December 8th, 1866. dec12-4t

STOLEN MULE—LOOK OUT!

$25 Dollars Reward!

ON FRIDAY NIGHT, THE 30th OF November, 1866, the undersigned had stolen from him in Greene county, at the residence of Wm. Rotsin, near Paint Rock, a MARE MULE. It is a remarkable Mule, brief mouse color; Mule hobbed modern; the right eye out, is about five or six years old, a star in the forehead, a broaded jaw with the lower "B," has also a brand on the left side of the neck, but the letters are impossible, front teeth are rotten. I will give the above reward for the return of the mule, and a liberal reward for the apprehension of the thief. Or I will give Ten Dollars for any information that will lead to the recovery of the Mule. Address the undersigned at Freedom P. O., Washington county, Tenn.

dec12-3t ADA BAYLESS

NOTICE.

HAVING SUGGESTED THE INSOLvency of the estate of Joseph Boster, deceased, at the November term, 1866, of the County Court for Grainger county, All persons indebted to said estate are thereby required to call immediately and make settlement, and all those having claims against said estate will file them with the Clerk of the County Court, properly authenticated, on or before the first day of March next, or they will be forever barred.

dec12-3t SILAS CLEVELAND, Adm'r, &c.

NOTICE.

THE INSOLVENCY OF THE ESTATE of John L. Snoddy, deceased, having been suggested to the County Court of Sevier county, Tenn., by R. W. Snoddy, acting under a power of attorney from C. P. Snoddy, administrator of said Estate. The court order that publication be made for four successive weeks in Brownlow's Whig, notifying all persons who have claims against said estate, to file them with the Clerk of said County Court, duly authenticated, as required by law, on or before the first Monday of April next, and in order that a fair ratio distribution be made of said estate among the creditors, or they will be thereafter barred.

Witness, James M. Nicholson, Clerk of said court, at office in Pigeonville, the first Monday of December, 1866.

dec12-3t JAMES M. NICHOLSON, Clerk.

CIRCUIT COURT—SEVIER COUNTY.

THEODOR SOS DUCKER AND WIFE, CLARINDA, Petitioners for Divorce and Alimony.

Sarah E. Parton vs. A. G. Parton and others.

IN THIS CAUSE IT APPEARS FROM the bill, which is sworn to, that the defendant, A. H. Parton, is non-resident of this State. It is therefore ordered that publication be made for four consecutive weeks in Brownlow's Whig, notifying the said A. H. Parton to appear before the Judge of the Circuit Court, for a court to be held for the county of Sevier, at the court house in Sevierville, on the 3d Monday of March next, then and there to make defence to said bill, or the same will be taken for confessed and set for hearing ex parte as to him.

December 15th 1866. 6t A. E. MURPHY, Clerk.

PAY FOR NEGROES.

UNDER A RECENT ACT OF CONGRESS a Commission has been organized by the Secretary of War, and will soon commence in Nashville, for the benefit of loyal persons in East Tennessee, to adjudicate and liquidate claims for compensation for such slaves enlisted or drafted into the United States service, in Tennessee. Under this act, slaves taken from loyal citizens in Tennessee, but who subsequently died while in the service, or escaped from the service, or were never credited to the State of Tennessee, can not be paid for. Claims must be prosecuted before the Commission in Nashville.

Parties desirous of securing their compensation, are advised to send their names and the number of slaves taken from them, together with proof of loyalty, to Col. John H. James, Box 47, Nashville Post office, where the proper papers will be sent to them to sign, and the claims forwarded immediately to Washington, and prompt attention given to them. Mr. J. B. Barrett will act as Agent for Col. James through East Tennessee. [nov18-3t

WANTED, FARMS TO RENT.

WE HAVE SEVERAL APPLICATIONS for farms for the ensuing year, from men desirous to rent or purchase farms, upon such terms as may be agreed on by the parties. Landowners wishing good farms rented, should call on us. Jan1'66 BROWN & HEADRICK.

Supreme Court Opinion.

KNOXVILLE, TENNESSEE, SEPTEMBER TERM, 1866.

THOMAS H. COLDWELL, Attorney General and Reporter.

A. F. SMITH vs. CONRAD INSHWOOD.

This suit was commenced before a Justice of the Peace to recover a gun, and was taken by appeal to the Circuit Court of the county of Cocke.

The case was submitted to the Circuit Judge upon an agreed state of facts. The plaintiff in error was organized in 1862 by Isham G. Harris, then acting Governor of the State of Tennessee, under an act passed by the Legislature, the 1st of November, 1861, and which was authorized under the provisions of that act, to take from the citizens of the county their guns. Under this authority he seized the gun of the defendant, in error, and carried it off, the gun being valued at $20. The defendant was of opinion that the act was in violation of the Constitution, the plaintiff in error a trespasser, and a judgment was rendered against him from which there was an appeal to this court.

The case presents for our consideration the validity of the acts passed by the Legislature of the State, after the attempt to throw off the allegiance of the citizens to the United States, on the 7th day of May, 1861, and the effect of the adoption of the Constitutional Amendments ratified, the first on the 18th of February, 1865. It is insisted by the plaintiff in error that if by force or otherwise the power of the Government of the United States to protect the citizens was withdrawn the allegiance of the citizens was suspended, annulled, or in abeyance, and it was lawful to the authorities to renounce and demand of the State. That the State as a sovereign under the Constitution has a right to take the property of a citizen by and with the consent of his representatives, and having that consent the Governor, as the executive was bound to execute the law. The exercise of right to take the property, and in the act of the State for which the plaintiff in error is not individually liable. These questions have been decided by tribunals from which there is no appeal.

The right of a State to withdraw from the Federal Union, and of her citizens to throw off their allegiance to the General Government, is a question unnecessary for us to discuss, or length in the determination of the questions presented in this record.

The Constitution of the United States was adopted by the whole people; and upon the adoption became the paramount law. The framers of that instrument were the patriots and statesmen who lived under the old Confederation, saw the evils of that system of government, and in the formation of the Constitution, carefully authorized to guard against them.

It was conceived by the framers of the Constitution, that no State, and no citizen can voluntarily throw off the allegiance cast upon him, while he remains within the States or Territories over which the Government has jurisdiction. Statesmen have differed since the organization of the government on the question of a State to withdraw from the Federal Union. The attempt to secure it by part of the States culminated in the late civil war; the authorities controlling the Federal Government triumphed, and the question is, we hope, finally and forever settled by that tribunal to which all must bow. In the attempt of this State to withdraw from the Union, the Legislature met and passed various acts, among them an act entitled an "act to establish an ordnance bureau and for other purposes, passed on the 20th of November, 1861. The 18th, 19th and 20th sections of that act authorize the Governor of the State to commission persons to seek enemy to enlist the arms of the citizens. Heavy penalties were imposed upon those who refused to yield their up. In the passage of this act, the 20th section of the Bill of Rights which provides "that the freemen of this State have a right to keep and bear arms for the common defence," was utterly disregarded. This is the first attempt, in the history of the Anglo-Saxon race, of which we are apprised to disarm the people by legislation.

The seventh article of the Bill of Rights, we will leave an enlightened public to decide when passion has passed and reason resumed her control. Now for the acts of this Legislature which assembled without the sanction of the oath prescribed in article 8, section 1, of the Constitution of the State which requires each member of the Legislature, before he takes his seat to take an oath to support the Constitution of the United States, &c., &c., are valid.

It is unnecessary for us to decide as it has been settled by the people acting in the sovereign capacity, that the Constitutional Amendments become a part of the Constitution of the State, and therefore thereto assumed for all the purposes sought by the ratification became equally binding on the courts as the purposes therein expressed. Section 3d of the thirteenth provides, "all laws, contracts and obligations will be valid as to debts in pursuance thereof, under the authority of the temporary State Government after the declared independence of the State of Tennessee, on to after the 6th of May, 1861, were unconstitutional, null and void from the time they were made." No State ever disputed the right something in the institutions of this country, the sovereignty of every State resides in the people of the State, and they may alter or change their form of government at their pleasure, but whether they have changed it or not by abrogating the old government and adopting a new one, is a question to be settled by the political power. The courts are bound to take notice of its decisions and follow it. Mr. Howard's Report, Luther vs. Borden, page 1.

The people of the State having by their sovereign authority declared the acts of the Legislature passed after the 6th of May, null and void from the beginning, it follows therefore, that the ratification of the Schedule by the people on the 3d of February, 1865, the act under which the plaintiff justified his seizure of the gun in controversy, was void and void, and he cannot defend himself by virtue of the commission under which he acted, nor should himself from the responsibility by the provisions of the acts of the Legislature, passed after the 6th of May, 1861, which the Legislature was a trespasser, and is responsible for the property taken. The judgment of the court will be affirmed.

SHACKELFORD, Judge.

A true copy. Test: M. L. PATTERSON, Clerk.

SUPREME COURT OPINION.

KNOXVILLE, TENNESSEE, SEPTEMBER TERM, 1866.

THOMAS H. COLDWELL, Attorney General and Reporter.

JOHN McCAMPBELL and WIFE, MARY JANE McCAMPBELL vs. JOHN W. FARNSWORTH, et al.

This is a suit of assist commenced in the Chancery of Chancellor dismissing the bill for the want of equity. The cause was heard on bill and answer, and the exhibits therewith filed. The material facts involved in the case, and necessary to be noticed, are briefly as follows:

Isaac Temple died intestate in 1838, leaving a widow and seven children. At his death he was the owner of two tracts of land, one in Greene county, and the other in Giles county, containing each about three hundred acres; and some five or six slaves, with other property necessary to be mentioned. His widow, Mary Temple, administered on his estate, and some two years thereafter, intermarried with one Henry A. Farnsworth. In 1842, the defendant, John W. Farnsworth, with Jane M. Temple, the daughter of James and Mary Temple, by whom he had one child, Mary Jane, now the wife of the complainant, John McCampbell, died after the birth of said Mary Jane, her mother died, leaving her an infant only about three weeks old. After the death of his wife, the defendant, John W. Farnsworth, placed his infant daughter in the custody, care and control of her grandmother, the said Mary Farnsworth, and in 1850 entered into a written agreement with her husband, Henry A. Farnsworth, in which it was stipulated, that the complainant, Mary Jane was to be and remain under the care and control of her grandmother, Mary Farnsworth's wife, until she arrived at the age of 18 years, and they were to treat her as one of their own children, giving her a limited education, with a suitable outfit, &c.

In consideration of which, the defendant, John W. Farnsworth, agreed to surrender to the said Henry A. Farnsworth, $60 00, which it appears as a settlement of all the matters of interest, real and personal, accruing to him in right of his wife, in the estate of Isaac Temple, deceased, and bound to be due from Henry A. Farnsworth to the defendant, John W. Farnsworth; and also to allow the said Henry A. to continue the possession of the land and negroes which had descended to the complainant, Mary Jane, her mother, and which she retained to years of age, on the said Henry A.'s paying interest on the $60 00, real and one-eighth part of the lands, and a reasonable hire for one-eighth part of the slaves, from the time the said Mary Jane was five years of age until she reached eighteen; and then to deliver to her her own right, the money, lands and negroes aforesaid.

In March, 1838, John Link and Major S. Temple, Guardians of the minor heirs of James Temple, deceased, and of Eliza M. Temple, one of the heirs, who was defunct at the time, and by Major S. Temple, in his own right, filed a bill against Henry A. Farnsworth and his wife Mary, (who was administratrix,) respondent John G. Farnsworth, and the other heirs at law and distributees of the estate of James Temple, deceased, for the settlement and distribution of the personal estate, and for the sale of the slaves and partition of the real estate.—Pending this bill in July, 1839, the defendant, John G. Farnsworth and Henry A. Farnsworth cancelled the former agreement, and entered into another, which is in substance as follows:

The said Henry A. Farnsworth and his wife were to continue the custody and control of the complainant, Mary Jane, and to receive reasonable compensation for their care and services until she was five years old, and after that period, all compensation was to cease, and her labor was to be set off against the expense necessarily incurred in her support and maintenance. She was to be well cared for, comfortably clothed, and instructed in the rudiments of a common English education, and to have the money and property, which the said Henry A. had with were to furnish her with certain articles of clothing, household and kitchen furniture, and other specified articles of personal property necessary to keep house.

No mention in this agreement is made to the interest derived through the said Mary Jane's mother, in her father, James Temple's estate. It is a simple agreement, wholly independent of the estate, and in that respect materially differs from the former.

The bill as it appears was prosecuted to final decree, and the whole estate, real and personal, wound up under it. The lands and negroes were sold, and distribution of proceeds made among the heirs at law, and distributees of intestate.

The interest of the complainant, Mary J., in the lands, as it appears, amounted to $180 00, which was paid over to the defendant, John G. Farnsworth, and by him, or his order to the executor, Jno. W. Farnsworth, and after their death, Mary Jane, and after years fully authorized for in the complainants who receipted therefor. The interest to each distributee, as it appears in the main of the negroes, was $800 00. This sum, which it is insisted accrued to the defendant, John G. Farnsworth, in right of his wife, was received as a payment pro tanto, for one of the slaves, purchased by him at the Chancery sale. The slave thus purchased was delivered to the defendant, John G., which he sold after his death to his wife, in right. No evidence appears to have been made about the proceeds of the real estate. That appears to have been long since satisfactorily adjusted. Nor is it controverted that the defendant, John G. Farnsworth, as husband surviving his wife, had a lawful right to take, by virtue of his marital rights a distributive interest in the personal estate of his deceased wife's father. But it is insisted, that the original agreement entered into between the defendant, John G. and Henry A. Farnsworth, was a valid contract, and operated to pass the entire interest which the former derived in right of his wife in the personal estate of James Temple, deceased, and that it was irrevocable.

We are unable to concur in this proposition, in any light in which we view this agreement. As we have seen, the bill is conceived it is merely voluntary, and gratuitous, for other considerations than a meritorious one. Plaintiffs that ground alone we would not hesitate to hold that if the trust, which is insisted on in argument, was completely vested in a trustee, although it is a voluntary, and unsupported by adequate consideration than a good or meritorious one that a court of equity would enforce it in favor of a wife or child against the creator of the trust, and all other persons not standing in one of those relations, it is settled in the case of Cockrill vs. Allison, 1 Yerg. 259, and has been, we believe, ever since followed with but little modification, both in England and America. But if the instrument is purely voluntary, and it requires the aid of a court of equity to implement the party claiming its benefits, it is not a contract, but a mere voluntary without. In. The agreement does not fall strictly within either of these principles. At law it is wholly invalid, and incapable of being enforced by either party.

If property in trust upon Henry A. Farnsworth, rights and privileges, which did not at the time of the agreement, not in the bargaining. His interest in the personal estate of James Temple, deceased, in right of his wife was contingent. No valid settlement had at that time been made by the administrators of the personal estate. The debts and liabilities, for as we can see from this record, were wholly unascertained, and it could not appear otherwise than by a settlement of the administration, that anything whatever would remain for distribution among the distributees, after payment of the debts of the estate. The possession of the six negroes mentioned in the agreement, which it is assumed was received by Henry A. Farnsworth, was in no sense under the bargainor's control, and was not in fact, or in law, the property of the bargainor, the executory nature of the trust. The title to both the lands and the negroes, on the death of James Temple, descended to his heirs at law and constitute no part of the administration, except to pay debts. Both were held by the heirs as tenants in common, and the date of the original agreement, and before the sale, John G. Farnsworth had no authority to make such a contract. It conferred no rights on the bargainor, and the strictly modern power. 1 Pet. 60 Ohio, 2d, 1 Wharf. Digest 70 note. The defendant, John G. at that time was not the guardian of his infant daughter, nor did he pretend to act in that capacity, or to contract as a tenant in common. The consideration to be at least on the occupation of the lands and the services of the negroes wholly failed, and Henry A. Farnsworth, in right of his wife, was not well settled principles, was