Eastern Clarion.

BY S. R. ADAMS. | PAULDING, MISSISSIPPI, MARCH 9, 1859. | VOLUME XXII. NO. XXII.

Legal Advertisements.

The State of Mississippi,
WAYNE COUNTY.

To all creditors holding claims against the Estate of THOMAS COVINGTON, deceased:

YOU are hereby cited to be and appear before the honorable the Probate Court of Wayne County, next to be held at the Court House thereof, in the town of Winchester, on the 2d Monday in March next, with due and legal proofs of your claims against said estate, or they will by said Court be rejected as the law directs—the commissioner of insolvency on said estate, having, at the January Term, 1859, in said county, filed his report on the insolvency of said estate—which will be taken up on the first day of the next term of said Court, the 2d Monday in March next, as the law directs.

(SEAL) Witness, the Hon. P. H. NAPIER, Judge of said Probate Court, the second Monday in January, A. D. 1859.

Issued under my hand and seal of office, this the 9th day of January, 1859.
JAMES W. BOYKIN,
Probate Clk. *pro tem.*, Wayne Co.
Feb. 19, 1859. 19-5t

The State of Mississippi,
WAYNE COUNTY.

To the creditors and all persons having claims against the Estate of J. WALKER, deceased:

YOU are hereby cited that at the term of the Probate Court of Wayne county, held at the Court House thereof, on the 2d Monday in January, 1859, J. W. Boykin, Commissioner of Insolvency on said estate, filed his report as Commissioner as aforesaid; these are therefore to cite each of the creditors of said Estate to be and personally appear before the honorable the Probate Court next to be holden in and for said Wayne county, at the Court House thereof, in the town of Winchester, on the 2d Monday of March next, with due and legal proofs of your claims against said Estate, or they will by said Court be rejected as the law in such cases directs.

(SEAL) Witness, the Hon. P. H. NAPIER, Probate Judge of said county, the 2d Monday of January, A. D. 1859.

Issued under my hand and seal of office, this the 9th February, A. D. 1859.
JAMES W. BOYKIN,
Probate Clk. *pro tem.*, Wayne Co.
Feb. 19, 1859. 19-5t

The State of Mississippi,
WAYNE COUNTY.

To Harriet Davis, and Mr. —— Davis, her husband, Elizabeth Henderson, and Mr. —— Henderson, her husband, heirs at law to the estate of —— BUSBEY, deceased, and all other persons interested in said estate:

YOU are hereby cited to be and appear before the Hon. the Probate Court next to be holden in and for said County, at the Court House thereof, in the town of Winchester, on the 2nd Monday in March next, then and there to show cause, if any you can, why the final account of Alexander Gordon, Guardian of said Elizabeth Henderson, (formerly Elizabeth Busbey,) and Harriet Davis, (formerly Harriet Busbey,) should not be allowed, passed, and recorded, as the statute in such cases requires.

Witness the Hon. P. H. NAPIER, Judge of said Court, the 2nd Monday in January, 1859.

(SEAL) Issued under my hand and seal of office, this the 9th Feb., 1859.
JAMES W. BOYKIN,
Pro tem. Probate Cl'k Wayne Co., Miss.
Feb. 19, 1859. 19-5t

Insolvent Notice.

WHEREAS, at the November term, 1858, of the Probate Court of Newton county, Mississippi, the estate of CULLIN SIMS, was declared Insolvent: Now, therefore, all persons having claims against said estate are hereby notified to file the same with the Probate Clerk of said county, duly Probated and registered according to law, within twelve months from the date of the first publication of this notice, or they will be barred.
C. M. SIMS, *Adm'r.*
Nov. 20, 1858. 6-6m

Insolvent Notice.

WHEREAS, at the December term, A. D. 1858, of the Probate Court of Newton County, Mississippi, the estate of ABEDNEGO ROBERSON, was declared Insolvent:

Now, therefore, all creditors of said estate are hereby notified to come forward and have their claims duly Probated, and registered in the register kept by the clerk of said county, within twelve months from the date of this publication, or they will be barred.
HAMILTON COOPER.
Executor.
Jan. 1, 1858. 12-6m

The State of Mississippi,
WAYNE COUNTY.

To the Creditors and all persons having any claims against the estate of ALEXANDER McLEOD, deceased, and to all other persons in any wise interested in said estate.

YOU are hereby cited that at the January Term of the Probate Court of said Wayne County, held at the Court House thereof, on the second Monday in January, 1859, James W. Boykin, Commissioner of Insolvency on said estate, filed his report of the insolvency of said estate: These are therefore to cite all creditors as aforesaid, to be and personally appear before the Hon. the Probate Court of Wayne County, to be holden at the Court House thereof, in the town of Winchester, on the 2d Monday in March next, with proper and legal proofs of your claims, or they will be rejected by said Court as spurious claims. Herein fail not.

(SEAL) Witness, the Hon. P. H. NAPIER, Judge of said Court, the 2d Monday in January, A. D. 1859. Issued under my hand and seal of office, the 9th February, A. D. 1859.
JAMES W. BOYKIN,
Probate Clerk, pro. tem., Wayne Co., Miss.
Feb. 12, 1859. 18-5t

The State of Mississippi,
WAYNE COUNTY.

To Albert McLaughlin, Emanus McLaughlin and Susan McLaughlin, of Choctaw County, Alabama, minor heirs at law of the estate of DUGALD McLAUGHLIN, deceased, and to all other persons interested in said estate.

YOU, and each of you are hereby notified to be and personally appear at and before the Hon. the Probate Court of said Wayne county, next to be holden at the Court House thereof, in the town of Winchester, on the 2d Monday in March next, then and there to show cause, if any they can, why the prayer of the petition of E. N. Davis, Administrator, &c., to sell certain slaves belonging to said estate and named in said petition, should not be granted, and to allow and suffer such other things as shall by the said Court be deemed right and proper in the premises.

(SEAL) Witness, the Hon. P. H. NAPIER, Judge of Probate, this the 2d Monday in January, A. D. 1859. Given under my hand and seal of office, this the 9th of February, A. D. 1859.
JAMES W. BOYKIN,
Pro. tem. Clerk Probate Court, Wayne County, Mississippi.
Feb. 12, 1859. 18-5t

The State of Mississippi.
WAYNE COUNTY.

TO Elizabeth McLaughlin, and John McLaughlin her husband, of Choctaw county, Alabama; and to Francis Russell, and Owen Russell, and to all other persons interested the real estate of WILLIAM RUSSELL, Jr., deceased. To-wit: the West ½ of South West ¼ Sec. 11; Township 9, Range 6 West. You and each of you are hereby cited to be and personally appear before the Hon. Probate Court next to be holden thereof in and for said county at the Court House thereof in the town of Winchester, on the 2d Monday in March next, then and there to show cause, if any you can why the prayer of the petition of James R. Russell, guardian of the minor heirs of said decedent, to sell said minor's interest in the above described Lands should not be granted, as prayed for in said petition, and to allow such other orders and decrees as shall be legal and right in said Court.

(SEAL) Witness, the Hon. P. H. NAPIER, Judge of said Court, the 2d Monday of January, A. D. 1859. Issued under my hand and seal of office this the 9th February, A. D. 1859.
JAMES W. BOYKIN,
Probate Clerk, pro. tem., Wayne Co. Miss.
Feb. 12, 1859. 18-5t

Legal Advertisments.

Executor's Sale.

BY virtue and in pursuance of a decree of the Probate Court of Jasper county, made at the last February term thereof, the undersigned, Executor of the last will and testament of WILLIAM McLENDON, deceased, will, at the town of Paulding, on the 14th day of March next, between the hours prescribed by law, proceed to sell to the highest bidder, on a credit of twelve months from the day of sale, five NEGRO SLAVES, the property of the estate of the said William McLendon.

The purchasers of said negroes will be required to give bonds with good and sufficient security, for the payment of the sums of money for which said negroes may be sold, in twelve months from the day of sale.
JAMES J. SHANNON,
Executor, &c.
Feb. 12, 1859. 18-4t

The State of Mississippi,
WAYNE COUNTY.

To Arvin Moody, Gadi Moody, Mary Paul, James Moody, Manuel Moody, Mary Scarborough and her husband James S. Scarborough, Alafair Moody, Cynthia L. Moody, James A. Moody, Manila Moody, Nepsey Norton and her husband James Norton, Anny McPherson and her husband Joel McPherson, Flora McRae, Flora McDonald, Catherine McDonald, Anny McDonald, Margaret McDonald, Mary McDonald, Alafair McDonald, Elmira McDonald, James McDonald, of Wayne county, Mississippi; and Nancy Moody, wife of Robt. Moody, of Green county; Gatsey McIlvain and her husband Andrew McIlvain, resident citizens of the State of Alabama; Stacy Ann Waltman and her husband Wm. H. Waltman, citizens of the State of Texas; and Curtis Moody, Stacy Ann Rodgers, wife of Johnson Rodgers, citizens of South Carolina; and to all other persons interested in the estate of ANNY MOODY, deceased:

YOU, and each of you, are hereby cited to be and personally appear before the Hon. the Probate Court of Wayne County, in the State of Mississippi, at the Court House thereof, in the town of Winchester, on the 2d Monday in March next, then and there to show cause, if any you can, why the final account of R. A. Moody, Administrator on said estate, which was filed in said Court on the 2d Monday of January, 1859, should not be allowed, confirmed, and recorded, and to suffer such other things to be ordered and decreed as shall be legal and right in said Court.

(SEAL) Witness, the Hon. P. H. NAPIER, Judge of said Court, the 2d Monday of January, A. D. 1859. Issued under my hand and seal of office the 9th February, 1859.
JAMES W. BOYKIN,
Probate Clerk, pro. tem., of Wayne Co., Miss.
Feb. 12, 1859. 18-5t

Land for Sale.

THE subscriber wishing to concentrate his capital in the Commission business, offers for sale a large tract of LAND, in Jasper County, Miss., containing 2060 acres, and lying on Quatalah and Tallahala Creeks. The price will be low to a purchaser of the whole—or it would be divided, if desired.
JOS. BORDEN,
Mobile, Ala.
Dec. 11, 1858. 9-tf

The State of Mississippi,
NEWTON COUNTY.
Circuit Court, October Term, A. D. 1858.

M. Blalock vs. John Winters. } Attachment for $80 00 to said term.

THIS day came the plaintiff, by attorney, and it appearing to the satisfaction of the Court that the said defendant is not an inhabitant of this State, but resides beyond the limits thereof, so that the ordinary process of law cannot be served upon him: It is, therefore, ordered by the Court, that publication be made in the Eastern Clarion, a newspaper printed and published in the town of Paulding, in said State, for four weeks successively, notifying the defendant of the pendency of said suit, and that unless he appear before the Circuit Court of Newton county, aforesaid, on the second Monday of April next, at the Court House of said county, in Decatur, and plead answer or demur to said suit, judgment will be entered against him by default, and the property attached be sold, to satisfy plaintiff's claim and all cost.

(SEAL) Given under my hand and seal of office, and issued this March 1st, 1859.
JAMES A. WARE,
Clerk.
March 2, 1859. 21-5t

Estray Notice.

WAS TAKEN UP by Richmond Rice, living in Newton County, one white OX, with a dunn head, marked with crop and split and under-bit in the right ear, and swallow-fork and under-bit in the left ear—about eight years old, and appraised at twenty-five dollars.
JONATHAN GRAHAM,
Ranger Newton County.
March 2, 1859. 21-3t

Sheriff's Sale.

Sol. Myer, Adm'r, &c. vs. M. F. Beard, and W. G. Condiff. } Fi. Fa. } Fees.

BY virtue of the above stated vendi exponas, to me directed, I will expose to public sale, for cash, in front of the Court House door, in the town of Paulding, on the 4th Monday of March, instant, between the usual hours of sale, the following described property, to-wit: Lot situated adjoining the town of Paulding and described as follows, and known as the Crawford survey, bounded on the South by lands deeded from Isaac Stephens to A. M. Wilson, on the West by the town of Paulding, on the North by lands now owned by S. T. Street and A. I. Cotton, and on the East by the N. E. ¼ of N. E. ¼ of Section 11, Township 2, Range 12, East, containing twelve acres, more or less; levied on as the property of defendant M. F. Beard, to satisfy the above stated fi. fa. and all cost.

This the 2d March, 1859.
L. B. LASSITER, *Sheriff.*
March 2, 1859. 21-3t

The State of Mississippi,
WAYNE COUNTY.
Chancery Court, at Rules, 3rd Monday in Oct., 1858.

Seaborn L. Chancellor, vs. Mary A. Chancellor. } Bill for Divorce.

UPON opening and filing the complainant's bill, and it appearing that the said Mary A. Chancellor is a non-resident of the State of Mississippi, but resides beyond the limits of the jurisdiction of the courts thereof—it is thereupon ordered that notice of the filing of this bill be given to said defendant by publication in the Eastern Clarion, a public newspaper printed and published in the town of Paulding, for the space of three weeks, notifying her that unless she shall appear in and before this Court on or before the 3rd Monday in March, 1859, hereof, and plead, answer, or demur to the complainant's bill, the same will be taken as confessed, and decree and further proceedings had accordingly.

(SEAL) A true copy, as witness my hand and seal of office the 24th February, A. D. 1859.
WILLIAM S. DAVIS,
Chancery Clerk, Wayne Co., Miss.
March 2, 1859. 21-4t

RAN AWAY,

From the Plantation of D. L. Campbell, in Clarke County, Miss., on the night of the 19th inst., a Negro Man named PETER, about 6 feet high, thirty-five or forty years old, and of a dark brown color, and has upon his left cheek a scar, resembling a brand in the form of the letter O. Said Negro took with him a small, fine bay Mare, with a white spot upon her forehead and one upon her nose. He also took a good Spanish Saddle, with fenders on the stirrups.

The Negro is polite spoken and intelligent, who can read and write his own passes.

Whoever will apprehend the said Negro, and inform D. L. Campbell, in Mobile, or the subscriber, at DeSoto, Clarke Co., Miss., will be amply rewarded.
J. W. MAXWELL.
DeSoto, Miss., March 2, 1859. 21-3t

Wanted.

THREE OR FOUR GOOD RUSSET MAKERS, White or Black, to whom good wages will be paid, to work in the establishment of the undersigned at Pierce's Springs.
RICHARD CARLETON.
Pierce's Springs, Clarke Co., Miss., Oct. 9, 1858 32-tf

WOOD, EDDY & CO.'S
SINGLE NUMBER LOTTERIES,
(CHARTERED BY THE STATE OF GEORGIA.)

CAPITAL PRIZE
$50,000!

TICKETS ONLY $10!

Notice to the Public.

As the managers of our firm have, by way of purchase, become the owners of the grants chartered by the States of Delaware, Kentucky, Missouri, and part of those in Georgia, under the management of Messrs. Gregory & Maury, of Wilmington, Delaware, we have deemed it expedient to change the name of our firm on and after January 1st, 1859, to that of WOOD, EDDY & CO. who will hereafter have the management of the Sparta Academy Lottery, and the others as above named.

In all transactions, we have endeavored to conduct our business with integrity and promptness, and we can assure the public that the patronage heretofore bestowed on us is well deserving of being transferred to our successors. Very respectfully,
S. SWAN & CO.

Augusta, Georgia, Dec. 25, 1858.

WOOD, EDDY & CO., Managers,
successors to S. SWAN & CO.

The following Scheme will be drawn by Wood, Eddy & Co., Managers of the Sparta Academy Lottery, in each of their Single Number Lotteries for January, 1859, at Augusta, Georgia, in public under the superintendence of Commissioners.

CLASS 11 Draws Saturday, March 12, 1859.
CLASS 12 Draws Saturday, March 19, 1859.
CLASS 13 Draws Saturday, March 26, 1859.

On the Plan of Single Numbers.
50,000 TICKETS!
Five Thousand Four Hundred and Eighty-Five Prizes!
NEARLY ONE PRIZE TO EVERY NINE TICKETS.

MAGNIFICENT SCHEME!
TO BE DRAWN
EACH SATURDAY IN MARCH!

1	Prize of	$50,000
1	"	20,000
1	"	10,000
1	"	5,000
1	"	4,000
1	"	3,000
1	"	1,500
50	Prizes of	500
100	"	400
100	"	300
100	"	150
100	"	100

APPROXIMATION PRIZES.

4	Prizes of $400 Approx. to $50,000	Prize are	$1,600
4	" 300	"	20,000	1,200
4	" 250	"	10,000	1,000
4	" 225	"	5,000	900
4	" 200	"	4,000	800
4	" 150	"	3,000	600
4	" 100	"	1,500	400
5,000	" 20 are			100,000

5,485 Prizes amounting to..................$320,000

Whole Tickets $10; Halves $5; Quarters $2 50.

☞ A Circular showing the plan of the Lotteries will be sent to any one desirous of receiving it.

Certificates of Packages will be sold at the following rates, which is the risk:

Certificate of Package of 10 Whole Tickets	$80
" " 10 Half "	40
" " 10 Quarter "	20
" " 10 Eighth "	10

IN ORDERING TICKETS OR CERTIFICATES,
Enclose the money to our address for the Tickets ordered; on receipt of which they will be forwarded by first mail. Purchasers can have tickets ending in any figure they may designate.

The List of Drawn Numbers and Prizes will be sent to purchasers immediately after the drawing.

☞ Purchasers will please write their signatures plain, and give their Post Office, County and State.

☞ Remember that every Prize is drawn and payable in full without deduction.

☞ All prizes of $1,000 and under, paid immediately after the drawing—other prizes at the usual time of thirty days.

Notice to Correspondents.

Those who prefer not sending money by mail, can use THE ADAMS EXPRESS COMPANY, whereby money for Tickets, in sums of Ten Dollars and upwards, can be sent to us AT OUR RISK AND EXPENSE from any city or town where they have an office. The money and order must be enclosed in a "Government Post Office Stamped Envelope," or the Express Company cannot receive them.

All communications strictly confidential.

Address all Orders for Tickets or Certificates to
WOOD, EDDY & CO., Augusta, Georgia.
or, WOOD, EDDY & CO., Atlanta, Georgia.
or, WOOD, EDDY & CO., Wilmington, Del.

☞ A list of the numbers that are drawn from the wheel, with the amount of the prize that each one is entitled to, will be published after every drawing in the following papers:—Augusta (Ga.) Constitutionalist, New Orleans Delta, Mobile Register, Nashville Gazette, Atlanta Intelligencer, New York Weekly Day Book, Savannah Georgian, Richmond Dispatch, New York Dispatch, Paulding (Miss.) Clarion, and Little Rock (Ark.) True Democrat.
Feb. 12, 1859. 15-tf

E. E. ATKINSON,
SUCCESSOR TO SWAN & CO.,
MONTGOMERY, ALA.

All orders for Lottery tickets, addressed to the subscriber, will be attended to with his personal and prompt attention.
Jan. 15, 1859. 14-1y

THE LIVER
INVIGORATOR.
PREPARED BY DR. SANFORD.

Compounded entirely from GUMS,

IS ONE OF THE BEST PURGATIVE AND LIVER MEDICINES now before the public, that acts as a Cathartic, easier, milder, and more effectual than any other medicine known. It is not only a Cathartic, but a Liver remedy, acting first on the Liver to eject its morbid matter, then on the stomach and bowels to carry off that matter, thus accomplishing two purposes effectually, without any of the painful feelings experienced in the operations of most Cathartics. It strengthens the system at the same time that it purges it; and when taken daily in moderate doses, will strengthen and build it up with unusual rapidity.

The Liver is one of the principal regulators of the human body; and when it performs its functions well, the powers of the system are fully developed. The stomach is almost entirely dependent on the healthy action of the Liver for the proper performance of its functions; when the stomach is at fault, the bowels are at fault, and the whole system suffers in consequence of one organ—the Liver—having ceased to do its duty. For the diseases of that organ, one of the proprietors has made it his study, in a practice of more than twenty years, to find some remedy wherewith to counteract the many derangements to which it is liable.

To prove that this remedy is at last found, any person troubled with LIVER COMPLAINT, in any of its forms, has but to try a bottle, and conviction is certain.

These Gums remove all morbid or bad matter from the system, supplying in their place a healthy flow of bile, invigorating the stomach, causing food to digest well, purifying the blood, giving tone and health to the whole machinery, removing the cause of the disease—effecting a radical cure.

BILIOUS ATTACKS are cured, and, what is better, prevented, by the occasional use of the Liver Invigorator.

One dose after eating is sufficient to relieve the stomach and prevent the food from rising and souring.

Only one dose taken before retiring, prevents NIGHTMARE.

Only one dose taken at night, loosens the bowels gently, and cures COSTIVENESS.

One dose taken after each meal will cure DYSPEPSIA.

☞ One dose of two teaspoonfuls will always relieve SICK HEADACHE.

One bottle taken for female obstruction removes the cause of the disease, and makes a perfect cure.

Only one dose immediately relieves CHOLIC, while

One dose often repeated is a sure cure for CHOLERA MORBUS, and a preventive of CHOLERA.

SANFORD'S LIVER INVIGORATOR.

☞ Only one bottle is needed to throw out of the system the effects of medicine after a long sickness.

☞ One bottle taken for JAUNDICE removes all sallowness or unnatural color from the skin.

One dose taken a short time before eating gives vigor to the appetite, and makes food digest well.

One dose often repeated cures CHRONIC DIARRHOEA in its worst forms, while SUMMER and BOWEL Complaints yield almost to the first dose.

One or two doses cures attacks caused by WORMS in Children; there is no surer, safer, or speedier remedy in the world, as it never fails.

☞ A few bottles cures DROPSY, by exciting the absorbents.

We take pleasure in recommending this medicine as a preventive for FEVER and AGUE, CHILL and FEVER, and all FEVERS of a BILIOUS TYPE. It operates with certainty, and thousands are willing to testify to its wonderful virtues.

All who use it are giving their unanimous testimony in its favor.

☞ Mix water in the mouth with the Invigorator, and swallow both together.

THE LIVER INVIGORATOR

IS A SCIENTIFIC MEDICAL DISCOVERY, and is daily working cures, almost too great to believe. It cures as if by magic, even the first dose giving benefit, and seldom more than one bottle is required to cure any kind of LIVER Complaint, from the worst Jaundice or Dyspepsia to a common Headache, all of which are the result of a Diseased Liver.

Price One Dollar per Bottle.

SANFORD & Co., Proprietors, 345 Broadway, N. York

WHOLESALE AGENTS:
JNO. WRIGHT & CO.,
WOODS, S. MEAD, and } New-Orleans.
SYME & PROVAN,
J. C. LAMIER & CO., Vicksburg.
Feb. 1, 1859. 18-1y

NEW ESTABLISHMENT AT DESOTO.

ROBERT D. WEEMS,
(Late of South County.)

HAVING purchased the remaining stock of Goods of J. W. Collins, at DeSoto, will conduct a general MERCANTILE BUSINESS, at the old stand. He will keep constantly on hand a large stock of

Staple and Fancy Dry Goods,

embracing the usual variety suited to the wants of the up country.

GROCERIES, HARDWARE, CUTLERY;

in fact everything suited to the country trade, or usually found in up country stores. He will sell at

MOBILE PRICES FOR CASH,

with the freight added, which is all that the most exacting customer could demand.

His old friends in South county and the back country generally, bringing their cotton to DeSoto, will find it to their interest to give him a call. He pledges himself to sell them goods for cash or in exchange for cotton on as good terms as they can be bought anywhere on the line of the road—at Enterprise or any other place. His motto will be

"QUICK SALES AND LOW PRICES."

and he is determined to please. He respectfully solicits a share of custom.
ROBT. D. WEEMS.
DeSoto, March 20, 1858. 52-tf

Fresh Arrivals.

WE HAVE JUST OPENED at our old stand, and offer to our friends and customers, a well selected stock of

STAPLE GOODS,

on the most reasonable terms—a small advance on cost, for Cash.

Our old customers and the public generally are invited to call and examine for themselves. We shall be constantly receiving additions to our stock.
N. McKINSTRY & CO.
Paulding, Jan. 1, 1859. 12-tf

New Goods! New Goods!

THE undersigned has just received a new and splendid stock of

STAPLE AND FANCY DRY GOODS,

At Chunkeyville, Lauderdale County, Mississippi, which he will sell on as good terms as goods can be bought in any interior town in the State.

His stock comprises everything usually kept in a Country Store, which will be replenished from time to time, as the wants of the country may demand.

Persons in want of any article in my line, will save money by giving me a call before purchasing elsewhere.
JOSEPH EAKENS.
Chunkeyville, Lauderdale Co., Miss.,
Jan. 29, 1859. 16-tf

MORE TO BE ADMIRED THAN THE
RICHEST DIADEM
EVER
WORN BY KINGS OR EMPERORS.

What? Why A Beautiful Head of Hair!

BECAUSE it is the ornament God Himself provided for all our race. Reader, although the rose may bloom ever so brightly in the glowing cheek, the eye be ever so sparkling, the teeth be those of pearls, if the head is bereft of its covering, or the hair be snarled and shrivled, harsh and dry, or worse still, if sprinkled with gray, nature will lose more than half her charms. Prof. Wood's Hair Restorative, if used two or three times a week, will restore and permanently secure to all such an ornament.—Read the following and judge. The writer of the first is the celebrated Pianist, Thalberg.

NEW YORK, April 19, 1858.
Dr. WOOD:—
Dear Sir—Permit me to express to you the obligations I am under for the entire restoration of my hair to its original color; about the time of my arrival in the United States it was rapidly becoming gray but upon the application of your "Hair Restorative" it soon recovered its original hue. I consider your Restorative a very wonderful invention, quite efficacious as well as agreeable.
I am, dear sir, yours truly,
S. THALBERG.

"Drych ar Gwyliedydd."
Welsh Newspaper office, 12 Nassau st. April 12, 1858.

PROF. O. J. WOOD:—*Dear Sir*—Some month or six weeks ago, I received a bottle of your Hair Restorative and gave it to my wife, who concluded to try it on her hair, little thinking at the time that it would restore the gray hair to its original color, but to her as well as my surprise, after a few weeks' trial it has performed that wonderful effect by turning all the gray hairs to a dark brown, at the same time beautifying and thickening the hair. I strongly recommend the above Restorative to all persons in want of such a change of their hair.
CHARLES CARDEW.

NEW YORK, July 25, 1857.
PROF. O. J. WOOD:—With confidence do I recommend your Hair Restorative as being the most efficacious article I ever saw. Since using your Hair Restorative my hair and whiskers which were almost white have gradually grown dark; and I now feel confident that a few more applications will restore them to their natural color. It also has relieved me of all dandruff and unpleasant itching, so common among persons who perspire freely.
J. C. KILBY.

PROF. WOOD:—About two years ago my hair commenced falling off and turning grey; I was fast becoming bald, and had tried many remedies to no effect. I commenced using your Restorative in January last. A few applications fastened my hair firmly. It began to fill up, grow out, and turned back to its former color, (black.) At this time it is fully restored to its original color, health, and appearance, and I cheerfully recommend its use to all.
J. D. HOES.
Chicago, Ill., May 1, 1857.

The Restorative is put up in bottles of 3 sizes, viz: large, medium, and small; the small holds half a pint, and retails for one dollar per bottle; the medium holds at least twenty per cent. more in proportion than the small, retails for two dollars per bottle; the large holds a quart, 40 per cent. more in proportion, and retails for $3.

O. J. WOOD & CO., Proprietors, 312 Broadway, New York, (in the great N. Y. Wire Railing Establishment,) and 114 Market st., St. Louis Mo.

And sold by all good Druggists and Fancy Goods Dealers.
Feb. 1, 1859. 18-3m

DR. HOOFLAND'S
CELEBRATED
GERMAN BITTERS.
WILL EFFECTUALLY CURE
Liver Complaint, Dyspepsia, Jaundice, Chronic Nervous Debility, Diseases of the Kidneys, and all diseases arising from a disordered Liver or Stomach.

SUCH as Constipation, Inward Piles, Fulness of Blood to the Head, Acidity of the Stomach, Nausea, Heartburn, Disgust for Food, Fulness or Weight in the Stomach, Sour Eructations, Sinking or Fluttering at the Pit of the Stomach, Swimming of the Head, Hurried and Difficult Breathing, Fluttering at the Heart, Choking or Suffocating Sensations when in a lying posture, Dimness of Vision, Dots or Webs before the Sight, Fever and Dull Pain in the Head, Deficiency of Perspiration, Yellowness of the Skin and Eyes, Pain in the Side, Back, Chest, Limbs, &c., Sudden Flushes of Heat, Burning in the Flesh, Constant Imaginings of Evil, and great depression of Spirits.

The proprietors, in calling the attention of the public to this preparation, do so with a feeling of the utmost confidence in its virtues and adaptation to the diseases for which it is recommended.

It is no new and untried article, but one that has stood the test of a ten years' trial before the American people, and its reputation and sale are unrivalled by any similar preparations extant. The testimony in its favor given by prominent and well-known Physicians and individuals in all parts of the country is immense, and a careful perusal of the Almanac, published annually by the proprietors, and to be had gratis of any of their Agents, cannot but satisfy the most skeptical that this remedy is really deserving the great celebrity it has obtained.

DR. HOOFLAND'S
BALSAMIC CORDIAL,
FOR THE SPEEDY CURE OF
Coughs, Colds, Influenza, Croup, Hoarseness, Bronchitis, Pneumonia, Diseases of the Lungs, and for the relief of all persons in advanced stages of the disease.

THIS celebrated preparation, like the Bitters, may be confidently relied on. It is designed for a class of diseases more general and more fatal than any other to which the people of this country are subject—those springing from a "slight cold." That eminent authority, Dr. Bell, says:—"I will not say that Colds are to our inhabitants what the Plague and Yellow Fever are to those of other countries; but I will assert that they ... greater complexity and mortality than these latter."

A further proof of the terrible fatality of diseases resulting from a "common cold" may be seen by a glance at the following statistics, taken from the records of the Board of Health of Philadelphia, confessedly one of the most healthy localities in the Union:

1852.	Total deaths in Philadelphia,	10,261
	Died of Consumption,	1,012
	" all other diseases (250 in which ...)	
		7,349
1853.	Total deaths,	9,748
	Died of Consumption,	1,895
	" all other diseases,	7,854
		6,749
1854.	Total deaths,	11,814
	Died of Consumption,	2,178
	" all other diseases,	9,636
		11,814

From these figures, it will be seen that nearly one-fourth of the total deaths in the country are caused by consumption, to say nothing of the numerous other diseases springing from a "slight cold." ... Do not trifle with your health, but, if suffering from a cough, or cold on the lungs, buy a bottle of *Hoofland's Balsamic Cordial*, and you may safely count on a cure. Thousands have done so, and have certified to its wonderful effects.

Coughs sometimes proceed from a disordered or dyspeptic state of the stomach, in which case the German Bitters should be used. In cases of weakness, or general debility of the system, resulting from a protracted cough, the German Bitters will be found of great benefit.

Prepared only by Dr. C. M. Jackson, 418 Arch Street, Philadelphia, and for sale by Druggists and Storekeepers throughout the United States and Canada. Price 75 cents per bottle.

☞ Sold by W. H. Edmonson, Paulding, Mississippi, and by agents generally in any city and town in the United States.
June 12, 1858. 36-1y

VICTORIOUS OVER PAIN.
BRAGG'S ARCTIC LINIMENT.

Agony or ease!—Sickness or health!—Life or death? These are the questions involved in the adoption or rejection of this specific by the martyrs to external diseases and injuries. Having received the indorsement of the distinguished savan, the late Dr. KANE, and its efficacy tested during two awful Winters in the regions of eternal ice, it is now coming into general use in every section of the civilized globe, and its marvelous cures are every where exciting astonishment.

THE AFFLICTED REJOICE.

HUNDREDS and THOUSANDS have tested its virtues, and are rejoicing in freedom from long lingering PAIN and DISEASE, which other remedies had failed to cure. Have you the BRONCHITIS, NEURALGIA, RHEUMATISM, SCROFULA, EARACHE or TOOTH ACHE—Are you afflicted with OLD SORES—Suffering from BRUISES, SPRAINS, CORNS, SORE EYES, PILES?

THE ARCTIC LINIMENT
will afford you instant relief. Everybody is liable to

BURNS AND SCALDS.

For these dreadful accidents the ARCTIC LINIMENT should be kept on hand, for it affords sure and instant relief, often saving from death. Every steamboat and railroad train should keep it. Who that has heard the shrieks of anguish uttered by the scalded and maimed victims of explosions and collisions, does not feel that some means of relieving their torture should always be accessible? Such does exist in this balmy pain controlling agent. It is

THE MOTHERS' COMPANION.

It cures CAKES IN THE BREAST, SORE NIPPLES, SORE LIPS, PIMPLES, &c. Ladies who prize a pure skin, void of pimples, blotches, scurf and all discolorations and excrescences, should attack these trespassers on beauty's domain as soon as they appear with the ARCTIC LINIMENT. It is excellent for the Hair, giving it a healthy, glossy appearance. It is

GOOD FOR MAN AND BEAST.

It is a sovereign remedy for the various diseases with which horses are afflicted, curing the most alarming cases of BRUISES, SPRAINS, STRINGHALT, WOUNDS, SCRATCHES, SWEENY, SPAVIN, RINGBONE, BIG-HEAD, POLL EVIL, &c. No farmer, livery stable keeper, or any person owning valuable HORSES, should be without this valuable remedy.

For sale by all respectable Druggists and Dealers.

Prices of the Liniment, 25 cents, 50 cents and $1 a bottle. A one-dollar bottle contains as much Liniment as eight twenty-five cent bottles.

EXTRAORDINARY ANNOUNCEMENT.

Every purchaser of a dollar bottle of the ARCTIC LINIMENT receives, at Dr. Bragg's expense, the UNITED STATES JOURNAL, of New York, for one year. The Journal is a large illustrated paper—each number containing sixteen pages, beautifully printed on clear white paper, and filled with original matter from the most brilliant writers of the country. Certificate of subscription and full particulars of the novel and philanthropic enterprise, of w'ch this offer forms a part, will accompany each bottle.

An AGENT WANTED in EVERY TOWN and VILLAGE.
BRAGG & BURROWES, St. Louis, Mo.
New York Office, No. 271 BROADWAY.
Communications should always be addressed to St. Louis.

For Sale by S. E. CASTEEL, Paulding, Miss., and by Druggists generally.
May 22, 1858. 23-tf

ELBERT MURRELL,
STATE STREET, JACKSON MISS.,
DEALER IN
STOVES, CASTINGS, TIN-WARE,
Pumps, Lead, Copper and Wood Pipes; Bath Tubs, Britannia, Japan and Planished Ware; also, every description of
TIN, COPPER, AND IRON WORK,
Done on short notice, and on reasonable terms.
FRUIT CANS ALWAYS ON HAND.
Jackson, Nov. 27, 1858. 7-6m

HOWARD ASSOCIATION,
PHILADELPHIA.
A Benevolent Institution established by special Endowment for the Relief of the Sick and Distressed, afflicted with Virulent and Epidemic Diseases.

THE HOWARD ASSOCIATION, in view of the awful destruction of human life, caused by Sexual diseases, and the deceptions practiced upon the unfortunate victims of such diseases by Quacks, several years ago directed their Consulting Surgeon, as a charitable act worthy of their name, to open a Dispensary for the treatment of this class of diseases, in all their forms, and to give *Medical advice gratis* to all who apply by letter, with a description of their condition, age, occupation, habits of life, &c., and in cases of extreme poverty, to *furnish medicines free of charge.* It is needless to add that the Association commands the highest Medical skill of the age, and will furnish the most approved modern treatment.

The Directors of the Association, in their Annual Report upon the treatment of Sexual Diseases, for the year ending January 1st, 1858, express the highest satisfaction with the success which has attended the labors of the Consulting Surgeon in the cure of Spermatorrhoea, Seminal Weakness, Impotence, Gonorrhoea, Gleet, Syphilis, the vice of Onanism or self-abuse, &c., and order a continuance of the same plan for the ensuing year.

The Directors, on a review of the past, feel assured that their labors in this sphere of benevolent effort have been of great benefit to the afflicted, especially to the young, and they have resolved to devote themselves, with renewed zeal, to this very important and much despised cause.

An admirable Report on Spermatorrhoea, or Seminal Weakness, the vice of Onanism, Masturbation, or Self-abuse, and other diseases of the sexual organs, by the Consulting Surgeon, will be sent by mail (in a sealed envelope,) *Free of Charge*, on receipt of two stamps for postage. Other Reports and Tracts on the nature and treatment of sexual diseases, diet, &c., are constantly being published for gratuitous distribution, and will be sent to the afflicted. Some of the new remedies and methods of treatment discovered during the last year, are of great value.

Address, for Report or treatment, Dr. GEORGE R. CALHOUN, Consulting Surgeon, Howard Association, No. 2 South Ninth Street, Philadelphia, Pa.

By order of the Directors.
EZRA D. HEARTWELL, *President.*
GEORGE FAIRCHILD, Secretary.
Aug. 14, 1858. 44-1y

The Mighty Healer!
WORLD KNOWN AND WORLD TRIED

HOLLOWAY'S OINTMENT.

THE free admissions of all Nations, as well as the verdict of the leading Hospitals of the Old as well as the New World, stamp this powerful remedial agent as the greatest healing preparation ever made known to suffering man. Its penetrative qualities are more than marvelous, through the external orifices of the skin, invisible to the naked eye, it reaches the seat of the internal disease; and in all external affections its anti-inflammatory and healing virtues surpass anything else on record, and is Nature's great ally.

ERYSIPHELAS AND SALT RHEUM

Are two of the most common and virulent disorders prevalent on this continent, to these the Ointment is especially antagonistic, its "modus operandi" is first to eradicate the venom and then complete the cure.

BAD LEGS, OLD SORES, AND ULCERS.

Cases of many years' standing that have pertinaciously refused to yield to any other remedy or treatment, have invariably succumbed to a few applications of this powerful unguent.

ERUPTIONS ON THE SKIN,

Arising from a bad state of the blood or chronic diseases are eradicated, and a clear and transparent surface regained by the restorative action of this Ointment. It surpasses many of the cosmetics and other toilet appliances in its power to dispel rashes and other disfigurements of the face.

PILES AND FISTULA.

Every form and feature of these prevalent and stubborn disorders is eradicated locally and entirely by the use of this emollient; warm fomentations should precede its application. Its healing qualities will be found to be thorough and invariable.

Both the Ointment and Pills should be used in the following cases:

Bunions,	Piles,	Sore Heads,
Burns,	Rheumatism,	Sore Throats,
Chapped Hands,	Ringworm,	Sores of all kinds,
Chilblains,	Salt Rheum,	Sprains,
Fistula,	Scalds,	Tetter,
Gout,	Skin Diseases,	Ulcers,
Lumbago,	Swelled Glands,	Venereal Sores,
Mercurial Eruptions,	Sore Legs,	Wounds of all kinds.
	Sore Breasts,	

☞ CAUTION!—None are genuine unless the words "Holloway, New York and London," are discernible as a *water-mark* in every leaf of the book of directions around each pot or box; the same may be plainly seen by *holding the leaf to the light.* A handsome reward will be given to any one rendering such information as may lead to the detection of any party or parties counterfeiting the medicines or vending the same, knowing them to be spurious.

⁂ Sold at the Manufactories of Professor Holloway, 80 Maiden Lane, New York, and by all respectable Druggists and Dealers in Medicine throughout the United States and the civilized world, in pots at 25 cents, 62 cents and $1 each.

☞ There is a considerable saving by taking the larger sizes.

N. B.—Directions for the guidance of patients in every disorder are affixed to each pot.
New York, Feb. 1858. 15-ly

Diseases of the Throat and Lungs.

DR. C. P. CRANE,

WHOSE successful treatment in Diseases of the Throat and Lungs by the inhalation of Electro-Chemical and Medical Vapor, is now well known to be the only reliable and philosophical process of effecting a cure, even in these extreme and desperate cases which had defied the ordinary methods of practice, has established a PERMANENT OFFICE and INSTITUTE for the treatment of all Chronic and Functional Diseases by means of Vegetable Electro-Chemical Baths, Galvanism and Electro-Magnetism.

For the convenience of those afflicted with Diseases of the Throat and Lungs, and unable to visit the city, who desire to be treated, a list of Questions has been prepared and will be forwarded on application to Dr. C.

No. 109 ST. JOSEPH STREET, NEW ORLEANS.

Inhaling apparatus, Medicines, etc., forwarded according to the descriptions received in each particular case.

☞ Patients from the country can be accommodated with rooms at the Institute.
New Orleans, Feb. 19, 1859. 19-1y

CLUBS! CLUBS!! CLUBS!!!
CLUBS! CLUBS!! CLUBS!!!
CLUBS! CLUBS!! CLUBS!!!
CLUBS! CLUBS!! CLUBS!!!

THE WEEKLY DAY-BOOK,
FOR 1859.

THE NEW YORK WEEKLY DAY-BOOK is too well known to require much explanation of its design or character. It is an independent Democratic journal, and always aims to comment upon public measures with fairness and impartiality. It seeks by an explanation of the "slavery" question to show to northern people the justice and humanity of the social institutions of the South. Believing that nearly all our political difficulties arise from a misapprehension of facts on their part, it labors to show that the existing relations of the races at the South is the only one compatible with humanity or Christianity—that this is a Republic of white men—that negroes cannot be American citizens, and that all sections have an equal right in the common territories of the Union.

The DAY-BOOK is the only journal in the North that joins a direct issue with the Abolitionists, and the only one that fights them upon their own ground.—The senior editor of the DAY-BOOK has given several years of scientific investigation to the question of "slavery," and his writings have been widely read and approved in the South, and are rapidly gaining ground at the North.

THE WEEKLY DAY-BOOK also presents southern men with a paper from the great commercial metropolis of the Union, filled with all they can desire in the way of

The Latest News,
FULL REPORTS OF
Cotton, Grain, Cattle & Produce Markets,

and yet free from the abuse and insults with which most northern publications abound. These features alone are worth double the subscription price.

THE WEEKLY DAY-BOOK is a quarto journal, containing forty-eight columns of solid matter, and is carefully prepared for general circulation, with full details of foreign and domestic news, literary notices, stories for the family circle, &c., and is furnished at lower rates to subscribers than any other New York paper, as will be seen by the following

Terms:

Single copy, per annum	$2 00
Two copies	3 00
Five copies	5 00
Twenty-one copies (one being to the getter-up of the club)	20 00

Payment is required invariably in advance, and the paper is always discontinued at the expiration of the time of advance payment. Specimen copies sent free.

☞ Postmasters are authorized and requested to act as Agents for the WEEKLY DAY-BOOK, and if they will do so, will be furnished a gratis copy upon commencing a club and sending five dollars for five subscribers, from one post-office. Address
VAN EVRIE, HORTON & CO.,
Publishers of the Day-Book,
No. 40 Ann street, New York.
March 2, 1859. 21-3t

$25 Reward!

RANAWAY from the undersigned, near Waynesboro, Wayne county, Mississippi, on the night of the 18th of August, inst., a bright Mulatto boy, named NIAS; aged about 21 years; 5 feet 9 inches high; weighs 130 pounds; spare built; rather a down-cast look; speaks very intelligently. I think there is some white person connected with him; he is well dressed; carried away with him a hand-axe. I think that he is traveling towards Columbia, Marion county, Mississippi. I will pay the above reward for his delivery to me, or confinement in any safe jail where I can get him.
A. TAYLOR.
Waynesboro, Aug. 21, 1858. 45-tf

C. A. MOORE,
WHOLESALE AND RETAIL DEALER IN
Drugs, Medicines, Chemicals,
Fine Toilet Soaps,
FINE HAIR & TOOTH BRUSHES, PERFUMERY,
Pure Wines and Liquors for medicinal uses, Trusses and shoulder Braces,
SCHOOL AND MEDICAL BOOKS, STATIONERY,
Fancy and Toilet Articles, Window Sash, Glass, Putty, Oils, Varnishes, Dye-Stuffs, Garden Seeds.
☞ Physicians' Prescriptions carefully compounded.
All orders correctly filled, and all articles sent warranted genuine, and of the best quality.
LIME, CEMENT AND PLASTER OF PARIS,
always on hand.
Jackson, May 15, 1858. 31-1y

CHINESE PIGS,
From Imported Stock;
ALSO, BERKSHIRE AND SUFFOLKS.
For sale by HENRY FENNER,
South Orange, New-Jersey.
June, 1858. 37-tf

Poetry.

Say You Like Me.
BY MRS. CROSWELL.

Say you like me, say I please you,
Say my wit your own disarms,
Say I hold you, say I tease you
With my laughter and my charms!
Say my eyes are like the planets,
Say their light will ne'er deceive you!
Say my lips are sweet as some-to—
Say all this, and I'll believe you.
But, O say not that you love me,
Or I'll swear that you dissemble;
As the stars that shine above me,
Well I know the flash and tremble
Of the eyes yours ne'er resemble.

Say you like me, say I move you
From your purpose and your pride,
Say I aid you, say I soothe you
When the ills of life betide;
Say my style is quite the fashion,
Say no want of taste can grieve you,
Say 'tis but a whim, a passion—
Say all this, and I'll believe you.
But, O say not that you love me,
Or my heart will be comparing,
Ay! comparing him who won me—
Won me with love's noble daring—
To your calm and stately bearing.

DECISIONS OF THE HIGH COURT.

October Term, 1858.

[*Reported expressly for the Eastern Clarion.*]

[No. 8291.]

James A. Root, et al., plaintiffs in error, vs. William M. McFerrin, defendant.

Writ of error to the Circuit Court of Marshall County.

This writ of error is prosecuted here by both parties.

The plaintiffs in error commenced their action of ejectment in the Circuit Court, to recover of the defendant the land in controversy, claiming title to it as the heirs at law of Aaron Root, deceased, their father, who died seized thereof. From the record it appears that Benjamin D. Anderson, as his administrator, sold the land in controversy, on the 5th of October, 1840. That the purchaser took possession under his purchase immediately, and he, and those claiming under him, have held the same ever since, and that defendant claims title under this purchase. The respective ages of plaintiffs appear in the record.

It is objected to defendant's title, that it is void, because the Probate Court had no power to order the sale of the real estate of said decedent for the payment of his debts, unless in compliance with the statute, specially conferring that power.

To support his title, defendant offered in evidence deeds from Anderson, administrator, and others, deducing title from said administrator to himself, and then offered the records of the Probate Court of Pontotoc County, to show the authority of Anderson, as administrator, to sell the land. To this record, as evidence in the cause, plaintiffs objected, because it shows no citation executed according to the statute, by posting and publication, and no notice, either actual or constructive, to the "persons interested in said lands," to appear and show cause why so much of the lands of said intestate should not be sold as will be sufficient to pay his debts; which objection was sustained by the Court, so far as the said records were offered as evidence of authority in the administrator to sell the lands of said decedent, but the same was admitted under the plea of the statute of limitations. To this ruling of the Court both parties excepted, and filed their bills of exceptions. Along with said record defendants also offered the deposition of B. C. Earle, tending to show that while the records of the Probate Court of Pontotoc County were not mutilated or lost, they were still not as full, and perfect, and formal, as they should have been. Witness could not say that anything actually done by the Court was omitted in the minutes; but that he went into the office in 1849, and found the papers of the office in a confused condition.

Defendant also offered to prove by Falconer, that in 1840 "the Holly Springs Banner," (the paper in which the citation referred to was ordered to be published,) was conducted and published in Holly Springs, by one Foster, who had left the State and is now beyond its limits—that no file of said papers is in existence, and that the receipt produced and offered in evidence from said Foster to Anderson, as administrator of decedent, for "advertising citation," on 21st April, 1840, and "notice to all persons," on the 19th June, A. D. 1840, was in the hand-writing of said Foster. To all which testimony offered with said record, plaintiff objected, and this objection was sustained and defendant excepted.

Defendant next introduced one Teel as a witness, who proved that valuable improvements were made on the premises by defendant worth $2000,00, including cost of putting apple and peach orchards, (estimated at $250,00,) on the land.

To this testimony, as to the cost of the orchard, plaintiffs objected; the objection was overruled and plaintiffs excepted.

The evidence here closed, and the plaintiffs asked the following instructions:

If the jury believe from the evidence that the plaintiffs were all minors at the time the cause of action occurred, then the statute of limitations did not begin to run against any one of them until all were of age, and they must find for the plaintiffs.

Defendant objected to the charge, and in lieu thereof requested the following:

1. That if the jury believe from the evidence that on the 24th day of February, 1844, one of the plaintiffs had attained the age of twenty-one years, and was not at that time a married woman, insane and without the limits of the United States, or legally impersoned, and that this action was not brought until after the lapse of three years from the 24th day of February, 1844; and if they further believe from the testimony that the land sought to be recovered in this action was sold by the administrator of plaintiff's father, by virtue of an order of the Probate Court of Pontotoc County, fairly and in good faith, and that the purchaser at such sale paid the purchase money therefor, and the land has been held adversely under said sale since the year 1841, and that the plaintiffs claim said land as the heirs of Aaron Root, deceased, then they must find for defendant.

2. That if they believe from the evidence that any one or more of plaintiffs were 21 years of age, and not under any disability to sue as much as five years before the bringing of this suit, and that during that time the land sued for has been held adversely by the defendant and those under whom he claims, they must find for the defendant.

All of which charges were refused by the Court; but in lieu thereof the Court gave the following:—"If the jury believe from the evidence that any of the plaintiffs were of the age of twenty-one years, at the time of the passage of the act of 1844, and the suit was not brought within three years from that date; or that any of said plaintiffs were minors at the date of that act, and the suit was not brought within five years of their coming of age; in either case they will find for defendant, as to them. But as to the other plaintiffs, if any were under age at the date of the act of 1844, and had not reached their majority more than five years before the commencement of this suit, they will find for them as if they had sued without joining the others."

To the refusal of the Court to give the charges requested, and the giving the one so given by the Court, both parties excepted respectively.

The errors assigned may be classed under the following heads:

1. The Court erred in refusing to allow the record of the Probate Court of Pontotoc County to be read to the jury, as evidence of the authority of the administrator to make sale of the land in dispute; and in allowing it to be read under the plea of the statute of limitations, in connection with the administrator's deed, as evidence of adverse possession.

2. The Court erred in the exclusion of the testimony of Earle and Falconer.

3. The Court erred in permitting the testimony of witness Teel, in relation to the value of the orchards to go to the jury.

4. The Court erred in refusing the charges asked, and giving that submitted to the jury.

5. The Court erred, in refusing a new trial—

1. For the defendant it is insisted that the exclusion of the transcript of the record, offered in evidence as tending to show legal authority in the administrator to sell the land, was erroneous: and we are earnestly urged to review the repeated decisions of this Court, on the point now submitted, on account of a supposed inconsistency between the doctrines of the earlier and late cases.

We have carefully considered the arguments, briefs and references made by counsel and submitted to us, with a view to discover what, if any, inconsistency in principle exists in the cases referred to, from Campbell vs. Brown et al., in 6 How. down, and which it may be perhaps admitted that in our own, as well as other reports, there has not been as much regard paid to technical accuracy in the language employed in stating and applying the distinctions between the courts of special and limited authority and those of original and general jurisdiction, as might be desirable. Yet we are unable to perceive the great inconsistency relied on by counsel for the defendant. On the contrary, the language cited, when considered with relation to the facts before the Court and the subject it was employed to discuss in each case, considering their number, will be found to be in singular harmony with the able opinions contained in our earlier reports on this important subject. It has been held with unvarying uniformity, as well as unanimity, that a decree by the Probate Court, and sale of land of a decedent, without the citation and notice required by the statute appearing either by positive evidence or recital in the record, is void, not only as against its express provisions, but because it stands opposed to the universal principle of law and common justice, that no man can be deprived of his rights, or concluded in any manner by the judgment of a court, without notice of the proceedings against him, either actual or constructive. Such is the doctrine announced by Judge Trotter in 6 How. p. 254; Campbell vs. Brown, 1 S. & M. p. 351; Grom vs. McCarroll, 7 S. & M. 85; Enos vs. Smith, 24 Miss.; Ridley vs. Ridley, p. 548, 25 Miss. 78; Blair vs. Childress, and Steen vs. Steen, p. 513, 26 Miss. 135; Joslen vs. Caughlin et al., id. 206; Gilshop vs. Moore et al., id. 646; Currie vs. Stewart, and 27th Miss. 52 (same parties); Lee vs. Gardner, 26th Miss. p. 543, not inconsistent with this doctrine; so also Gilshop vs. Moore, 26th Miss. 209; Joslen vs. Caughlen, 26 Miss. 141; Handy vs. Gholson, 26 Miss. 72; Currie vs. Stewart, 26 Miss. 648; Wall vs. Wall, 28th Miss. 413; Carson vs. Carson, 31 Miss. p. 592-3; Hutchins vs. Brooks, 31 Miss. p. 432; Henderson vs. Winchester, 31 Miss. p. 294; Lee vs. Bennett, 31 Miss. p. 128, and Lewis vs. Beatty, 32 Miss. p. 86-7.

On the death of the ancestor, the title to his real estate rests immediately in his heirs, and can only be divested by their own voluntary deed or act, or by the judgment or decree of a competent court "by due course of law." The administrator, as such, has no interest in, or power over, the land belonging to his intestate at his death, nor has the Probate Court jurisdiction over it for any purpose whatever, by the constitution, or inherently in the nature of its organization. It is only by virtue of the special conditional power conferred by legislative grant, and restricted in its exercise to the happening of the particular events named in the act, that the Probate Court can assume to exert any jurisdiction over land which by the law is vested in the heir. Until the happening of the condition, or event specified in the act, no power or jurisdiction is permitted by the statute, to be exercised by either the court or its officer over land. The particular "jurisdictional facts and acts" prescribed by law, must first happen in each particular case, and be judicially ascertained of record, before the power of the Probate Court to order the sale of land attaches.

1st. There must be a report of insolvency, by the administrator, exhibiting an account of the personal estate and debts of the estate to the court.

2nd. Citation must issue to all parties interested therein.

3rd. This citation must be posted and published, requiring their attendance on a given day, according to the statute.

4th. At the time specified in said citation, or some other appointed time, the court shall have and determine the allegations and proofs "as to the existence of these jurisdictional facts" upon which its power depends.

If this judicial investigation should prove that the personal estate is insufficient for the payment of the debts, and the persons interested and notified to attend show no good cause to the contrary, then for the first time has the special limited jurisdiction to order the sale of the land belonging to the heirs of the estate, thus reported insolvent, attached.

Jurisdiction must be thus acquired in each case over the parties, and over the subject matter, by the happening of the event and the performance of the conditions named in the act, before the court can make the order of sale; and the record must show on its face these jurisdictional facts, or that they were established to the satisfaction of the court, on the hearing of the allegations and proofs submitted to it.

To hold that these important facts, upon which the statute has made the power of the court to depend, shall rest alone in the uncertain memory of the Probate Judge, or casual bystanders or parties, would be to make the discretion of the court the only limitation upon its powers. The infant and absent heirs, for whose benefit this power has been so peculiarly limited and restrained, in a very few years might search in vain for the *real truth*, among the false "presumptions" which are invoked for its concealment.

The *record* must show that, in the judgment of the court, *every fact existed*, and *every act had been done*, which were necessary to give the court jurisdiction, though the *evidence* upon which that judgment was founded need not appear.

After the fact of jurisdiction is established in the record, both over the subject matter and the person, then all the *presumptions* arise in favor of their judgments, in these courts of special and limited jurisdiction, which inherently belong and are applied to courts of original and general jurisdiction.

In the one case the Court's power and jurisdiction is self-existing, inherent, and always *ready* to be exercised over that subject, without a precedent investigation to ascertain certain facts upon which to found its action. It is hence called "original," because beginning with its constitution, and not attaching *after* the happening of some event or fact which calls its power into being. It is called "general," because it applies to all subjects embraced within the object of its original organization, and to all parties who can be reached by its process and bound by its power. But in the other (a court of special and limited jurisdiction,) its powers are dependent, inferior, and derivative,—not inherent, superior, and original. Until the facts upon which its authority depends are shown to exist, it has no vitality; as soon as it has performed the particular duty enjoined upon it, the power ceases. We must be careful to separate in our minds the general power of the Probate Court, as organized under the constitution, from those of the Probate Court exercising a special authority not derived from the constitution, but delegated by the legislature over a particular subject, and under certain particular circumstances.

This doctrine finds its sanction everywhere in the analogies furnished by legal science. It is the same distinction existing between the general rights of ownership and a special trust,—between the rights and powers of the principal and the special and limited authority of the agent,—between a general power and a special power to do a particular thing,—between original power and delegated authority,—between superior and subordinate. While the law regards with favor and confidence the acts of the one class, and indulges every presumption of their regularity and propriety; it watches with extreme jealousy the conduct of the other. Hence the reason of the rule that in all cases of special and limited authority, or jurisdiction, the power to act must appear on the face of the proceedings, and no presumptions in favor of the existence will be indulged.

The rule is universal in *all courts*, and independent of statutory enactments, that the *record* must affirmatively show that the party whose rights are directly and immediately the subject of litigation, had notice, either actual or constructive, of such proceedings, before he can be bound or concluded thereby.

No matter whether the court be one of original and general, or of special and limited jurisdiction, it must appear in either case *on the face of the record*, that it had jurisdiction by the constitution or laws of the land, both of the parties and the subject matter, before it can deprive the citizen of his rights or property by its judgment. It is a familiar principle that a judgment is conclusive upon parties and privies, when the court has jurisdiction to render it. Unless such jurisdiction exists, the judgment is a nullity, and may be impeached collaterally. The jurisdiction must extend to the parties as well as to the subject matter.

The great reason why judgment should be regarded as thus conclusive, is that, there may be an end of litigation, "*Let fons ad litem.*" Public policy demands submission to judgments that have been fairly invoked, fully considered and finally pronounced; but neither justice, public policy, nor the organic law of this State will sanction the denial of the right to be heard by himself, or counsel, or both, to any citizen. The constitution declares that political power is inherent in the people; that all free governments are founded on their authority, and established for their benefit. That even for crimes no man shall be deprived of life, liberty, or property, but by due course of law. That the Courts shall be open, and every person, for injuries of every character, shall have remedy by due course of law and justice, and right, shall be delivered without sale, denial or delay, that no person shall be debarred from prosecuting or defending his cause before any tribunal in this State.

In violation of these rights and prohibitions designed to protect the liberty and property of the citizen, the Courts established "for his benefit" and to administer "right and justice without sale, denial, or default," can pronounce no valid judgment. The *opportunity*, to avail himself of their rights, is as essential as the rights themselves, and inseparably incident to them: and hence this doctrine of notice is applicable alike to all tribunals, and all judgments under one system. It cannot be tolerated that the doors of Justice should be closed against a party who has never heard that his rights were in dispute in her Courts, or had an opportunity to defend them. The whole policy and practice of our Courts under the principles of the organic law to which we have referred, reprobate and condemn such a doctrine. The most liberal policy is extended to the citizen, whether plaintiff or defendant, by our laws. Forms are abolished in pleading, amendments allowed, new trials granted, bills of review, appeal and writs of error provided for, and Courts of Equity with all their remedial powers established, that right and justice may be administered without denial. These rules and principles are mandatory to all the departments of government, and to none more beneficially for the protection of private rights, than to the judicial department.

The hardship of these cases upon purchasers at adm'r's sale, and the disquietude in such titles, so frequently occurring, are urged upon us as reasons for reviewing the rule heretofore established. Rightly considered, there is no greater hardship or disquietude resulting from the disregard of the act of the Legislature under which these sales are made than from the disobedience and disregard of other laws, human and divine, resulting in loss of life, liberty, or property.

If *men*, with all the means of information which the law has wisely afforded, will not take the trouble to examine the validity of titles which they seek to acquire, but *trust* to the good faith, as well as legal knowledge of adm'rs, or to the competency and integrity of the officers appointed by law, and neither examine the records for themselves, nor procure competent legal advice always at hand, to know what they do, they should not expect courts to relieve them of the consequences of their own folly. It is simply a question between them and the heirs of ten children, neither cognizant of their rights nor responsible for the errors and omissions complained of. Which shall lose the title? Upon whom shall penalty fall? Upon the disobedient adult or the passive, ignorant minor?

We think the rule is wise, just, well settled, and if disquietude results from its observance, it will generally fall on those who, in all ages, have warred against the law: the neglectors of its wise and humane precepts.

We think, therefore, that the rejection of this record, which was silent as to the posting and publication of citations is required by law, and showed no notice to the parties interested, so far as it was offered as authority for the sale by the adm'r as well as the rejection of the evidence of Earle & Falconer, intended, doubtless, to supply by parol the omission in the record, was proper. Was this evidence (the record and deed from Anderson) admissible under the plea of the statute of limitations? is the remaining point under the first head to be considered?

The *fact* of possession, and the *quo animo* with which it was commenced and continued, are questions distinct and separate from the *validity* of deeds and paper titles generally. That a deed is even void for want of some requisite of the law, as evidence of a conveyance of the legal title, does not render it incompetent to establish extraneous *facts* unconnected with the question of a paper title, to which it may have relation. For instance, it is evidence of the fact that such a deed, although invalid, was executed: showed that *fact* to be a matter of controversy, as it is evidence of any other fact which it tends to establish, when such is the matter in issue. Hence under the plea of the statute of limitations, generally a void deed, record, or proceeding, may be introduced to show the fact of the possession held under it; and the *quo animo* with which such possession was taken, *as between the parties* to such deed and record or other conveyance, there could be no question of the truth of this proposition, and as mere acts and declarations of the vendee tending to show the character of his profession and to qualify and explain the character of that cotemporaneous act, they must be admissible as a part of the *res gestae*, even when third parties are concerned. We think, therefore, there was no error in allowing this testimony to go to the jury upon general principles. It is, however, much stronger when considered in reference to the peculiar provisions of the act of 1844. [5th sect. relied on in this case, Hutch. Code, p. 830.

It is said, however, on the part of the plaintiff below, that the judgment should be reversed, because of the admission of the testimony of Teel, proving the value of putting the apple and peach orchards on the land.

The statute allows the jury to offset against any damages, assessed by them in favor of the plaintiff, the value of all valuable but not ornamental improvements. We think this testimony was competent for the consideration of the jury, as there is proof in the record that plaintiff claimed damages, and there was proof of the annual value of the land.

It is insisted by both parties, that the Court erred in giving the charge submitted to the jury and in refusing their charges respectively. The charge objected to, asserts that if any of the plaintiffs were of age on the 24th of February, '44, (date of the act of limitations,) and suit was brought within three years from that date; or if any were minors, at the date of that act and suit was not commenced in five years after their coming of age; in either case, the jury will find for the defendant as to them. But as to the plaintiffs who were under age, at the date of said act, and had not reached their majority more than five years, the jury should find for them, as they had sued alone. From the record, it appears that suit was instituted on the 12th Sept. 1856:

That Sarah Jane Carey was born 1st October, 1822. James A. Root was born 12th October, 1826. Harriet H. Couch was born 8th June, 1828. Margaret A. Root was born 18th December, 1831. Elizabeth C. Root, was born 6th May, 1833. Thomas J. Root was born 5th January, 1838. Sarah Jane married Miles Carey 23rd December, 1845. Harriet H., married —— Couch, who died in the Spring of '56.

It is insisted by defendants counsel that this is a joint action by six plaintiffs, and the recovery could only have been joint.

It is admitted, that the principle established in Jordon vs. McKeiszer, et al., 30 Miss. p. 32, in relation to *joint rights*, that the disability of one or more joint owners, will not save the rights of others, not so affected, from the operation of the statutory bar: that when one joint owner is barred, all are, has no application to *realty* in this State, held by descent. Under our statutes of descent and partition, there is no substantial difference left between coparceners and tenants in common. Chancellor Kent, in the fourth volume of his Commentaries, says, that the distinction between them may be considered as essentially extinguished in the United States. (see p. 407.) The interests of the heirs in the real estate of the intestate, under our statutes, may be regarded as joint and several, to some extent. While all may join in the action of ejectment, as held by the Court in Corbin vs. Conner, et al., 31 Miss. p. 570, their rights are yet several and subject to partition. Each heir is entitled to his distinct and equal share of the whole in severalty. The rights of the one although connected with, are by no means dependent upon, and inseparable from the rights of others; there is, therefore, much reason for the distinction. In the case of joint owners of personal property, where the rights of some are extinguished by the statutory bar, each having a joint and not a several interest in the subject, all are barred of a recovery for defect in their legal title; but in the case before us, where the interests partake of both characters, joint, as well as several, the destruction of the rights of the one, will not affect the title of the others. The case stands, as upon a joint and several demand at common law where the jury may find for or against any number of the plaintiffs, as the evidence in their opinion may justify. [See 12 S. & M. p. 58, and the 18 instruction for plaintiff p. 26.] And especially is this so, under the pleading act of 1850, sec. 15, where it is said, "that in every stage of the action the Court shall disregard any error or defect in the pleadings or proceedings, which shall not affect the substantial rights of the adverse party; and no judgment shall be reversed or affected by reason of such error of defect."

Nor is the case before us affected by the decision, in the case of Masters et al. vs. Dunn et al. 30 Miss. p. 264, where it is held, that, if at the time, a joint cause of action accrues to several plaintiffs, all of them be under a disability to sue, the statute of limitations will not commence running until the disability be removed from all. This decision was made in an action of detinue for a slave, and only declares that plaintiffs below (Dunn et al.) are within the saving of the act of limitations of 1822; not repealed by the act of 1844, as decided in White vs. Johnson, 23 Miss. p. 68, and Summers et al. vs. Picket, 24 Miss. 467. That clause of the statute does not embrace the action of ejectment, and hence this case is not within its operation, or the principle of the decision founded on it.

We think, therefore, there was no such error in this instruction, or in the verdict which is in accordance with it, as would authorize the interposition of this Court.

Let the judgment be affirmed, each party paying half the costs. HARRIS.

[No. 8309.]

Levi S. Holcombe, plaintiff in error vs. Thompson B. Mason, who sues for the use of Caleb Cofe & Co, defendant.

Writ of error to the Circuit Court of Tippah County.

The error complained of in this case is the judgment of the Court below overruling plaintiff's demurrer to defendant's answer. The suit purports to be founded on a promissory note, payable to one Norvel, and endorsed by him to Mason, in whose name this suit is brought, for the use of Caleb Cofe & Co. The answer purports to be an answer to the whole declaration, but is really an answer only to a part, and would be bad on that account. But it is no answer to the declaration or complaint in any view of the case. The complaint does not allege that Caleb S. Cofe & Co. ever had the legal title to the notes sued on, nor was such an allegation necessary. Mason is the legal owner, who sues for the use of Cofe & Co. What that use may be, its extent, or the exact equity which it may be designed between Mason and the usees to secure or protect, is not the subject of inquiry in this action, nor material to the defendant, as his plea admits the *bona fides* of the possession of the usees. The demurrer was therefore properly overruled. Judgment affirmed.
HARRIS.

MODERN POETRY AND THE POETRY OF THE BIBLE.—Lord Byron's descriptive apostrophe of Rome, in which he characterizes her as "the Niobe of nations"—"childless and crownless in her voiceless woe"—"a marble wilderness," and "lone mother of dead empires"—is, in its primary idea of a decayed kingdom, personified as a "woman forsaken and grieved in spirit," only an eloquent paraphrase of the opening of Lamentations: "How doth the city set solitary that was full of people! how is she become as a widow! she that was great among the nations, and princess among the provinces, how is she become tributary! She weepeth sore in the night, and her tears are on her cheeks; among all her lovers she hath none to comfort her; all her friends have dealt treacherously with her—they are become her enemies."

Again: the same poet's "Ode to Napoleon" has been greatly admired, and is worthy of the tribute. But our admiration must also be extended to Isaiah's ode on the fall of Sennacherib, the Napoleon of Babylon; and we may observe, too, that, independent of a general resemblance throughout in point of structure, Lord Byron's first and finest stanza is altogether derived from the prophet:

'Tis past—but yesterday a king,
And armed with kings to strive,
And now thou art a nameless thing;
So abject, yet alive;
Is this the man of thousand thrones,
Who strewed the earth with hostile bones?
And can he thus survive?
Since he, miscalled the morning star,
No man nor fiend has fallen so far."

"He who smote the people in wrath with a continued stroke, is persecuted, and none hindereth. How art thou fallen from heaven, O, Lucifer, son of the morning! how art thou cut down to the ground, which did'st weaken nations! They that see thee shall narrowly look upon thee, and consider thee, saying, is this the man that made the earth to tremble—that did shake kingdoms—that made the world as a wilderness?"

Campbell's expression—

"Her march is o'er the mountain wave,
Her home is on the deep."

must remind us of the Psalmist's, "Thy path is in the sea, and thy footsteps in the great deep."

When a poet said that the Apollo Belvidere appears to have shot the arrow "less by an effort than by a command," he expressed a noble idea, worthy the transcendant statute; but when Habakkuk says of the Holy One, "He stood and measured the earth; he beheld, and drove asunder the nations," the sublime conception of power exercised by the mere movement of *will* is carried to a height worthy of the true and living God—the God of Heaven!

Young well expresses the same style of sentiment when he says:

"Whose word was Nature's birth,
The shadow of whose hand was Nature's shield,
Her dissolution His suspended smile."

INCORRIGIBLE.—Parson Gray meeting Billy Norton early one morning, wending his way to McGuffey's grog-shop, in a town down east, resolved to expostulate with him on the sinfulness of his ways. He requested him to tarry a moment, as he had something important to communicate; but Billy, more than half suspecting what was coming, declared he had no time to spare, having urgent business to attend to.

"But," said the parson, "I have only three questions to ask you, which I wish you to answer deliberately and truly."

"Well," said Billy, "I will listen to your *three* questions, and answer them to the best of my ability."

The Parson, in a solemn, voice, accordingly proceeded:

"Mr. Norton, I want you to tell me where, in your opinion, all drunkards go to?"

"W-h-y," drawled out Billy, "generally down to McGuffey's shop; but sometimes, for the sake of variety, they call in at Pete Morris's."

"You will not understand me, William," said the clergyman, in a soothing tone; "I mean, what becomes of those miserable creatures at last?"

"O! it's a great chance if they don't call for a glass of whisky, and if the morning is cold and wet, they will sometimes toss off a horn of red-eye."

"But," exclaimed the Parson, somewhat impatiently, "what is the final consequence of such a course of proceeding?"

"Bad enough, in all conscience!" responded Billy, solemnly; "a long bill is scored up, and, if it isn't paid why then there's lots of trouble."

"You are resolved to misunderstand me," exclaimed the clergyman; "I ask you if—"

"Hold!" said Billy; "I have now answered your *three* questions fully and fairly, and if you ask any more you must answer them yourself."

So saying, the incorrigible sot left his interrogator dumb-founded, and coolly went on his way to the grog-shop.

The United States Sub-Treasury at New York dispatched from that city, on the 15th instant $500,000 in specie for New Orleans.