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NASHVILLE UNION AND DISPATCH.

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TUESDAY, DECEMBER 18, 1866.

OPINION OF SUPREME COURT.

At Knoxville, September Term, 1866.

THE STATE on the relation of WM. H. SNEED, vs. E. T. HALL, etc., etc.

The record in the case of W. H. Sneed, plaintiff in error, against W. G. Brownlow, having been filed in this court by an appeal taken in the nature of a writ of error from the Circuit Court of Knox, the relator upon petition sworn to and supported by the affidavit of his counsel, moved for a mandamus against the Hon. Elijah T. Hall, Judge, holding the Circuit Court for the county of Knox, to command him to sign, seal and make part of the record the Bill of Exceptions presented to him in the trial of said cause as set forth in the petition.

The facts necessary to be stated, as appears in the petition at the February term, 1865, of the Circuit of Knox county, a judgment was rendered against the relator for twenty-five thousand dollars in favor of W. G. Brownlow, in which suit he was attached by his property to answer. The suit was for wrongs and injustice inflicted by the relator on W. G. Brownlow, the defendant. He avows that he had no notice of the pendency of the suit, that he was not legally liable, that he had severed injured or harmed Brownlow, and was not guilty of any trespasses against him, that if he had notice he could have interposed a complete defence of the action.

On the 14th of February, 1865, during the session of the court, through his counsel he caused to be entered a motion to set aside the judgment and plead to the declaration. At a subsequent day of the same term on the 17th of February, another motion was made in said cause similar in purport, to set aside the judgment rendered against him. These motions were continued from the press of business in the court, until the June term, 1866, and after argument of the counsel it was overruled at a subsequent day of term; his counsel proposed to take up the second motion, and asked to be heard, and offered to the court the petition signed by the testator and affidavits of different parties he had present, and which he offered to read to the court, showing good cause for setting aside the verdict and judgment, and presented his pleas.

The Hon. E. T. Hall declined to hear the petition and affidavit read or argument, and overruled the motion, to which action of the court exceptions were taken.

On the 28th of June, 1866, during term, Judge Hall presiding, he called up the cause again, and prayed an appeal to the next term of the Supreme Court, and gave a good and sufficient bond, and the appeal was granted. At the same time he tendered to the Judge his Bill of Exceptions, properly drawn up, stating the facts of the case, and requested him to sign, seal, and make them a part of the record, which his Honor, Elijah T. Hall, refused, who declared that he would sign no Bill of Exceptions in the case. The record is hereby appeal, and he swears that he cannot try his cause upon its merits without the benefit of said papers, and he has no means of procuring the same. He therefore prays a mandamus against the said E. T. Hall, either alternative or peremptory, to compel him to sign the Bill of Exceptions, to be made a part of the record in his case now pending in this court.

The petition was supported by the affidavits of the counsel of the relator, who proves substantially the facts of the petitioner.

The original petition with the affidavits and the Bill of Exceptions drawn out are made a part of the petition. They are set forth in the Bill of Exceptions, first, the notice to Wm. G. Brownlow of the application to be made. Second, the original petition of the relator, which states that he was not present nor in the country when Brownlow was arrested, and in consequence of the disturbed state of the country could not sooner make his defense.

The affidavits of Thomas W. Hoffsinger, the proprietor of the Spottswood House, Richmond, Va., during the months of November and December, 1861, also the affidavit of J. C. Ramsey, who states he caused the arrest of W. G. Brownlow; the commission of George W. Brown, formerly Judge of the Knoxville district, all of which he prayed to be made a part of the Bill of Exceptions, and which are presented with the affidavit of the counsel of the relator.

Two questions are presented for our consideration:

1st. Has this court, under its organization and constitutional restrictions, being an appellate court, the right to award the writ of mandamus?

2d. If this court has the right, do the facts presented in this petition make such a case as would authorize the issuance of an alternate mandamus?

This is the first application, so far as we have been able to learn from the reports of the decisions in this court, in the judicial history of the State, of an application to this court to award a mandamus against a Circuit Judge, to compel him to appear and show cause why he should not sign a bill of exceptions taken in the trial of a cause before him.

It is a question of great importance to the citizens. If this court has not the jurisdiction to grant the writ, there should be some legislative action, for without it the citizens or suitors would be without remedy, as we have no statute authorizing a mandamus against a Circuit Judge in such cases. Section 2,968 of the Code provides: "The facts of the case being fairly stated in the bill of exceptions, the Judge shall sign the same, which thereupon becomes a part of the record of the cause."

A mandamus is defined to be by the common law writers of England, a common issuing in the King's name from the court of King's Bench and directed to any person, corporation, or inferior court of jurisdiction, within the King's dominions, requiring them to do some particular thing therein specified, which pertains to their office and duty, and which the court of King's Bench has previously determined, or at least supposes to be consonant to right and justice." Blackstone adds, "it issues to the Judges of any inferior court commanding them to do justice according to the powers of their office, whenever the same is delayed." 3 Blackstone's Commentaries, 110, 5 Pet. 191. Chief Justice Marshall, in the last case referred to, says: "We think it apparent that this definition, and this description to which it is applicable by the court of King's Bench as supervising all inferior tribunals extends to the case of the refusal by an inferior court to sign a bill of exceptions, when it is an act that pertains to their office and duty, though this right was never exercised by the court of King's Bench in issuing a mandamus, yet the power clearly existed." This Supreme Court was established by the constitution in 1834, and it is provided in the constitution, "it shall possess such appellate and other jurisdiction as is now conferred by law on the Supreme Court, under such restrictions and regulations as may from time to time be prescribed by law." Previous to the formation of this court by the constitution, the Supreme Court was created by Legislative will, and in 1809 by an act of the Legislature, the Supreme Court was organized with appellate jurisdiction.

The provision of the constitution of the State in organizing this court is very similar in language to the constitution of the United States, under which the Supreme Court is established. In the cause referred to of *ex parte* Crane, in which this provision of the constitution of the United States was under consideration, the court say "A mandamus to an inferior court of the United States is in the nature of an appellate jurisdiction." The case now under consideration is, to compel a Circuit Judge to sign a bill of exceptions to make it a part of the record of the case of which we have now the jurisdiction. The object and purpose of the writ is to carry out and perfect the right of the party appealing. The law authorizes the appeal upon the execution of the bond and filing of the record, this court acquired jurisdiction. Upon it appearing the Circuit Judge refused to do that which he is compelled to do by law. This court upon principle must have the power under its appellate jurisdiction to compel the Circuit Judge to appear and show cause why he has not performed an act he is bound by law to do.

The act to be performed is a ministerial one, not judicial.

Without the exercise of the appellate jurisdiction there is no remedy. In criminal cases the liberty of the citizen would be in jeopardy, and the rights of property would be under the control of the Circuit Judges, if they refused to sign bills of exception from time to time that might be presented in the trial of the cause, and to which the suitors by law were rightfully entitled to have made a part of the record.

As much as we are disposed not to exercise a jurisdiction where a doubt exists, but where the rights or liberty of the citizen would be placed in jeopardy, we think it our duty to take jurisdiction.

In a case that came before the Supreme Court in 1816, of which there is but a short note, on a petition for a mandamus to compel the Circuit Judge to proceed to the trial of a cause, court held, "they had no original jurisdiction, and they would not take cognizance of any matter unless it relates to *an appeal which if prayed and attempted to be defeated in any way, this court would aid by any right which would* overcome and remove the injury." 5th Haywood, 59. In the case of Miller vs. Rogres, 9th Hump. 236, Turley, Judge, in commenting upon the facts, where it was urged the Judge had refused to incorporate into a bill of exceptions parts of the evidence, said: We must examine the facts here as contained in the bill of exceptions and not upon a suppositious conception of what they might have been if the bill of exceptions had been drawn up as they should have been. If a judge *refused to sign a bill of exceptions it is no cause of error, the only redress is by mandamus.*" In a case properly made out *a fortiori*, is this so when he will sign an imperfect bill of exceptions and none other."

Judge Caruthers in his history of a law suit, 259, in commenting on this principle, says: "If the judge refuses to sign it, the remedy of the party is to apply to the Supreme Court for a mandamus. So if he refuses to insert in it what the party contends was really the fact, his only remedy is a mandamus to compel him." Though this has not the force of a judicial decision, yet the large experience of the author with the jurisprudence of the State, and his high character as a jurist gives weight to his opinion upon this question.

The right has been frequently exercised by the Supreme Courts of other States.

In New York the question was fully argued before the Supreme Court of that State, and the writ awarded. 6th Johnson's report, 279. In 2d Scammon, Ill. report, 189, a case came before that court. The question was well considered, the authorities were reviewed, and upon mature deliberation, as appears from the great number of authorities cited, the writ was awarded; but not having the constitution of those States before us we cannot say whether these courts had only appellate jurisdiction. We are of opinion under the appellate powers of this court, it has the right to award the writ of mandamus.

Second. Having the jurisdiction, has the petitioner presented such a state of facts as will authorize the court to award the writs? and did the Circuit Judge err in refusing to sign the bill of exceptions, and to determine this question we must look to the petition and the facts embodied therein.

He avers, on the 15th of February, 1866, he entered his motion to set aside the judgment of Brownlow against him and vacate the proceedings. At a subsequent day of the term he entered a similar motion, and through a press of business of the court the motions were continued until the June term, 1866. During the session, the first motion to set aside the judgement was argued by the counsel, and overruled by the court.

The petition was not filed upon the hearing of this motion, nor affidavits read or presented to the court. At a subsequent day of the term the second motion, similar in character to the first was called up. The petition was not filed he says in his affidavit. We had the petitions and affidavits in support of the motion and offered to read them to the court, but the court refused to hear them, and said he would sign no bill of exceptions in the case, though the court had overruled the first motion made to vacate and set aside the judgement. He presented the second motion to be entered of record at the February term, 1866, and continued it to the June term, 1866, and entertained it and acted upon it. Though this was irregular, the petitioner had the right in support of it to present his petition and affidavits, and if the court refused to hear them, he had a right to have them incorporated in the bill of exceptions. Though the first motion was overruled, it was just preceding the second motion and at the same term.

The court entertained the motion and acted upon it, and it was his duty to have heard such petition and affidavit as were offered by counsel in support of it. The declaration of the Judge, as stated in the petition, that he would sign no bill of exceptions in the cause was conclusive upon the petition, and his only remedy is by mandamus to compel him. The law provides, in judgments by attachment against non-resident debtors, or where the party has merely removed himself or property from the State, the judgment may be set aside within twelve months upon good cause shown." The petitioner states he was a non-resident. We can only look to the petition for the facts in this motion. Being a non-resident he had the right within twelve months from the rendition of the judgment to make his application to set it aside, and in support of that motion to file his petition and affidavits, that the court might judge of the sufficiency of the cause shown, and if the court should be of opinion they were not sufficient, he had the right to have them incorporated in his bill of exceptions and made a part of the record.

In determining this we can only look to the facts stated in the petition and the affidavits supporting it. The law required the Judge to sign the bill of exceptions if the facts are correctly set out.

The declaration of the Judge, "he would not sign any bill of exceptions," as appears from the statement of the petition, were not warranted by law.

It is our duty as a revising court, having jurisdiction of the case, to see that every suitor in this court, has extended to him the rights and privileges to which he is entitled by the laws of the land.

The case having been brought to this court by appeal, and it appearing from the petition supported by affidavits that the Hon. E. T. Hall refused to sign the bill of exceptions made and presented on the trial of the cause, that the matters and facts therein stated might be made a part of the record of said cause, and the plaintiff averring in his petition that they are material to his rights in this court, and we are therefore of opinion that an alternative mandamus should issue to the Hon. E. T. Hall, Judge, etc., to appear before this court at its next regular term, and show cause why he should not sign the bill of exceptions tendered in this case.

SHACKELFORD, Judge.

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

NAPOLEON'S RETREATS.—The *Unita Cattolica*, of Rome, of Nov. 27th, contains an article entitled "The Fall of the First and Second Empire," from which the following is an extract: "Since the *Siecle* and the *Temps*, of Paris, speak openly of the downfall of the Popes, we may speak a little of the downfall of the second empire. Napoleon the Third has fallen back; he is lost. He has retreated from Poland from fear of Russia; he has retreated from Germany from fear of the needle gun; he has retreated from Mexico from fear of the United States; he has retreated from Rome from fear of Orsini and Massini." The clerical journal prints two columns in the same strain, and concludes by saying, that it sends the article in print to the Emperor at Compiegne, to Gen. Fleury, to M. de Malaret, and to M. de Sartiges, in order that they may put it in their archives, and take it down for perusal when the proper time shall have come.

WE had the pleasure of a call yesterday from Gen. Robert Lowry, one of the Mississippi commissioners to Washington to intercede in behalf Mr. Davis. Gen. Lowry brings back no word or hope of encouragement from the President, nor does he believe there is enough conservatism left in Congress to save us from the vortex of destruction into which Radical misrule is carrying the country at railroad speed. When Messrs. Hillyer and Lowry first called on President Johnson, they were led to believe a universal amnesty would soon be proclaimed, but a couple of weeks later this impression was removed, and they now come home convinced that the day of Mr. Davis' liberation is still far distant.—*Jackson (Miss.) Clarion.*

THE FENIANS IN IRELAND.

Alarm in Ireland—Threats of English Journals—Stephens Reported to be in London—Reward Offered for his Capture, etc., etc.

Correspondence of the N. Y. Times.

LONDON, Saturday, Dec. 1, 1866.—Ireland is on the brink of insurrection. So the English believe, and they are making their preparations accordingly. The coast is lined with cruisers, troop ships are conveying regiment after regiment to Dublin, and the south and west. The large towns are patrolled, the police armed, the troops furnished, as far as practicable, with breach-loaders. The commander of the forces is on the ground, and every thing is ready to crush, to stamp out, the insurrection when it makes its appearance. Fierce and terrible are the threats of the English journals. The Irish are warned that the English with all their cant of philanthropy, have not changed their natures since the remorseless days of Elizabeth, or Cromwell, or of '98; that they will deal with rebels in Ireland as they dealt with them in India, and later in Jamaica. There is a cold-blooded ferocity in their threats, or warnings of the inevitable consequences of a rebellion on British soil, that contrasts strangely with English sympathy, more or less actively expressed, for all rebels but their own.

It is a fact that Ireland is in a state of terror and alarm, and that there is a general belief that there will be an outbreak before Christmas. Many suppose that Stephens is in Ireland, and this belief is doing almost as much to excite and terrify as his actual presence. Even colliers on the coast are searched to find him, or discover arms and ammunition. Boxes and casks of rifles and cartridges are seized here and there. A box containing a Fenian uniform has been taken by the police in Liverpool. Irishmen suspected to be Fenians, and Irish-Americans with square-toed boots and bushy beards, with a military bearing, are drifting into Ireland by every port and from every direction, and scattering over the country. They gather about the corners of Dublin; they hover about Cork. In the country men turn funerals into military processions, and tramp along the roads at night to the music of accordeons. There is a run on the savings banks, and business is dull. Landlords are leaving the country, or barricading and preparing to defend their property.

Worse than all, as the *Times* points out to us, in the midst of all these signs of evil we see and hear nothing of the loyal people of Ireland. There are no meetings, North or South, to support the government and take measures for defense. Even the Protestants, Episcopal and Presbyterian, make no sign. Is it apathy or is it terror? Everything is left to the government; and the government, we are assured, will sternly do its duty. The *Morning Herald* says:

"The rumors of Fenian enterprises in Ireland have at length taken a definite shape, and there is reason to believe that, in a few days, we shall be, unhappily, involved in a serious contest for the supremacy of British rule in the neighboring island. We are in the presence of a real danger to a vital part of the Empire. * * * They have preferred to stake their cause on the chances of war, and war they will have, if they provoke it, with a vengeance. However horrible may be the alternative, it is not for us to hesitate at accepting it. The prospect is sufficiently melancholy, but as there is no escape from it, perhaps the sooner it is realized the better. A few weeks of sharp fighting in the South and West are, perhaps, after all, not the worst calamity which can happen to Ireland."

The tory organs in this matter only chime in with the *Times, Post, Pall Mall Gazette, Daily News*, with English journals of every shade of politics. They all advocate quick, sharp work in putting down the rebellion—the more merciful only fear that vengeance will go too far, and plead for mercy when justice shall have been accomplished. "If England can do nothing else," we are told, "she knows how to suppress a rebellion."

A special London telegram to the Dublin *Freeman's Journal* has the the following:

LONDON, Nov. 30—evening.—It is positively stated that the government has received reliable information that the Head Centre, James Stephens, if not already in London is hourly expected to arrive here. A reward of £2,000 has consequently been issued for his apprehension, and constables in plain clothes, provided with photographs of the fugitive, have been dispatched to all the likely ports of disembarkation and to the various railway stations.

THE REWARD FOR HIS CAPTURE.

From the London Globe, Nov. 30.

The announcement of the departure of James Stephens, the Fenian Head Centre from America, and of his intended return to Ireland, has been met on the part of the government by an offer of the large reward of £2,000 for his apprehension—that is, £1,000 for such information as will lead to his apprehension, and a further £1,000 to any one who may arrest Stephens. This notorious conspirator is described as a man about forty years of age, five feet seven inches high, stout, with broad, high shoulders, fair hair, bald all round the top of his head, wears all his beard, which is sandy, slightly tinged with gray, and long under chin, broad forehead, tender eyes, and has a peculiar habit of closing the left eye when speaking; high cheek bones, rather good countenance, and his hands and feet are remarkably small and well formed. The government deserves great credit for the promptitude with which they have acted in this matter, and the largeness of the reward offered justifies the hope that if ever Stephens again steps his foot on British soil he will be arrested before he can go to Ireland to renew the trouble which Fenianism has produced in that island.

THE STATEMENT OF MARIE, ON WHICH SURRATT WAS ARRESTED.

The foreign news by the cable stated that the man who gave the information which led to the arrest of Surratt is a French Canadian named St. Marie. He was formerly a Union soldier, and afterwards served in the Papal Zouaves. Both he and Surratt, it is alleged, were in love with the same lady in Washington, and St. Marie betrayed Surratt through jealousy. The following is said to be the affidavit of St. Marie, on which Surratt was first arrested while serving as a Papal Zouave:

"I was living in Maryland, at a small village called Ellangowan, or Little Texas, about twenty-five or thirty miles from Baltimore, where I was engaged as teacher for a period of about five months. I there and then got acquainted with Lewis J. Weichman and John H. Surratt, who came to that locality to pay a visit to the parish priest. At that first interview a great deal was said about the war and slavery, the sentiments expressed by these two individuals being more than secessionist. In the course of the conversation I remember Surratt to have said that President Lincoln would certainly pay for all the men that were slain during the war. About a month after I removed to Washington, at the instigation of Weichman, and got a situation as tutor —, where he was himself engaged. Surratt visited us weekly, and he once offered to send me South, but I declined. I did not remain more than a month at Washington, not being able to agree with Weichman, and enlisted in the army of the North, as stated in my first statement in writing to General King. I have met Surratt in Italy, at a small town called Velletri. He is now known under the name of John Watson. I recognized him before he made himself known to me, and told him privately, 'You are John Surratt, the person I have known in Maryland.' He acknowledged he was, and begged of me to keep the thing secret. After some conversation we spoke of the unfortunate affair of the assassination of President Lincoln, and these were his words: 'Damn the Yankees, they have killed my mother. But I have done them as much harm as I could. We have killed Lincoln, the niggers' friend.' He then said, speaking of his mother. 'Had it not been for me and that coward, Weichman, my mother would be living now. It was fear made him speak; had he kept his tongue, there was no danger for him. But if ever I return to America and meet him elsewhere, I shall kill him.' He then said he was in the secret service of the South, and Weichman, who was in some department there, used to steal copies of the dispatches and forward them to him and thence to Richmond. Speaking of the murder, he said they had acted under the orders of men who are not yet known, some of whom are still in New York and others in London. I am aware that money is sent to him yet from London. When I left Canada, he said, I had but little money, but I had a letter for a party in London. I was in disguise, with dyed hair and false beard; that party sent me to a hotel, where he told me to remain till I would hear from him; after a few weeks he came and proposed to me to go to Spain, but I declined, and asked to go to Paris. He gave him seventy pounds, with a letter of introduction to a party there, who sent him to Rome, where he joined the Zouaves. He says he can get money in Rome at any time. I believe that he is protected by the clergy, and that the murder was the result of a deep laid plot, not only against the life of President Lincoln, but against the existence of the republic, as we are aware that the priesthood and royalty are, and always have been, opposed to liberty. That such men as Surratt, Booth, Weichman and others, should, of their own accord, plan and execute the infernal plot which resulted in the death of President Lincoln, is impossible. There are others behind the curtain who have to make these scoundrels act. I have also asked him if he knew Jefferson Davis. He said not, but that he had acted under instructions of persons under his immediate orders. Being asked if Jeff. Davis had anything to do with the assassination, he said: 'I am not going to tell you.' My impression is that he brought the order from Richmond, as he was in the habit of going there weekly. He must have wished the others to do it, for when the event took place he told me he was in New York, prepared to fly as soon as the deed was done. He says he does not regret what has taken place, and that he will visit New York in a year or two, as there is a heavy shipping firm there who had much to do with the South, and he is surprised that they have not been suspected. This is the exact truth of what I know about Surratt. More I could not learn, being afraid to awaken his suspicions, and further I do not say."

TENNESSEE LEGISLATURE.

Senate.

MONDAY, Dec. 17, 1866.—The Senate met pursuant to adjournment, Mr. Speaker Frierson in the chair.

A message was received from the House of Representatives, stating that it was ready to adjourn, in accordance with the previous action of the two Houses.

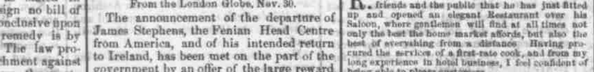
The Speaker declared the Senate adjourned, in accordance with joint resolution No. 11, adopted by both Houses, until the 14th day of January, 1867.

SINGULAR EXPRESSION OF SYMPATHY—LETTER FROM ROBERTS TO LYNCH.

NEW YORK, Nov. 30, 1866.—Robert Bloss Lynch, Esq., Toronto Jail—Sir:—Your letter requesting me to send to Washington affidavits of your non-military connection with the Irish Republican army, has been received and the request complied with, in care of Capt. Fitzpatrick, and I will write to General O'Neill on the subject. I regret to tell you that you are not going to be hanged. So great a crime upon a non-combatant like yourself would make every Irishman in America a Fenian, and furnish our exchequer with the necessary means to clear Canada of English authority in short order—a consummation devoutly to be wished; and therefore, I say, I regret that you will not be hanged. It would be a glorious death for you; and a life that would otherwise pass away unknown, in a few years, at most, would become an honored portion of the history of our race and of the times.

But whatever be your fate, pray God that you will act a brave, dauntless part to the last. Remember that your not alone represent your own weak nation, in the position in which you are placed, but your country and your race also; and though much I regret that you are in the power of bloodthirsty foes, I still trust and hope that, under any and all circumstances, you will make your countrymen proud of you and your name honored. I remain, yours sincerely, W. R. ROBERTS,
President F. B.

THOMPSON'S RESTAURANT,
Corner College and Union Streets.



R. G. THOMPSON WOULD INFORM HIS friends and the public that he has just fitted up and opened an elegant Restaurant over his Saloon, where gentlemen will find at all times not only the best the home market affords, but also the best of everything from a distance. Having procured the services of a first-rate cook, and from my long experience in hotel business, I feel confident of being able to please customers.

Fresh Oysters received daily—served up in any style. Fresh Game always on hand.
nov4-1y R. G. THOMPSON, Proprietor.

A. & W. RANNIE,
19 Broad Street,
CONFECTIONERS AND BAKERS,
MANUFACTURERS OF
CANDY, SUGAR PLUMS,
And everything in their line, dealers in all kinds of
Toys and Fancy Articles for Christmas,
WOULD RESPECTFULLY CALL THE ATTENTION of the city and country merchants to their large and well assorted stock of the above articles, which they will sell low
A. & W. RANNIE,
19 Broad street, bet. College and Market
nov20-1m

PUBLIC SALE
OF
150 TOWN LOTS.

THE TULLAHOMA TOWN COMPANY will,
On the 21st Day of December,
Offer at public sale, and continue from day to day until all are sold, all these beautiful Lots heretofore reserved and unsold; and which are eligibly situated for family residences, and many convenient for business houses.

To those who desire a summer residence, or a delightful dwelling place, this sale presents great attractions. The locality of Tullahoma, with a population of from 500 to 1,000 inhabitants, on the Nashville and Chattanooga Railroad, at the terminus of the McMinnville and Manchester Railroad, in Coffee county, and on the table land of the Mountain District of Tennessee, is of unsurpassed salubrity and pleasantness. All the comforts and appliances of high civilization, of an orderly, well regulated, moral and religious community, and good schools; the purest of water, shall abound and sulphur, in the town site and convenient.

THE TERMS OF SALE

Are a credit of six or twelve months, except the sum of ten per cent. to be paid down on day of sale. Bond and security required, and a lien on the lots retained. Map of the town and of the lots for sale to be seen on application to me at my house in Tullahoma.
WM. MOORE, Agent,
dec11-td Tullahoma, Tenn.

WM. TITLEBAUM,

OPTICIAN, No. 74 Church Street, (opposite the Maxwell House,) Nashville, Tenn, offers his services to a generous public. By his experience in this line he is enabled to try the eyesight and suit spectacles accordingly, so that the eye is not overcharged, but merely assisted. At his Optical Establishment can also be found Microscopes, Telescopes, Thermometers, Magnifiers, Mathematical Instruments, Picture Frames, Opera and Field Glasses, etc., etc. Remember that when you want your eyesight improved you must call at Wm. Titlebaum's office, No. 74 Church street, opposite Maxwell House, Nashville, Tennessee. The best Glasses, or pure Pebbles, set into old frames.
dec7-3m

HOME MANUFACTORY.

J. A. MURKIN

RESPECTFULLY INFORMS HIS OLD customers and the public generally that he is now fully prepared to make the finest fitting and most durable

Boots and Shoes

To order at reasonable prices, and that he intends to keep constantly on hand a well made and well regulated assortment of his own make, at his old stand,
No. 46 North College Street.
dec8-3m J. A. MURKIN.

To Tobacco Planters.

WE ARE NOW PREPARED TO STORE, Ship or purchase Tobacco, either loose or in hogsheads. Call at our Warehouse, No. 3 Market street, Nashville.
dec11-tf (B.) HUGH McCREA & CO.

EDWARD WILDER'S
FAMOUS
STOMACH BITTERS.

READ THE FOLLOWING HOME EVIDENCE of its medicinal virtue, and try it in your own family circle:

Mr. Edward Wilder, City:

Dear Sir: I have examined your Stomach Bitters carefully, and find it what you represent it to be. The high order which the ingredients going into it take in the Materia Medica, as well as the most happy proportioned combination of substances, make your Bitters far superior to any similar preparation in the country. The fact that you use only the purest Bourbon Whisky must necessarily recommend your Bitters in another point, especially as far as wholesomeness and palatability are taken into consideration. I was well pleased to see in your establishment the process of manufacturing your Bitters carried on by way of displacement, which not only gives you a better product, but also recommends itself by cleaner operation.
EMIL SCHEFFER,
Apothecary and Chemist.
Louisville, Sept. 29, 1866.

Mr. Edward Wilder, City:

Dear Sir: My wife and child have been suffering for several months from indigestion. My wife, seeing your advertisement, requested me to bring her a bottle of your Stomach Bitters, which I did; and on using one bottle, I am more than happy to state that my child, now four months old, who has not had a voluntary action since its birth, is entirely restored, and my wife is enjoying the best of health, and is now wholly unwilling to be without a bottle of your Bitters in the house, as she says it is the most strengthening and appetizing tonic that can be used, and that no house ought to be without it; and I feel it due to the public to make known the wonderful good it has performed in my household, and most heartily recommend its use in every family.
I remain yours respectfully,
T. M. SWANN,
Of Craig, Truman & Co., 218 Main street.
Louisville, October 20, 1866.

ROCK HAVEN, MEADE COUNTY, KY., October 24, 1866.

Mr. Edward Wilder, Louisville, Ky.:

Dear Sir: I take pleasure in saying that I was suffering from Ague and Fever, or Chills and Fever, for several months, when I was advised by a friend to try your famous Stomach Bitters, and after using two bottles I am entirely restored. It not only imparts new vigor, but is a truly the best strengthening and appetizing tonic, at the same time pleasant to the taste, I have ever known used or administered to the public; and I would say to all those similarly afflicted that if they would be cured and have the disease thoroughly eradicated from the system, to use your Bitters, and be convinced of their wonderful medicinal power and virtue.
I remain yours respectfully,
P. P. NEVITT.

LOUISVILLE, KY., October 12, 1866.

To E. Wilder, Esq., City:

I was a good deal afflicted with indigestion, and occasional attacks of Dyspepsia. I was advised to use your Bitters. I scarcely used one bottle when I felt relief, and from the use of the Bitters, though nearly sixty seven years of age, feel the same energy and vivacity and cheerful spirits of a boy of twenty-five. Your Bitters are a pleasant tonic and cordial, and as they are prepared from pure ingredients and good old Bourbon Whisky, I can safely endorse their use to all afflicted as I was. I would say to such persons, keep your minds easy, your bowels open, your head cool, your feet warm, and use Wilder's Bitters, and never mind the Doctor.
Respectfully, J. C. BUCKLES,
"Old Reliable" Agent Erie R. R.

IT WILL CURE
DYSPEPSIA,
LIVER COMPLAINT,
And all species of
Indigestion,
Intermittent Fever,
and Fever and Ague,
And all periodical disorders. It will give immediate relief in

COLIC AND FLUX.

It will cure COSTIVENESS. It is a mild and delightful invigorant for delicate Females. It is a sure Anti-Bilious Alterative and Tonic for family purposes. It is a powerful remponent after the fever has been debilitated and reduced by sickness. It is an excellent appetiser as well as strengthener of the digestive force. It is decidedly alike as a corrective and mild cathartic. It is being daily used and prescribed by all physicians, as the formula will be handed to any regular graduate.

EDWARD WILDER,
Sole Proprietor.

EDWARD WILDER & CO.,
Wholesale Druggists,
215 (MARBLE FRONT) MAIN ST.,
Louisville, Ky.
FOR SALE BY ALL DEALERS.
nov29

THE SECOND
NATIONAL BANK,
OF NASHVILLE,
College Street, near Union,
Designated Depositary and Financial Agent of the United States,
it is prepared to transact a regular Banking business, and furnish Exchange on
NEW YORK,
NEW ORLEANS,
LOUISVILLE, AND
CINCINNATI.
Government Securities, Gold and Silver, bought and sold on Commission.
JOHN LUMSDEN, President.
W. J. THOMAS, Cashier.
oct17-1y.

THIRD NATIONAL BANK
OF
NASHVILLE, TENNESSEE.
STOCKHOLDERS.
W. W. Berry, M. Burns,
John Kirkman, Jos. W. Allen,
B. Wasson, Edgar Jones,
Dan'l F. Carter, A. J. Duncan,
Alexander Fall, Chas. E. Hillman,
Edmund Cooper.
THIS BANK OCCUPIES THE BUILDING FORmerly occupied by the Planters' Bank, corner of Union and College streets, and is prepared to buy and sell Gold and Silver, Drafts, U. S. Securities and State Bonds, collect Notes, Drafts, Coupons, etc., in all parts of the United States.
5-20 Bonds and 7-30 Treasury Notes always on hand and for sale. Gold Coupons cashed and Compound Interest Notes bought at the highest rates.
EDGAR JONES, Cashier.
W. W. BERRY, President. oct10-3m

D. WALKER. J. L. YARYAN.
WALKER & YARYAN,
ATTORNEYS AT LAW,
41 Cherry Street, (up stairs,)
3m NASHVILLE, TENN.

S. GOLLADAY
City Shoe Store,
(Opposite St. Cloud Hotel.)
No. 3, Simmons' Block, Church Street,
NASHVILLE, TENN.
nov4-tf

BROADWAY MILLS
Corner Broad and High Streets.
RETAIL PRICES OF FLOUR, MEAL AND Feed, delivered free of charge.

Flour, made of White Wheat, "Washington" per barrel	$10 00
Broadway Mills Extra Family Flour	$15 00
Broadway Mills S. Fine Flour	$13 00
Graham, or Unbolted Flour, per 100 lbs	$4 00
Middlings, per 100 lbs	$4 00
Fine Feed	
Buck Wh at Flour	
Corn Meal, per bushel	$1 30
Bran, per 100 lbs	$1 50
Mixed do., per 100 lbs	$1 75
Shorts, per 100 lbs	$2 00
Hay, per 100 lbs	$1 25
Corn, per bushel	$1 05
Oats, per bushel	70c

ctf-3m-sp. D. D. DICKEY, Agent.

PARTICULAR NOTICE.
MYERS & HUNT,
CARRIAGE MAKERS,
DESIRE TO RETURN THANKS TO THEIR patrons for the liberal support heretofore extended to them, and state to the public generally that in order to have greater facilities for supplying the
Increased Demand
for their work, they are fitting up in magnificent style the large and commodious two story building,
No. 76 North Market Street,
One door north of their present stand, for a
Carriage Factory and Sales Rooms,
Where they will be better prepared than ever to keep up their reputation for making first-class work.
Entrance to Repairing Shops will be the Same as Heretofore.
A splendid assortment of Carriage work always on hand at the lowest figures.
We will continue at our old stand until our new Factory is fitted up.
MYERS & HUNT.
dec1-tf

WOOD! WOOD!
FOSTER BROTHERS,
33 Public Square,
WILL DELIVER GOOD HARD, MERchantable Wood, anywhere within the Corporation, at
FIVE DOLLARS PER CORD.
FULL CORDS guaranteed. Orders received at our store. nov29-1m

NEW WOOD YARD.
WOOD FOR SALE AT YARD, OR DELIVered, cheaper than at any other yard in the city. Terms strictly CASH.
Extra Inducements,
PARTIES PURCHASING LARGELY.
Do call and see us.
Yard corner North Front and Jefferson Streets.
G. HOGAN.
oct22-3m G. P. DANFORTH, Agent.

FAS. M'LAUGHLIN, G. W. B. BUTLER, F. A. IRWIN
Formerly of Nevins, Keith & Co.
M'LAUGHLIN, BUTLER & CO.
(Successors to F. A. Irwin & Co.,)
WHOLESALE GROCERS
AND
COMMISSION MERCHANTS,
DEALERS IN
BRANDIES, WINES AND LIQUORS,
Corner Market and Clark Streets,
NASHVILLE, TENNESSEE.
Will pay the highest market prices for Dried Fruit, Feathers, Beeswax, Ginseng, and Country Produce generally. nov24-1m

Notice.
HAVING CONCLUDED TO RETIRE FROM the business of Storing Cotton, we have this day sold our to GEORGE C. ALLEN & CO.
The Cotton in store consigned to us by our friends will still have our closest attention, as we will always be found at the old stand, and will ship or sell for them, as they may desire.
J. A. McALISTER & CO.
Nashville, Sept. 7, 1866.

A Card.
In retiring from the Cotton Factorage and Commission Business, we take great pleasure in recommending our successors, Messrs. George C. Allen & Co., to the patronage of our numerous friends, as every way worthy of their confidence and support.
J. A. McALISTER & CO.
Nashville, Sept. 7, 1866.

By reference to the above advertisement it will be seen that we have succeeded Messrs. J. A. McAlister & Co., in the Cotton Factorage and General Commission and Forwarding Business, at the old stand, corner of Broad and College streets, where we will be pleased to see all the old customers of the house, and our own friends and acquaintance.
We hope to be able to give satisfaction to all those who may entrust us with their business.
GEORGE C. ALLEN & CO.,
Of the late firm of BURGE & ALLEN
Nashville, Sept. 7, 1866. sep4-tf

ESTABLISHED ..... 1846.
CHAS. ROBERTSON
BAKER
AND
CANDY MANUFACTURER
NO. 17 N. MARKET STREET,
WOULD REMIND HIS OLD FRIENDS AND Customers that he is more than ever prepared to supply them with the very best of Light Bread, Crackers, Cakes, Candies, etc.
He has also on hand the best of Wines, suitable for medical purposes, besides a superior lot of imported Scotch Ales and London Porter, and fine brands of Cigars. Also, Currants, Raisins, Citron, Figs, Dates, Nuts, etc.
Just received, a large assortment of Fancy Articles, embracing Toys, Fireworks, Masks, and a very fine selection of Fancy Confectionery, suitable for Christmas Holidays, which will be sold wholesale and retail. nov24-tf

D. M. BAILEY, Formerly of Maury co.
JAMES M. GARRET, of Williamson county.
C. N. ORDWAY, of Giles county.
T. B. SAMPLE, of Huntsville, Ala.
BAILEY, ORDWAY & CO.,
COTTON COMMISSION
AND
WHOLESALE GROCERY
WAREHOUSE,
Nos 5 and 7 Broad Street.
NASHVILLE, TENNESSEE.
WE BEG LEAVE TO RETURN THANKS TO our friends for the very liberal share of patronage bestowed upon our house the past season, and would say that, having enlarged our facilities for storing cotton, we are now prepared to give every attention to the storage, sale and shipment of all cotton our friends may entrust to our care. We promise that every effort will be used to secure the very highest market price, whether sold here or in other markets.
Will make cash advances on all Cotton or other Produce shipped to us. Our terms shall always be as low as any other reliable house.
JAMES M. GARRET and WM. T. SAMPLE will give their undivided attention to the Cotton Department, and will strain every nerve to make it to the interest of planters to patronize