WASHINGTON LETTER.

"Jemmy Snoddy, Alderman"—His Vanity—How and Where He Broke Loose—Jemmy as a Law-Giver.

His Accustomed Achievements—How to Slaughter Jemmy—Jemmy the Bane of Cities.

Judge Terrell After Him—He is Knocked on the Head in San Francisco.

Special Correspondence of the Gazette.

Washington, D. C., March 15.—The want of forethought and the unreasoning folly of mobs in cities is wholly unaccountable. They persist in investing a peculiar class of men with municipal offices simply because these demagogues assume to be their own sort. Whisky-headed aldermen and ignorant, inebriated, red-visaged policemen, and now and then a vulgar bully of a mayor, enjoy honors and emoluments of office, and the mob, and even honest toiling workingmen rejoice in the fact. They imagine that in elevating vulgar fellows they honor and enrich their own class. Not very long ago we read the inscription on a great, glaring, gilded door-plate,

"JEMMY SNODDY, ALDERMAN."

Hard-by, over the doorway of a greasy, dingy, filthy bar-room, was the significant sign-board, "Snoddy's saloon." Jemmy's vanity and consciousness of honors proudly worn and the folly of his constituency and the fate of the community having such masters, were all legible in the vestibule of Jemmy's domicil. Jemmy was re-elected because it was known that he would vote for every job involving the expenditure of public money. Jemmy would have everybody employed on public works. True, Jemmy would augment rates of taxation and double and quadruple the public debt; but Jemmy's adherents pay no taxes, and what signify public burdens! Such, too, is the reasoning and conduct, we may suggest parenthetically, of negro dwellers in Southern towns. They uniformly support the worst and most incapable and unworthy candidates for official positions. Their motives are precisely those of *sans-culottes* of northern municipalities. In central cities of the union the white swell mob co-operates with the black, and municipal bankruptcy always ensues.

SNODDY AND BELSHAZZAR.

What have these absurd voters gained? Great numbers of them, for a time, served the public in subordinate offices. Many executed trifling, perhaps profitable, contracts; and many, very many, just before each election, were employed as street laborers. But the inevitable end comes at last. It is discovered in the city's insolvency and decay. Burdensome public debts and intolerable taxation put a period to private local enterprise. No railways are built, no houses erected, no generous school system can be maintained no no sewers are dug, laws of public health are neglected. Who are the sufferers? The rich and prosperous emigrate; the poor are hungry. They rot of foul plagues and in filthy indigence. Jemmy Snoddy's vulgar, glaring door-plate was a Belshazzar prophecy, "a handwritting on the wall," presaging all these public and private griefs.

THE STATE AND THE MUNICIPALITY.

The mob learns at last, though always too late, however often these historic lessons are repeated, that their interests and those of tax-paying classes are inseparable, and that none besides those thoroughly identified in theiaprivate fortunes with those of a municipality should govern it. These local governments are essentially tax-gathering and tax-expending institutions. The state and its courts and laws protect life, liberty, and property, and with juries and habeas corpus guards civic and personal rights of the living and estates of the dead. Municipal laws and action, on the contrary, affect streets, lights, drainage, and locomotion and trade. Non-taxpayers are guarded against wrong at the hands of corporate authority by the state. Why, therefore, should any one be suffered to vote away other people's money in corporations in which he is in nowise a shareholder, and why should he enact or execute municipal statutes affecting other people's property and never his own? But generous American habits and systems have invested every citizen with the glorious "privilege"—for it is not a right—of voting in all elections, whether federal, state or municipal and we propose no step backward.

THE REMEDY.

But we do propose to reform popular habits of thinking and of action impelling the untaxed to combine in municipal elections to plunder and impoverish the taxed. The country's capital was so grievously impoverished, like Philadelphia and New York, by this insatiable mob and by men having no identity of fortune with the city, that the government of the United States was forced to interpose and divest Boss Shepherd's gregarious multitude of highest privileges of local citizenship. High rates of local taxation imposed and made unavoidable by representatives of those who contribute naught to a city's treasury have driven countless manufactories from Philadelphia and New York, and thus have ignorant, blundering voters robbed themselves of employment and bread.

Vicious systems of city government are constantly "reformed." Each legislature enacts new codes and defines new restrictions for rulers of great cities. Grand commissions, like those of congressional birth, are instituted, and new charters; but state lawgivers, like congressmen, are often politicians and demagogues. They are conscious of the origin of evils to be remedied, but dare not strike. Their "new charters" and commissioners are cowardly evasions. They dare not close half the ballot boxes. There lies the source of evil, and there, perhaps, the only effective remedy can be applied. Must both these great eastern cities—one owing eighty, the other one hundred and sixty millions—be disfranchised like the country's capital? Or must the privilege of suffrage be restricted to those affected by taxation which the ballot box imposes and regulates? Or will the untaxed learn at last that their fortunes are best promoted by their thorough identification, in these local elections, with those whose property is either voted away or made valuable by the results of municipal action?

WHAT'S TO BE DONE ABOUT IT?

I advert to this subject because the legislature of California has recently shown New York and Pennsylvania, to say nothing of Texas, how to save cities from utter ruin at the hands of knavery or incapable folly invested with office by the floating swell mob. Heavy taxation in San Francisco made rents high, and heavy taxation prevented the erection of houses, and the two facts made rents higher, the poor poorer, and it was only left for fearless, honest lawgivers of California to rescue San Francisco from the fate of older eastern cities by restricting the right to vote in municipal elections to municipal freeholders and taxpayers. In view of the pitiable financial straits to which mob-governed cities everywhere are reduced, I only propose to inquire whether there be any remedy save that which may exclude Jemmy Snoddys from municipal legislatures? X.

COURT DECISIONS.

[GALVESTON TERM, 1883.]

Supreme Court.

Ranger vs. Bedell et al.—From Waller county. Opinion of Judge Watts adopted. Valid judgments, orders of sale, advertisements, sales, and the payment of the amounts bid, constitute the title of the purchaser to the property, and the sheriff's deed is but evidence of such title, and is not indispensable. [6 Tex., 35; 5 Tex., 200.] Apparant title only, with a chain of transfers from the sovereignty of the soil down to the party in possession, will not support the plea of three years limitations. In addition to such claim of transfers, there must be title as a basis for such limitation. [Brown vs. Flynn, last Tyler term; 51 Tex., 432.] The judgment is reversed and rendered, so that the plaintiff in error recover the following property: Lot No. 7, in block 105, in the town of Hempstead. Reversed and rendered.

Branch vs. Williams—From Galveston county. Opinion of Judge Delany adopted. No objection being taken to parol evidence to prove that appellant purchased at his own risk, he can not raise that question for the first time in this court. [15 Tex., 582; 14 Tex., 558.] The record shows that appellant was an attorney-at-law; that before his purchase he engaged in resisting, and did successfully resist certain claims against the land, which were based against the very title which he now sets up as a perilous outstanding title, discovered since his purchase. The evidence is sufficient to support the plea that he purchased at his own risk. He purchased two-thirds of a tract of land for $1000, which in 1865 sold for over $46,000. He was dealing with a woman, who intrusted him with the preparation of the title papers, as well as the notes, the payment of which he now seeks to avoid. He pleads a failure of title, the insolvency of the plaintiff and her other inability to respond in damages on the warranty, but he does not proprose to rescind the contract or surrender the land. Affirmed.

Cantagrel et al. vs. Von Lupin et al.—From Harris county. Opinion of Judge Delaney adopted. The only questions noticed are those arising out of the plea of the statute of limitations. Held, the possession of defendant was such as is contemplated by the statute. It was an "actual, visible and exclusive appropriation of the land and continued under a claim of right." Although defendant was in possession under a claim or color of title, and was not therefore to be regarded as a mere naked disseizor, yet he placed on the land a "substantial, visible inclosure," which is said to be decisive proof of the dissezin of the true owner. [28 Tex., 285.] The description made of the property in the deed, viz., all of the property owned by the vendor in Harris county is sufficient.] 23 Tex., 136.] Whether Girard had authority to execute the instrument is not the question. He made it, claiming to be the agent of Cantagrel. Blane held under it, recognizing Cantagrel's title and repudiating the title of plaintiff. Plaintiff can not pretend that he was holding under them, and having acquiesced in his hostile possessions for more than five years, they can not make this objection to the lease. [26 Tex., 343.] Reversed and judgment rendered for defendant. Reversed and remanded.

Heirs of Jones vs. Paul's Heirs—Galveston county. Opinion of Judge Delany adopted. In former times a vendor could not sue upon his warranty unless he had been actually evicted by one claiming under a paramount title. Now the law is not so strict. If any paramount title is positively asserted against the vendee, he is not required to make an unavailing and useless resistance against the claim of the title which is manifestly superior, and must prevail. Under such circumstances he may give up his land and resort to his warranty. The possession of the vendee under the title which he acquired with warranty is not disturbed by the mere existence of the superior title, and he has no right to presume that it will be disturbed until he actually feels its pressure upon him. This rule presupposes that the vendee has taken possession of the land, and has suffered an eviction, either actual or constructive. When, however, the vendee has not taken possession the rule is, that "when at the time of the conveyance the grantee finds the premises in possession of one claiming under a paramount title, the convenant for quiet possession or of warranty will be held to be broken without any other act on the part of either the grantor or the claimant." Reversed and remanded.

McFaddin et al. vs. Laugham—From Jefferson county. Opinion of Walker, P. J., adopted. This case involves the question as to the constitutionality of the "act to require persons inclosing public free school lands to pay an annual rent therefor." [Approved April 17, 1879, to take effect July 24, 1879.] Held, the obligation imposed by the above act by the state upon the party inclosing the therein described lands is a legal obligation to pay a specified sum of money in consideration of the benefits to be derived, in fact is but a debt, and is not, therefore, a tax upon its citizens, and the learned judge, after summing up the principles governing in such cases, in a very able and exhaustive opinion, concludes therefrom that the remedy which the statute provides for the enforcement of the collection of the rent due to the state is unconstitutional, and the court below erred in its charge in holding otherwise. Reversed and remanded.

John vs. Denman et al.—From Houston county. Opinion of Walker, P. J., adopted. The defendant cannot render available to himself the defect or want of title in his vendor under the evidence in this case without surrendering the possession of the land. His vendors were in possession of the land on which they erected a dwelling and out-houses, and had otherwise improved the land, which they sold to him, executed their bond for title, accepted the first payment of the purchase money, together with the notes sued on for the balance, and placed him in possession. The contract of sale was executory, and if the defendant saw proper on account of failure of title in his vendor to resist payment of the notes sued on, he should have surrendered the land to his vendors. [4 Texas, 431; 21 Texas, 496; 7 Texas, 240.] The defendant's case presented no equities, and he could not under any issue of the case impeach the title of the plaintiff, and the admission or exclusion of the evidence by the court was abstract error, if at all, and a reversal thereof can not be had. Affirmed.
