SUMMERING.

Lake Superior---A Trip from Marquette to Duluth.

Isle Royale, and How It Came to Belong to the United States.

Silver Islet, Its Fabulous Wealth, and the Mystery that Surrounds It.

Newport---Its Unlikeness to Saratoga---Ocean-House Hops.

Trinity Church---Bathing and Sharks---The Avenue---Town and Country Club.

Success of the Season at Grand Haven---Recent Arrivals from Chicago.

LAKE SUPERIOR.

Correspondence of The Chicago Tribune.

DULUTH, Aug. 20, 1874.

"To Duluth via the North Shore and Silver Island," is now so rare an announcement that when I read it in Marquette on Monday last I lost no time in securing passage on the splendid steamer St. Paul, of Ward's Lake Superior Line. Leaving Marquette on the following morning, favored by a cloudless sky and an unruffled sea, the run to Houghton and Hancock was enjoyably made in about eight hours.

Although not so depressed as the iron trade,

THE COPPER INDUSTRY

is not remarkably vigorous. The demand for the product has fallen off somewhat; yet the mining stocks have been scarcely affected, and to secure some of the famous Calumet and Hecla shares would be found as costly as ever. Only a few of the many stamp-mills are running; still, improvements were noticeable in both cities. Several substantial stone buildings are being constructed in Houghton, while the narrow-gauge railroad from Hancock to the Calumet Mine,—a distance of 14 miles,—and the lively business it does, give to Hancock a metropolitan aspect.

As the day was fading into night, our boat steamed down the copper-colored lake, amid rugged scenery,—forest-covered hills towering on each side, and, 8 miles distant, entered Portage Lake Canal. This cut is without locks, is 100 feet wide, 2¼ miles long, has a good depth of water, and cost $2,500,000. At its Lake Superior end a locomotive headlight, perched upon what resembled a primitive pigeon-coop, lighted us out into the lake. With the prow of our vessel turned northward, and the Captain's assurance that daylight would bring us to Silver Islet, the 100 or more excursionists turned into their berths.

ISLE ROYALE

first came in sight. The vast mineral deposits there discovered attract to it much attention. It is situated within 30 miles of the North Shore, and a natural wonderment is how it came to be included within the United States. The simple fact is, that when the treaty defining the boundary-line was made, the British Commissioner did not know its value, while Benjamin Franklin, the American Commissioner, did. During his residence in Paris as Ambassador of the United States, he had discovered among the French archives the reports of Jesuit explorers, dating back to 1630, which announced the existence of rich copper-deposits on this island. Keeping this information to himself, when the treaty was being drawn up, he, without assigning a reason insisted upon this island being secured to the United States. The British did not deem it worth while to object. Franklin then wrote home that he had secured for the Republic all the copper the country would ever need. He had then no idea that rich deposits of the same ore would be found throughout Keweenaw Point. The island is about 50 miles long by 10 in width. Its surface is rugged, and inviting only in midsummer. Its shores are indented with numerous bays and inlets, capable of floating the largest craft. Near the middle of the island are two lakes,—Desor and Siskawit. Twenty years ago, in the early days of Lake Superior mining, Isle Royale received considerable attention; but the South-Shore discoveries eclipsed it and caused its abandonment. Two years ago explorations were resumed, numerous pits and Indian diggings were discovered, and the veins proved so promising that, in 1873, a strong mining company was formed, and a large force of miners set to work.

The Company soon met with still greater encouragement. A vein of silver was opened in the western end of the island, and, as it lies on the same range as Silver Inlet, it is believed that silver ore predominates. To realize this expectation, the Company are now mainly directing their resources.

But the fabulous reports about

SILVER ISLAND—

of pure silver nuggets, large as a man's head, found in its matchless vein—engrossed our curiosity and challenged our belief. How came it to be so long unknown, and who first discovered the hidden treasures? To the Indians it was not unknown. For many years they had exhibited silver specimens to the citizens of Ontonagon, on the South Shore, but could not be induced to reveal the location of the mine. Exactly how it was discovered by white men is a matter of dispute. The most romantic account states how a lonely boatman, in pushing his boat ashore, grazed upon and found the glittering ore; that he reported his discovery to the Canadian Government, and the Montreal Company, which owned the island, neither of whom rewarded him. Another account says the inquisitive cupidity of Capt. Parker prompted him to follow the fortunate Indians, in his light canoe, over the lake to the island, where, after stealthy search, he found the treasure, reported it to the Montreal Company, gained nothing by it, and died a poor man. Still another and more reliable story is, that one McFarlane, an explorer, found the precious vein, picked up along the shore and in the water some $27,000 worth of silver, and then reported its existence to Montreal. But the superannuated company hardly appreciated their possession. They sent out one Maj. Frue, a shrewd Scotchman, with instructions to work up the discovery. But the results were so unsatisfactory that when, in 1870, an American company offered $250,000 for the islet and 100,000 acres in the vicinity, the Montreal Company gladly accepted the offer. Maj. Frue was retained in charge of the work, and with him was associated Maj. Sibley, of Detroit. Neither man was able to invest in the enterprise. Frue had developed its resources, and Sibley had induced enough capitalists to unite and buy out the Canadian company. Within twenty-two days after commencing operations the new company mined and shipped to their smelting-works in New Jersey, about $100,000 worth of ore. The next year—1871—the shipments amounted to $820,000, and in 1872 they reached $1,000,000. At present about 250 miners are employed, and we were told some ore had been mined which yielded fully $18,000 to the ton, while, in the same vein, ore was found which yielded only $100 to $200 per ton.

AN AIR OF MYSTERY

surrounds the island. The men seemed afraid to speak about the treasure. The most persistent interviews would meet with little success among them. This reticence is easily accounted for. The entire settlement, numbering about 1,000 souls, are dependent for their livelihood upon the mining company, whose resident manager is an absolute monarch. There is no municipal or other form of government, nor even a magistrate. The authority of Maj. Frue is unquestioned, and his word is law. The men are commanded not to disclose anything regarding the silver mine, and they dare not disobey. The Company's reasons for this course are obvious, or may, at least, be surmised. They are so confident of the existence of silver and other precious ores in various parts of the main land, and have so many explorers constantly at work, that they wish to keep out all competition. Already they have struck a good lead in Black Bay, 31 miles north of Silver Islet, where they have this year taken out some very rich silver ore. The Black Bay mine is not, however, wholly in possession of the Silver Islet Company. The latter embraces residents of the settlement, Capt. E. B. Ward and other Detroit citizens, together with some New York and Boston capitalists, and a few Canadians. The Black Bay mine is also largely in their possession. Pure Galena lead is found mixed with the silver in this mine. Although its existence has been known for over two years, it has not been sufficiently worked to warrant a competent opinion regarding its value.

Among the thousands of islands of varying size which cluster along the North Shore, Silver Islet seems like

A MERE SPECK

on the surface. At no point was it more than 5 feet above the level of the lake, while its dimensions were less than 80 feet square. A heavy sea would wash entirely over the original island, rendering it a rock which mariners carefully avoided. When its marvelous value was discovered, the obstacles in the way of opening the vein seemed insurmountable. The crib-work was repeatedly carried away, and, so late as last fall, some of the most expensive construction was swept away during a severe storm.

The islet is about a mile distant from the main land, upon which the settlement is located. More than 500 feet of crib-work has been thrown out in the form of a square, starting from the middle of the islet and running southeast. Inside this protection, and around the richest part of the vein, a coffer-dam has been constructed. A shaft has been let down to the sixth level,—about 400 feet,—at which depth good ore is now being mined. The operations of silver and copper mining are similar. The opening of the shaft rarely exceeds 6 feet square. The veins are reached by what are termed "levels." On Silver Islet they are about 70 feet apart. After a vein has been followed as far as thought profitable, the shaft is sunk 10 feet deeper, when the vein below is reached. The waste material thrown out has been used to fill in around the island, thus

LARGELY INCREASING ITS DIMENSIONS.

Upon this made ground, and upon piles driven in, numerous buildings have been erected. Some of these are used in connection with the mine; the others are occupied as dwellings. Loosely lying around the islet are piles of rocks taken from underground, which are said to contain more silver than is found in the most profitable mines in Nevada and Colorado; but the miners claim they are so accustomed to meeting with masses of pure silver that they can afford to discard the baser sort. Yet, so strict is the surveillance that no visitor is allowed to carry away any rock containing an atom of silver. Neither is it possible to buy a specimen from any of the officers on shore. The only way to obtain them is by stealth or special influence.

Six miles west of Silver Islet,

THUNDER CAPE

juts far out into the water, and looms up fully 1,350 feet above the level of the lake. This bold promontory presents a grand aspect,—the most striking on the North Shore. It marks the entrance to Thunder Bay, in which Prince Arthur's landing and Fort William—both considerable settlements—are situated. In some places Thunder Cape rises from the water almost perpendicularly, presenting a basaltic appearance, while it is rendered more awful from its having upon its summit an extinct volcano. The Canadian Government are now locating a lighthouse at its highest point. From its summit magnificent views are obtained of the majestic scenery in the vicinity. Islands, varying in length from 100 feet to half that number of miles, are seen as thickly strewed as are the Thousand Islands of the St. Lawrence. Within a dozen miles north they are counted by hundreds.

INDIAN TRIBES

still roam over the vast territory from Lake Superior to Hudson's Bay on the north. The mountainous peaks they regard with especial veneration and awe, associating with them fabulous legends. They believed the thunder-clouds were gigantic birds, whose nests were on the highest hills, and whose cries were heard afar off. The head they assumed resembled an eagle's, having on one side a wing and a paw, and on the other an arm and one foot. The lightning was supposed to issue from the beak through the paw, by which it was launched forth in fiery darts over the country. From this superstition the locality became invested with the name Thunder.

Bounding Thunder Bay on the south is

PIE ISLAND,

so named by the English and French from its supposed resemblance to an inverted pie; but the Indians name it after the Tortoise. It is 8 miles long by 5 miles wide, and in one place rises to an altitude of 850 feet. The highest point is basaltic, resembling the Hudson River Palisades.

Westward along the shore, the prospect is ever pleasing, though a trifle monotonous. There is the same rugged, mountainous shore, covered with spruce, pine, birch, balsam, and cedar trees. About 120 miles northeast from Duluth,

THE BOUNDARY-LINE

is defined by a small trout-stream, called Pigeon River, which empties into a beautiful bay of the same name. Our very obliging Captain, Albert Stewart, ran into the bay to the mouth of the river,—5 miles from the lake,—simply to enable us to view the grand scenery and the insignificantly-small boundary-line. Majestic hills, covered with thick foliage, encircle the bay. About a mile up the river, water falls 90 feet into a chasm, then rushes through a gorge into the bay. At this remarkable spot one white man—Capt. Parker—dwells, fishing and hunting in British or American territory, at his pleasure.

Ten hours' subsequent sail brought us to Duluth. J. W. M.

NEWPORT.

Correspondence of The Chicago Tribune.

NEWPORT, Aug. 4, 1874.

I find you cannot compliment a Newporter more highly than to discourse on the gradual disappearance of hotels, and the consequent unlikeness of Newport to Saratoga. Whatever Saratoga has, Newport wishes to be without,—aiming only to create a style of summer watering-places which shall have a marked character of its own; and, the more you call it exclusive or aristocratic, the better Newport likes it. Whether the day-receptions, so popular last year and this, originated in this desire to be different from the rest of the fashionable world, or in the laudible ambition to take the first step in a much-needed reform, I cannot say. But they have almost entirely superseded evening-parties; croquet divides the honors with the favorite waltz, and nobody rebels at the early hours.

The one point where Newport touches Saratoga is

THE SATURDAY-EVENING HOP AT THE OCEAN HOUSE.

Thither all Newport goes unbidden, and over a thousand people throng the grand hall and fill the grand parlor to overflowing, while those of a more retiring disposition pace the less-frequented piazzas. A stranger may note with surprise that comparatively few of this brilliant gathering join in the dancing. But let me whisper in your ear that it is not considered by the creme de la creme quite "the thing" to trip the light fantastic in a hotel-parlor. So the dancing is left to Newporters and people who may be staying at the hotel; while the choice spirits sit apart, or slowly promenade up and down the hall, through the moving mass of people. If our curious stranger is fortunate enough to get a seat among these groups of people who are all gayly chatting among themselves, he will have a fine opportunity to observe the different types of men and women who come from far and near to this great watering-place.

As usual, New York contributes more people than all the other cities put together. Next come Philadelphia, Boston, and Baltimore; while the number from the Western cities increases from year to year, especially from Chicago, St. Louis, and Cincinnati. Among the latter are the Hon. G. H. Pendleton, formerly Democratic candidate for Vice-President, and his charming wife and daughters. As much variety may be seen in dresses as in faces; but, as a rule, few ladies display elaborate or showy toilets, and there are fewer beautiful faces. The present style of plastering the hair in flat rings on the forehead is as unbecoming as the fashion of "banging" lately in vogue, and gives the face anything but a refined or intellectual expression. The number of foreigners is not so large this year as last, when the British and American "Mixed Commission" were sitting. Surrounded by members of the Diplomatic Corps is the Turkish Minister. He is a Greek, but his small black eyes and hooked nose give him the appearance of a Jew. The French Minister is, to the grief of Newport, a bachelor, for Newport misses the lively wife of his predecessor, the Marquise de Noailles. This lady was a great favorite in society, and took a lively interest in all pretty young damsels. She was in the habit of having a circle of her favorites to dinner or tea, whom she called her *guirlande*, or "garland" of beauties. The fair Marquise was accustomed to say that she found in society no young gentlemen at all worthy of these charming young ladies, and it was difficult to convince her that the most desirable young men in America were not to be looked for at watering-places.

After the Ocean House comes

TRINITY CHURCH,

where the fashionables drive Sunday morning, and fill the old square pews with a flutter of silk and laces. This is probably the only church in the United States still surmounted by the Colonial crown. The desk where the Clerk once stood to read the responses is in the middle of the broad aisle; behind it rises the reading-desk; and over all towers the great, round pulpit, with its tremendous sounding-board. The preacher gathers his robes about him, and mounts the long stairway to the pulpit, whence he condemns the follies of the world; then, from Bishop Berkely's old organ, with the crown and mitres on top, peals forth the voluntary; and then the gayly-dressed congregation flocks through the yard, with its ancient grave-stones, out into the narrow, paved street, where the display of carriages is equal to that on the drive on week-days. Here the liveried footmen sit, with hands, encased in yellow kids, crossed upon their breasts; and the stately coachmen look down, from their height of glory and brass buttons, with haughty disdain upon simple pedestrians. Sunday afternoon there is no driving, so the the whole population rambles on the cliffs; groups of happy people lounge about upon the green award; and stray couples perch themselves in niches among the rocks. Down among the brown kelp, barefooted men gather bait for fishing. The green lawns—soft and bright as only Newport lawns can be—extend to the very verge of the cliffs; and below stretches away the great expanse of ocean, with its rich and ever-changing colors.

It is the custom of correspondents to say every year that bathing has gone out of fashion,—the simple fact being that

THE FASHIONABLE BATHING

has been transferred to the private beach at the end of Bellevue avenue. There the cottages have put up a large number of bathing-houses, and the public beach is left to transient visitors and the people of the town. Rumors of sharks float in the air; but although dead sharks are sometimes thrown up on the beach after a storm, the creatures seldom show themselves when alive. I know a youth who spent day after day in his sail-boat in the vain yet ever-lingering hope of seeing one. In former days (I refer to the oldest inhabitant), when Newport was so largely engaged in the slave trade, real "man-eating" sharks were abundant. On the voyage from Africa, the poor wretches who died by the way were thrown overboard, and the vessels were followed all the way into Newport Harbor by ravenous Guinea sharks. A relic of those tragic days, in the shape of an old, ruined slaver, lies in the quiet waters of Brenton's Cove,—a mere ghastly hulk. More fair to the eye are the graceful yachts and sail-boats with which this beautiful harbor is always alive. Conspicuous among these just now is a beautiful English yacht, owned by a young Irish nobleman, the Earl of Charleville,—a slight, fair-haired youth, the last of his race, who is dying of consumption. For a year he has been cruising about in his finely-appointed yacht in pursuit of health; but, although he has been here a week, he is too ill to come ashore. The telegraph has reported to you the experiments with torpedoes in the harbor, in the presence of the Congressional Committee. These experiments excited much interest, and were considered very successful. An old hulk, which they failed to blow up, still lies in the bay; but it was found to be thoroughly shaken throughout, and in a sinking condition. It is not the effect of nitro-glycerine to break asunder, like gunpowder, but to shake and pulverize.

One of the finest houses on the borders of the bay, whose sloping lawns make the shores so charming, is "Ocean Terrace," owned by Judge Dickey, formerly of Chicago. The picturesque old house on the bay where the scene of

HIGGINSON'S "MALBONE"

is laid, is now unoccupied and going to decay. A friend of mine entered the open cellar-door the other day, passed through the house by the secret stairway described in the novel, and found the house being dismantled by vandals, old painted tiles plucked from the mantel-pieces, and a general aspect of decay prevailing. It is a shame so fine a piece of Colonial architecture should not be in better hands.

No very striking cottages are building this year. Recent additions to Mr. G. P. Wetmore's residence make it probably the finest country-residence in America. Mr. Featung, of New York, has also completed a rich cottage of the most costly description.

On the Avenue, fewer four-in-hands than usual are seen this year. One is driven by Fairman Rogers, of Philadelphia; another by James Gordon Bennett. One gentleman, Lewis Cass, Jr., formerly Minister to Rome, astonishes the Avenue with postilions. Col. Waring's beautiful tandem—the principal ornament of the Avenue last year—has now disappeared, and has probably been sold. But the display of equipages improves in real beauty and value with every summer that goes by.

THE TOWN AND COUNTRY CLUB

is a revival of an organization which was formed several years ago, but was temporarily suspended during the absence in Europe of some of its leading members. It consists of nearly forty families, whose members meet about once a week for an indoor or out-door meeting, for each of which some scientific or literary entertainment is provided. Science is represented in the Club by Prof. W. B. Rogers, Prof. Josiah P. Cooke, Miss Maria Mitchell, Mr. Samuel Powel, and others; Literature by Mrs. Howe, Mrs. Leonowens, Col. Higginson, and the Rev. Charles T. Brooks; Art by La Fargo, Staigg, Charles C. Perkins, and Edward Potter. Some of the most agreeable houses in Newport are opened for the meetings of the Club, and the number present at the meetings is now so large as to threaten serious inconvenience. At the next meeting, there is to be a lecture on Art by Mr. C. C. Perkins; and, the week after, there is to be a picnic at Paradise, with a botanical lecture by Prof. Bailey.

BISHOP FERRETTE,

the learned Frenchman, who lectured in Boston last winter, and who has lived for several years at the West, and had an eventful and romantic life in many lands, has been preaching in French at the Unitarian Church, and is now giving a course of lectures on his travels in the East. He has been a Romish priest and Turkish Bey, as well as Bishop of the Greek Church. The Bishop has a great many theories for the improvement of modern society, one of which is, that American ladies should adopt for house-wear the Turkish costume, and wear loose flowing robes of silk that can never be creased, and discard shoes and stockings. His peculiar ideas he will probably embody in a lecture on dress-reform before the

WOMAN'S CLUB

in Boston, next winter.

The lily-ponds here are without number, and I saw, one sunny morning, two fair Newport damsels, who are always objects of admiration at the Ocean House hops, but were then paddling about among the lilies in a small, leaky punt, regardless alike of life, limbs, wet dresses, or the eyes of the fashionables rolling by in their carriages.

Among people who have never been in Newport, the idea prevails that it is a scene of constant excitement and confusion; and yet, in truth, an atmosphere of

DREAMY REPOSE

hangs over the delightful old sea-port. In many of the streets, an unbroken quiet reigns; the air is sweet and soft, yet cool; and all the delights of the ocean may be combined with the quiet pleasures of a beautiful inland town. It is just the place in which Chicago business-men can draw a good long breath,—a thing they never have time to do at home. M. P. T.

GRAND HAVEN.

Correspondence of The Chicago Tribune.

GRAND HAVEN, Mich., Aug. 27, 1874.

The season at this resort has been one of the most successful ever experienced. During the regatta and trotting races, in the second and third weeks of August, there was an immense influx of visitors, very perceptibly adding to the already-lively appearance of the place. The Cutler House alone entertained over 500 guests each day during that time, and the other hotels in proportion. Many of the invalids and others who have been sojourning here all summer are now taking their departure, which scarcely yet has been appreciably noticed, as their places are being rapidly taken by visitors who desire to remain during

THE HEIGHT OF THE FRUIT SEASON,

which is a prominent feature of this place.

The following is a list of some of the prominent arrivals from Chicago at the Cutler House during the past week:

Phil Ryan, Jr., Charles Reed, M. O. Lowman, T. King, R. H. Forrester and wife, Miss Sturgeon and servant, C. M. Turner, R. D. Wilson, Mrs. C. F. Welling, Mrs. F. McMillan, George G. McKay, C. S. Helmer and family, J. R. Ingham, George M. Moore, Mrs. Rice, Mrs. Locke, G. W. Ellis, F. J. Clark, W. H. Hurlburt, W. Murty, A. E. Banks, G. F. Case, J. T. T. Elliott, Matt. J. Merritt, Will Graham, L. E. Bullock, S. C. Wallace, G. Musick, E. Mariner, William J. English, Fred Doriat, William Gregg and wife, Charles H. Rowe and wife, Mrs. Edmunds, W. O. Hitwell and family, W. S. Powell and family, Miss Murray, John Grant, H. S. Mitchell, M. F. Abbey, Newton S. Otis, O. B. Meyer, Henry Sweet, William Jauncey, T. H. Smith, Mrs. J. W. Storey, Mrs. W. Cochrane, Miss Prescott, Cliff Storey, Miss Ella Storey, William Sivyer, H. Karberg, O. R. Barton and wife, Miss Barton, J. O. Page, A. J. Corrigan, J. A. Holmes, C. B. White, T. S. Clingman, O. Guthrie, Albert Hall, E. F. Getchell, R. L. Henry and family, William Chisholm and wife, J. A. Stone and wife, Watts Carew, F. E. Parish, William Lindley and wife, Charles Corkell, George M. Kimbark, Count Otto Von Stelten, George L. Redfield and wife, H. M. Dupree, L. J. Coburn, Miss Mulock, Miss Peters, Miss Nichols, Mrs. Marie Dervin, H. T. Hart, J. E. Dunn and wife, John G. Wilson, John McLandsbury, G. W. Sheldon, H. Stevenson, L. T. Palmer, E. S. Bailey and wife, F. H. Valette, T. T. Ensign, J. F. Marshall, H. R. Clark, W. O. Clark, A. P. Gaylord, H. L. Estabrook and family, H. B. Miller and daughter, F. L. Reed and family, A. Hall, J. H. Huck, E. J. Jackson, W. A. Branch, F. H. May, W. H. Stow, D. B. Lyman, K. Haycock, C. E. Meyer, W. Batcheller, A. F. Murray, Miss L. M. Townsend, J. Kuppenheimer, H. Libermann, Hawley Tilden, J. M. Adams, Mrs. Henry Sayrs, S. W. Osgood, George Pigott, S. S. Rogers, T. A. Jackson and wife, Charles Ebert and wife, W. J. Colver and wife, F. Spangler, G. R. Murray, Miss Seibert, H. C. Hine, C. D. Ingraham, C. P. Keeney, H. F. Hastings, A. Desjardins, Frank Stanly, H. Chadwick, D. D. Mitchell, C. S. Davis, C. Coryear, D. E. York, A. E. Major, C. H. Wood, Miss A. L. Perry, the Rev. Robert Collyer and family. TEASON.

THE TENNESSEE TROUBLES.

Apprehended Rising of Blacks Against Whites, in Gibson County.

Arrest of the Alleged Ring-leaders.

Testimony of Prisoners that the Intention Was to Extirpate the Whites.

The Events that Led to the Lynching of Sixteen Negroes.

From the Memphis Appeal, Aug. 26.

Since last Saturday night great excitement has existed among the citizens of Gibson Station, located on the Louisville Railroad, 6 miles northeast of Humboldt and 83 miles from this city. Indications are that the entire negro population of Gibson County intended to inaugurate secret hostilities for the purpose of murdering the whites, who have been very much alarmed for their personal safety, and are still fearful of future ill from their ignorant yet malicious foes.

THE FOLLOWING FACTS

relative to the affair, of which we shall presently speak, have been carefully ascertained, yet hastily written out, by an *Appeal* commissioner, just returned from the town of Gibson, or Pickettsville, the latter being its post-office name. About five weeks ago the negroes gave a big barbecue 2½ miles from town. Several white men, among them Joe Hale, went to the entertainment to purchase the barbecue, the price asked being 83. As it had been half-eaten perhaps, Hale gave only $2.50, whereupon Joshua Webb, colored, became incensed because full price was not received. This led to a difficulty between Webb and Hale, the latter being prevented by white friends from inflicting serious injuries upon the irate negro. From that time the negroes have frequently made threats of revenge, and more than one rumor of rioting was spread about, though not generally believed. Last Saturday night about half-past 11 o'clock, while two young men named Monroe Morgan and James Warren were riding along the road, about 3 miles from town, they were

FIRED UPON BY A CROWD OF THIRTY OR FORTY NEGROES.

The young men abandoned their horses, one of which was wounded, and took to the woods. The negroes pursued, yelling and shouting. The young men managed to escape, and returned safely to town an hour afterward.

The firing by the negroes awoke the citizens of Gibson, who forthwith seized their weapons and met together for the purpose of defending themselves, as they suspected the fact that the negroes were attempting to murder the white people. An informal meeting was held, and men sent in search of Morgan and Warren, who were believed to have been killed, this fear being made all the stronger as they were not found until some time after the shooting was heard, though their horses were caught by those in search of the young men. Judging it imprudent to pursue the negroes, they returned to town, and shortly afterward the missing young men came in. After arranging necessary precautions against surprise, a party of citizens, in command of an officer of the law, proceeded to the house of a negro named Ben Walker, who was seen with a gun the day previous. Another fact which made their fears all the stronger, was that only one negro was in town Saturday afternoon, upon which days there usually were a large number present. It was about 3 o'clock when the party reached Walker's house, where they surprised and captured a negro named Ben Ballard. The prisoner being led a short distance, was asked to make a full confession of the shooting that night, the reason of the organization among the negroes, its purposes, and aims. This he did, the substance of his confession being as follows: The colored people met Saturday night to organize temporarily, which was done by electing

WINSLEY SHIELDS CAPTAIN,

the object being to protect Col. Webb, colored, from feared Ku-Klux outrages, and after that to return to kill a negro named Burrell Butler, who had revealed their plans to the whites. After firing upon the white men that night, they dispersed and proceeded home. While sympathizing with the negroes, Ballard professed to have taken no part in the assassin-like proceedings. He said that a few nights previous Dan Williams, Tom Cooke, Jim Cooke, Bob Love, Dick Shaw, and Nelson McGhee, the latter being leader, visited his house and wanted him to go to a negro meeting, to be held half a mile from town. McGhee had been to see him that morning before, and said the object of their meeting was to devise a plan for the assassination of Burrell Butler, the negro alluded to above. They were to give his wife a slight whipping, each of the thirty to bestow twenty-five lashes upon her bare back. He says he refused to attend the meeting or to participate.

Having obtained the above facts, the party at once proceeded to arrest McGhee, the ringleader, who was surprised in bed shortly after daylight, and was made captive. After proceeding a short distance the party told Nelson it was no use to deny his complicity in or knowledge of the attempted assassination and the intended outbreak among the negroes in that county, their purpose being to murder. The prisoner then admitted his guilt, and said that the following-named negroes were

THE HEAD MEN AND RING-LEADERS

engaged in the attack the night before: Tom Shelton, George Greene, Steve Bryant, Bill Ivey, Bob Love, Dan Williams, Dick Shaw, Jarrott Burrow, Dug Jamison, Hays Peebles, Leon Jordan, Charlie Scott, Needum McKinnie, Albert Williams, Tom Cook, Jim Cook, John Reagan, George Hess, Bob Baden, Felix Lipscomb, George Hicks, Gus Cummings, George Greene, and Winslow Shields. In addition to these, several other negroes, whose names he did not recollect, were engaged in the affair. They met and organized by electing Winslow Shields Captain for that night, with the understanding that Joshua Webb was to be elected the Colonel when the squad reached his house. He said they fired on Morgan and Warren without halting them, and had no provocation save their enmity toward the white people. The prisoner's statement corroborated that of the other negro, and they both were placed in a vacant house for safe-keeping. News of the movement made by the negroes spread rapidly throughout the country, and the excitement became most intense, the citizens being generally alarmed and fearing the worst, as it then became known that the negroes were well organized. Men from all the parts of the country flocked to Gibson, one party having come from Milan.

THE EXCITEMENT AND MEETING OF CITIZENS.

The excitement became all the more general and intense as it was rumored the negroes would likely attack the town that night; accordingly, a meeting was held, Justice Gunter presiding. The meeting selected Justice Parker to the command of the men, but this gentleman suggested the propriety of assigning Maj. H. C. Burnett to the position, as he was the chief magistrate of the town. It was then resolved to use all legal measures for the arrest of the guilty negroes and the suppression of the riot. In order to accomplish this, the officers of the law summoned citizens and proceeded to the country, where they arrested the following named negroes on the charge of shooting with intent to kill, etc.: George Greene, Steve Bryant, Dan Williams, Bob Love, Dick Shaw, Dug Jamison, Hays Peebles, Jarrott Burrows, Alfred Williams, and Nick Ivey, whom they conveyed to town and placed under strict guard to await trial the day following:

JOHN REAGAN SHOT.

Between 12 and 2 o'clock Sunday a part of men, under charge of Constable Eldridge, proceeded 4 miles west of Gibson to arrest John Reagan, one of the negroes engaged in the shooting. After Reagan had signified his willingness to surrender, he attempted to escape, and he was fired upon. This did not stop the negro, who ran into a dense woods, and has not been seen since, although the party tracked him by the blood half a mile. Some think Reagan escaped to the United States barracks at Humboldt, and that Ivey is also there. Others believe, however, that the negro has died in some remote place in the woods, where he fled to escape his pursuers. He was certainly wounded severely, as the blood along the grass was in great quantities. His fate is not known.

During the night a squad of

MASKED MEN

rode into town, and demanded the surrender of the prisoners. This the Town Marshal, J. A. Dungan, refused to do, stating that he intended to proceed according to law, and have the negroes tried by the courts. Despite the threats of the mysterious horsemen, the officer maintained his firm resolve, and held the prisoners safely guarded. After a while the masked men left without having effected the release of the prisoners, who remained in a stone house closely guarded. No attempt was made to kill the imprisoned negroes, and no other demand for their surrender was made that night.

Next morning (Monday)

ANOTHER MEETING OF CITIZENS

was held in the College building for the purpose of ascertaining what was the true public sentiment of the people upon the subject of the negro outrage and the probability of a riot among them. Justice Arch Jordan, who is Mayor of Milan, presided over the meeting, which, being called to order, adopted resolutions deprecating lawlessness, and also resolved that in the suppression of the same the citizens should be regulated by the civil law and its authorities. After the adjournment of the meeting, which was largely attended, the above named negroes were arraigned before Justices Jordan, Fly, and Hunt upon the charges above mentioned, Justice Parker declining to sit, as he had already formed an opinion.

THE NEGROES ADMITTED THEIR GUILT,

and that they intended to have a general riot. One of the prisoners, Jarrett Burrow, turned State's evidence, and related a fearful story of the cause, origin, purposes, and expectations of an extensive organization among the negroes of Gibson County. The statement of this negro, as well as that of Nelson McGhee, was listened to with breathless anxiety by over 300 persons who were crowded in the building, anxious to hear the evidence of the witnesses. The following is the substance of

NELSON M'GHEE'S EVIDENCE:

It was rumored for some time that President Grant would back the negroes in whatever course they took against the white men. Acting upon this belief, the colored people had determined to extirpate the whites, so as to own the "lands, tenements, and hereditaments," and cultivate their own land. In other words, they wanted to make it a negroes' country, to do which it was necessary to kill at least the majority of white people. They had not agreed upon any time for the outbreak and assassination, their object being to effect a thorough organization. This measure for the murder of the whites was agreed to by all the negroes in the county except one Burrell Butler, of Gibson. Because of his opposition, they intended to make him their first victim. They intended to kill him that night, for he was too intimate with the white people, and would tell Mr. Moore what they had on foot. They intended to give his wife a slight thrashing merely—each of the thirty negroes who had fired at Morgan and Warren being authorized to inflict thirty lashes. There were about thirty negroes in the crowd that fired at Morgan and Warren, Saturday. They had been to a meeting, and the attempted murder was not in accordance with any programme, as no time had been fixed, but only as an experiment, to see if they could kill a white man with impunity. When they commenced on the white people, Joe Hale and his brother-in-law would first be killed, and then they would commence on Pickettsville (Gibson). During the proceedings, the difficulty at the barbecue was alluded to, and McGhee said:

"Joe Hale is a bad one."

Hale—"Nelson, what makes you think me the dickens?"

McGhee—"Jes case you acted so curious. Ef Mr. Palmer hadn't cut up, reared and held you, you would have killed Col. Webb no sooner than you had got to him."

EVIDENCE OF JARRETT BURRELL.

This negro corroborated the statement of McGhee, whom, he says, informed him that they were first to kill Hale, Parrish, J. B. Moore, and Nat Woods. Hale was getting too d—d smart, and if the club would stick up to him and back him he would clean them at. After last Saturday night the negroes were to meet three times a week until they had become well drilled and thoroughly organized. But it was their intention to kill Moore, Parrish and a few others Saturday night. He was in the crowd that did the shooting, but had nothing to do with it, as he had loaned his gun to Gus Conner. They met that night at the railroad cut, about 1 mile from town, to elect officers. The place of rendezvous was in a thicket near Moore's house. They elected Winsley Shields Captain, with the understanding that Josh Webb was to be made Generalissimo of the expedition. Everybody voted for these men, except witness, who did not participate in the proceedings at all. This was 300 or 400 yards from the place where the negroes waylaid Morgan and Warren. They expected to meet a company from Humboldt, under charge of John Reagan, who, however, failed to come to time. Their object in organizing thoroughly was to shoot into the Ku-Klux, who, they understood, were raiding the country to persecute the negroes. McGhee went to his house the 18th of this month and tried to induce him to join the band for shooting Ku-Klux and killing white people. He refused to join them; his reply to McGhee's urgent appeal being: "You can do as you can; I'll do as I please."

COMMITTED TO JAIL.

After hearing the evidence the negroes were bound over by the Justices, and, in default of required bail, placed under charge of Marshal Dungan, Constables W. W. Senter and Spence Elbridge, with a guard of forty of fifty men, to be escorted to the Trenton Jail, 10 miles distant. The negroes were kindly cared for and in no manner maltreated while at Gibson, and had a fair trial. The officers and guard departed at twenty minutes past 4 o'clock for Trenton, the prisoners being heavily chained. During the day near 400 citizens from the country had flocked to the town, but their aid fortunately was not required, as the negroes made no demonstration.

The route to Trenton was pursued without interruption until the guard and prisoners had reached to within a mile or so of that town. It was already dark, when a body of

DISGUISED HORSEMEN, WITH DRAWN REVOLVERS,

suddenly came out into the road, and, halting the escort, demanded the surrender of the prisoners. Constable Dungan told the unknown party that he was an officer of the law, and that, as he had charge of the prisoners, he would not surrender them to any one except the jailer. The masked men again demanded the release of the prisoners, upon the severest penalties. But the officer could not be intimidated, and finally, indeed, pursued his way, the disguised horsemen disappearing into the woods quickly and mysteriously as they had emerged. Upon reaching Trenton, the negroes were safely lodged in the old jail, and a sufficient guard placed there to prevent their rescue. The old jail was selected as the place of temporary incarceration until room could be prepared in the new jail, which already has fourteen inmates.

EXPECTED ATTACK UPON GIBSON.

Monday afternoon a report reached Gibson that a large body of negroes had met in the southeast part of the county, and only awaited night to attack the town to release the prisoners, whom they did not know had been started for Trenton. This caused additional excitement, as there were not sufficient men in town to defend it against the negroes should they make the attack. The few remaining, however, procured what arms they could and commenced picket-duty. The *Appeal* commissioner arrived by the Louisville train at 11 o'clock that night, and, while en route for headquarters, heard half a dozen shots in rapid succession in the neighborhood of Joe Hale's. A scout was sent out, but could not ascertain anything as to the persons who fired. The night passed by slowly enough, as there were not over twelve or fifteen men strong, even this number not being fully armed. In fact, our garrison as to number was somewhat like the Mulligan Guards, and our guns pointed wherever a noise was heard. It was confidently believed we would be attacked before morning, and this anticipation was strengthened by the frequent firing of the guns within a circuit of a mile or so from the town. We determined, however, to do the best we could, and to stand as long as we were able, despite the shortness of our ammunition. Finally, morning dawned, and with it came an end to the fearful belief that the town would be overrun by a mob of infuriated negroes.

RUMORS.

A report is in circulation to the effect that a party of disguised white men, last Wednesday night, rode through the Twelfth Civil District of Gibson County, and seized arms wherever they found them among the negroes, two of whom were severely whipped. One of these negroes is a mulatto named Sam Slaughter, who had used incendiary language, and made severe threats against the whites. It is said that several negroes went to Lieut. Whipple, in command of the Humboldt Barracks, and asked for weapons to defend themselves against the Ku-Klux. If report be true, this request was complied with. Among the guns taken from the negroes were several Enfield rifles, but where they came from is not known.

Yesterday morning news reached Gibson that the whites and blacks had a fight that night near Lavinia. The result was not ascertained, though the rumor caused some excitement. Tom Cooke, one of the ring-leaders, was killed, it is said, in the fight. Another report says that Cooke was captured, and was drowned while attempting to make his escape by swimming the Middle Fork of Deer River. He is certainly a dead negro, but the method of his death is not known.

WHAT THE PEOPLE BELIEVE.

The people believe, or rather suspect, that the negroes have a general organization throughout the entire county, for the purpose of rioting, rapine, and murder. For some time past strange negroes have been perambulating Gibson County, and it is thought their object was to organize the negroes, and finally incite them to acts of violence and deeds of murder. Perhaps there may not be cause for more fear, and yet it is hard to tell under existing circumstances.

LYNCH LAW.

A White Lady Outraged by Three Negroes, at Brookhaven, Miss.

The Criminals Arrested, Taken Out of Jail by the People, and Hung.

From the New Orleans Times, Aug. 23.

The usually quiet town of Brookhaven, Miss., was on Saturday last the theatre of a real tragedy, whereof the entire population constituted the audience, and in which the principal performers forfeited their lives on the tightrope.

The readers of the *Times* are doubtless not forgetful of the fact that about a week ago we published an account of a gross outrage committed by three negroes on the person of Mrs. Burnley, a respectable white lady, living in the suburbs of Brookhaven, and that on last Sunday we also announced their capture and execution.

Brookhaven, by the way, is one of the most thriving business towns in the State of Mississippi, located on the line of the New Orleans, St. Louis & Chicago Railroad, 128 miles distant from New Orleans.

THE CRIME.

In the outskirts of Brookhaven, distant about half a mile from the depot, in a plain-looking yet comfortable cottage, exhibiting in its surroundings of well-cultivated fields and garden, and lines of staunch-built fences, evidences of a thrifty independence, there has lived for many years the widow of the late Col. Burnley, of Copiah County, and her four daughters. An estimable lady, whose character is graced by all the Christian virtues, and whose life was devoted to the educational advancement of her children, one of whom has recently graduated at the Whitworth Institute, Mrs. Burnley sought in quiet retirement to accomplish the object she had in view in removing to Brookhaven, viz.: to bestow upon her daughters, out of a limited income, the best education that the State could offer.

On Saturday night, the 15th inst., she retired with her daughter, they being the only occupants of the house, her other daughter being on a visit to some friends in the country, and at 3 o'clock in the morning she was violently dragged from her bed by three negroes, and, in spite of her prayers and entreaties, terribly outraged by two of them, who accomplished their fiendish purpose with a loaded revolver pressed to her head. In the struggle the bed was broken, and a portion of its covering falling on the young lady concealed her, and, being in that condition when one is speechless as well as powerless, she escaped.

Having searched the house in the expectation of securing valuables, the negroes took a trunk containing clothing and about $18 in currency, and departed. As soon as released, or as soon as conscious, Mrs. Burnley jumped out of a side window and screamed for assistance. Her cries were heard by some lads in a distant dwelling and the neighbors aroused.

THE PURSUIT OF THE CRIMINALS.

By this time it was daylight, and search for the demons was immediately instituted. Men in squads of two and three scoured the country for miles without success, except in finding the rifled trunk in a field adjacent to the Lower Natchez road, about 600 yards from the cottage. Fortunately, Mrs. Burnley recognized the voices of her assailants, and, having made affidavit against them, the Mayor and Council were at once requested by the citizens to issue handbills descriptive of the personal appearance of Anthony Grant, Silas Johnson, and Dick Cooper, three negroes who had been implicated in the robberies at the houses of Mr. Jennings, of Brookhaven, and H. Simon, a Monticello, Miss., and who had borne the hardest sort of characters for years, and to offer a reward of $200 for their arrest.

A meeting of the citizens was called, and it was resolved to prosecute the search in the most vigorous manner. Volunteers were not wanting, and the country for hundreds of miles in every direction was overhauled, yet in vain.

THE CAPTURE.

It was feared they had effectually escaped, when lo! on Friday last the click of the electric instrument brought the cheering intelligence from Jackson, Miss., that the birds were in that town, in custody of Caldwell, Marshal of Clinton, who would be happy to forward them to Brookhaven on the receipt of that $200 reward.

Immediately on the receipt of this dispatch, the good people of Brookhaven placed the requisite amount in the hands of Sheriff A. O. Cox, with instructions to return the culprits to that town. Had the amount been $10,000, it would have been instantly raised; for to the credit of the negro portion of the population be it said that they were in accord with the whites in denouncing this heinous crime, and ready to add their mite to bring the offenders to justice. It seems that Caldwell knew one of the negroes and captured him in Clinton, whereupon, by the judicious application of hempen rope about his neck, he was induced to reveal the whereabouts of his companions, which proved to be in Jackson, Miss., at the domicil of some female friends. They were secured without resistance. On Saturday morning, at half-past 5 o'clock, Sheriff Cox arrived with his prisoners at Brookhaven, and placed them in jail. This building is located in the northeast part of the town, and is a square one-story wooden structure containing four cells, two on each side of the narrow passage-way, without windows or opening of any kind save a large doorway in front, with double doors,—the inner one of heavy wood, with transom for ventilation, and the outer one of cross-barred iron, three-quarters of an inch thick.

The fact of the prisoners' arrival becoming known later in the morning, great excitement ensued, which, however, gradually calmed down, though it was noticed that the quiet look of determination depicted on the faces of leading citizens, and which had usurped the first feeling of excitement, was ominous of desperate measures. But little business was transacted that day.

THE EXPIATION.

At 4 o'clock in the afternoon the bell of the market-house tolled, and, as if by common consent, every store in the town was closed, and the great mass of the people in one strong current swept toward the jail. The keys of the building were demanded from H. J. Tibbs, the jailer, but refused. The strong iron gate was tested, still the door would not open. Finally the key was found in a drawer of the Sheriff's office, and the building entered. Mayor R. W. Millsaps and Capt. Hoskins were deputized to inform the prisoners that their earthly pilgrimage was about to terminate, but that time would be allowed them for religious consolation, and such statements as they might wish to make. They accepted the proffer of religious consolation, and received the same from ministers of their choice, and in the way of statements fully and freely admitted their guilt in the many robberies with which they had been charged, their participation in the Burnley outrage, Johnson and Cooper exculpating Grant from the worst feature of this business, and they even admitted having robbed a house in Gallatin, Miss., while escaping from Brookhaven, in proof of which stolen spoons were found in Johnson's pockets. To the right of the jail there is a gateway leading in a cotton field; over the posts of this gateway a beam was laid, and from that beam a rope suspended.

Anthony Grant was the first brought out and placed in a cart immediately under the beam, the rope was adjusted to his neck, and the cart drawn away. Silas Johnson and Dick Cooper were executed in the same manner. They all died apparently indifferent to their fate, and had but little to say. All were men under 30 years of age, of medium stature, except Grant, who was fully 6 feet tall, and all were black in color. The execution was witnessed by at least 2,000 people, white and colored, and the utmost order prevailed throughout the solemn ceremonies.

Thus departed three of the worst-dyed villains that have infested that portion of the State of Mississippi for many a year.

Watch Your Carpets—A New Pest.

From the Rochester Union.

Considerable outcry is been made in neighboring villages concerning the ravages of a new pest that has lately arisen, namely the carpet bug. These bugs are described as being about twice the size of the common *cimex lectularius*, or bed-bug, and covered with hair. Their color is a muddy black. The first time these bugs were heard from in this section was at Dansville last year, where they did considerable damage. This year they have increased and extended their territory, for it seems that they have become a source of extreme annoyance in Brockport. A lady who resides in that village informed a reporter of this paper yesterday that there is not a single house that has escaped their depredations. In her house, she said, every room was infested with them, and they had eaten large holes in every carpet in the house. Their favorite mode of procedure is to follow the seam of the boards and eat their way clear through. In some instances the carpet has been eaten through so clean that it looks as if it had been cut with a very sharp knife. In other rooms they had eaten large patches out of it, generally picking out the centre of a breadth. The lady referred to says she has tried every way to get rid of them, but without avail. Tobacco seems to make them livelier than ever, and as for bug poison, they regard it as a luxury, and grow fat on it.

PUBLIC INSTRUCTION.

Circular from Superintendent Bateman.

CIRCULAR—45.

DEPARTMENT OF PUBLIC INSTRUCTION, SPRINGFIELD, Ill., Aug. 21, 1874.

COLORED CHILDREN IN THE PUBLIC SCHOOLS.

The attention of School Directors and Boards of Education is invited to the subjoined opinion recently rendered by the Supreme Court of this State:

James A. Chase et al. v. David Stephenson et al.—Appeal from McLean.—Opinion of the Court by Craig, J.

This was a bill in Chancery filed by appellees against appellants, in the Circuit Court of McLean County.

The cause was heard upon bill, answer, and exhibits, and a decree rendered that appellants, Directors of a certain school-district, be perpetually enjoined from occupying or using the building named in the bill, for the purpose of carrying on a school for colored children exclusively, at the expense of the district.

The bill was originally filed for the purpose of restraining appellants from erecting a school-house 12 feet wide and 14 feet long, for the exclusive use of educating four colored children in the district. Before the injunction was served, the building was completed.

Appellees then filed a supplemental bill, in which they charged that, after the completion of the building, appellants employed a teacher, and have kept school in the building for no other purpose than to teach two colored children in the district. That appellants have given the teacher a warrant on the Township Treasurer to pay for her services out of the school-funds.

It is further alleged that appellants will, unless enjoined, continue to occupy the building erected as a school-house at the public expense for no other purpose than to educate two colored children separate from the other children in the district.

It is further alleged that there is ample room in the school-house which was erected three years before, in the same lot, to accommodate all the children in the district.

Several questions of minor importance have been raised by appellants which it is unnecessary to consider.

The point in the bill in this case is, that appellants, in order to keep some four colored children from attending the same school in the district that is provided for others, erected a small house on the same lot where the other school-house stands, and, at the expense of the tax-payers, propose to employ an additional teacher to instruct the colored children in this small building, separate and apart from other children in the district; and these facts are substantially admitted by the answer.

This bill is filed by four tax-payers of the district, to prevent the Directors from a misappropriation of the public funds, in which, in common with the public, they have a direct interest.

It is insisted by appellants, that the provision of the statute that declares that the Directors shall establish and keep in operation for at least six months in each year, and longer if practicable, a sufficient number of schools for the accommodation of the children in the district over the age of 6 and under the age of 21, and that they may adopt all necessary rules and regulations for the management and government of the schools, gives them the power and fully sustains their action in this case. The free schools of the State are public institutions, and in their management and control the law contemplates that they should be so managed that all children within the district, between the ages of 6 and 21 years, regardless of race or color, shall have equal and the same right to participate in the benefits to be derived therefrom.

While the Directors very properly have large and discretionary powers in regard to the management and control of schools, in order to increase their usefulness, they have no power to make class-distinctions, neither can they discriminate between scholars on account of their color, race, or social position.

If the school-house was too small to accommodate all the scholars in the district, it would have been eminently proper for the Directors to have enlarged the building, but this they did not see proper to do, and it is apparent from the record that the erection of the small house on the same lot where the school-house stood was not on account of the incapacity of the school-house to accommodate all the scholars in the district, but the sole and only object seems to have been to exclude the colored children in the district from participating in the benefits the other children received from the free schools.

Had the district contained colored children sufficient for one school, and white children for another, and had the Directors in good faith provided a separate room for each, where the facilities for instruction were entirely equal, that would have presented a question not raised by this record, and upon which we express no opinion.

But the conduct of the Directors in this case, in the attempt to keep and maintain a school solely to instruct three or four colored children of the district, when they can be accommodated at the school-house with the other scholars of the district, can only be regarded as a fraud upon the tax-payers of the district, any one of whom have a right to interfere to prevent the public funds from being squandered in such a reckless, unauthorized manner.

As we view the case, we perceive no error in the decree of the Circuit Court; it will therefore be affirmed.

Decree affirmed.

Two very important principles are enunciated in the foregoing opinion:

First—That, while School Directors and Boards of Education have large and discretionary powers in the management and control of their schools, they have no power to make class-distinctions, nor to discriminate between scholars on account of their color, race, or social position.

Second—That the attempt to keep and maintain a separate school solely to instruct three or four colored children, when they can be accomodated in the school-house with the other scholars of the district, can only be regarded as a fraud upon the tax-payers of the district, any one of whom has a right to interfere to prevent the public funds from being squandered in such a reckless, unauthorized manner.

The opinion of the Court is repugnant to the practice, in the case of graded schools, of placing all the colored children together in one room of such graded school, regardless of their respective attainments, while the other scholars are assigned to different rooms according to their respective attainments; because, by such a course, the colored children lose all the benefits of the graded system of schools, and do not have equal facilities of instruction.

The opinion applies to all cases whatever, except where a district contains colored children enough for one school and white children enough for another, and the Directors in good faith provide a separate school for each, making the facilities for instruction entirely equal. The right of Directors to pursue such a course, in such circumstances, is neither affirmed nor denied by the Court in this opinion.

COUNTY TREASURERS AS EX-OFFICIO COLLECTORS.

Attention is also invited to the following opinion of the Attorney-General.

STATE OF ILLINOIS, ATTORNEY-GENERAL'S OFFICE, SPRINGFIELD, Aug. 3, 1874.

A. Sample Esq., State's Attorney for Ford County, Paxton, Ill.:

DEAR SIR: Your communication of July 24 was received, in which you state that the salary of the Treasurer of your county was fixed by the Board of Supervisors at $900 per annum, but was not fixed as Collector, and that the Treasurer claims and has retained his fees as Collector, in addition to the salary allowed him as County Treasurer. You request my opinion as to whether this officer is entitled to his salary as Treasurer and also to the fees retained by him as County Collector.

Sec. 114 of the Revenue law of 1872 provides that the Treasurer of counties under township organization, and the Sheriffs of counties not under township organization, shall be ex-officio County Collectors of their respective counties [Laws 1872, p. 33, Sec. 144].

This statute was designed to carry into effect Sec. 4 of Art. 9 of the Constitution, which made it the duty of the General Assembly to provide that a return of unpaid taxes or assessments should be made to some general officer of the county having authority to receive State and county taxes, and which prohibits the sale of real estate for such taxes by any other general officer. The Sheriffs and Treasurers in their respective counties are such general officers who, by the Revenue act of 1872, are authorized to receive State and county taxes. The effect of this provision is to impose additional duties upon these officers in their respective counties, and not to confer upon them an additional office [Wood et al. vs. Cook, 31 Ill., 271]. Such being the case, they can only receive for their services the compensation fixed for them by their County Board.

In pursuance of Sec. 10, Art. 10, of the Constitution, all fees or allowances received by them in excess of their compensation shall and must be paid into the County Treasury [Ibid]. If the opposite construction should prevail, those provisions of the Constitution which limit the compensation which may be paid to county officers would be frittered away by the mere device of allowing extra compensation for ex-officio services. The County Boards are not only required to fix the compensation of these officers, but also to make them reasonable allowance for necessary clerk-hire, stationery, fuel, and other expenses [Constitution of 1870, Art. 10, Sec. 10]. No hardship need therefore arise from treating this statute as conferring additional duties upon the County Treasurer; for, the greater his duties, the more liberal should be his allowance for clerk-hire, etc.

My conclusion, therefore, is, that, when the County Board has fixed the compensation of the County Treasurer in pursuance of Sec. 10, Art. 10, of the Constitution, all fees received or retained by him over and above such compensation must be paid into the County Treasury; and that it is immaterial whether such fees accrue from duties performed as County Treasurer proper or as ex-officio County Collector. Similar views were expressed in an opinion from this office published in the Chicago *Legal News*. I am, very respectfully,

JAMES K. EDSALL, Attorney-General.

The interest of School Directors and Township Treasurers in the foregoing opinion will be perceived when it is considered that the officer mentioned in the letter of the Attorney General is charged with the collection of unpaid or delinquent school-taxes, as well as of other taxes.

County Superintendents of Schools are respectfully requested to forward, or cause to be forwarded, a copy of this circular to each Township Treasurer, Board of Directors, and Board of Education, in their respective counties.

NEWTON BATEMAN,
Superintendent of Public Instruction.