NASHVILL

VOL. XXXIII.

NASH

Louisville and Nashville
RAILROAD.

SUMMER SCHEDULE, 1867.

COMMENCING MAY 5, 1867.

Trains will run as follows:

Leave Nashville	7:00 P. M.	5:00 A. M.
Arrive at Louisville	3:45 A. M.	1:00 P. M.

Both Trains make direct connections at Louisville for St. Louis, Cincinnati, Indianapolis, Baltimore, Washington, Philadelphia, and New York. Time from Nashville to New York, forty-eight hours—twelve hours quicker than any other route.

Morning Train from Nashville connects with United States mail-line steamers leaving Louisville at 4:00 P. M., connecting at Cincinnati with early morning trains East. BAGGAGE CHECKED from Nashville to St. Louis, Chicago, Cincinnati, and all principal Eastern cities.

☞ The 7:00 P. M. Train from Nashville does not run on SUNDAY.

Accommodation Train, stopping at all stations, leaves Franklin at 7:00 A. M., and Gallatin at 9:50 A. M.; arrives at Nashville at 11:50 A. M. Leaves Nashville at 3:20 P. M.; arrives at Gallatin at 5:50 P. M., and Franklin at 8:35 P. M.

ALBERT FINK,
General Superintendent.

may31 1y

NASHVILLE & DECATUR
RAILWAY.

Great Central---All Rail Route
TO THE
SOUTH AND SOUTHWEST.

Two Daily Through Passenger Trains, making direct connections at Decatur with Memphis and Charleston Railroad, for all Points South and Southwest.

Through to Memphis Without Change of Cars.

COMMENCING MAY 5th, 1867, TRAINS will run as follows:

TRAINS SOUTH.

	TRAIN NO 1.	TRAIN NO. 2.
Leave Nashville	7:30 A. M.	7:00 P. M.
Arrive Decatur	2:30 P. M.	2:25 A. M.
" Huntsville	6:50 P. M.	6:49 A. M.
" Corinth	8:27 P. M.	8:10 A. M.
" Grand Junction	11:10 P. M.	10:55 A. M.
" Memphis	2:00 A. M.	2:00 P. M.

TRAINS NORTH.

	NO. 1.	NO. 2.
Leave Memphis	6:30 P. M.	6:40 A. M.
Leave Huntsville	1:33 A. M.	1:03 P. M.
Leave Decatur	6:15 A. M.	6:15 P. M.
Arrive Nashville	1:45 P. M.	2:00 A. M.

Train No. 2 South, connects at Grand Junction for Canton, Jackson, Vicksburg, New Orleans, and all points South.

Trains No. 1 and 2 North connects at Nashville with Louisville and Nashville Railroad, for the East, North and Northwest; and with N. & C. and N. & N. W. and E. & K. Railroads, for all points on those lines.

Train No. 2 South and No. 1 North run daily.

Train No. 1 South and No. 2 North run daily, except Sundays.

Splendid Sleeping Cars Attached to all Night Trains.

BAGGAGE CHECKED THROUGH.

Columbia Accommodation Train Daily, except Sundays.

Leaves Columbia at	6:20 A. M.
Arrives at Nashville at	8:55 A. M.
Leaves Nashville at	4:00 P. M.
Arrives at Columbia at	6:37 P. M.

The Columbia Accommodation Train will run on the above time permanently from year to year, except that in summer the time of departure from Nashville will be 5:00 P. M., instead of 4:00 P. M.

For through Tickets and other information, please apply at the office of the Nashville City Transfer Company, Northeast corner of Summer and Church streets, and at the Broad Street Depot, Nashville, Tennessee.

J. B. VAN DYNE,
General Superintendent

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Nashville and Chattanooga
RAILROAD.

CHANGE OF TIME.

Two Daily Trains Leave Nashville for Washington, New York, and all Points East and South. Close Connections Made at Chattanooga Morning and Evening for all Eastern and Southern Cities.

OFFICE OF GENERAL SUPERINTENDENT,
NASHVILLE & CHATTANOOGA RAILROAD,
Nashville, Tenn., Jan. 27, 1867.

ON AND AFTER **SUNDAY, JAN. 27, 1867**, and until further notice, Passenger trains will run as follows:

Leave Nashville for Washington, New York, Atlanta, Macon, Montgomery, Augusta, Savannah, New Orleans and Mobile at 5:00 A. M. and 5:00 P. M., arriving in Chattanooga at 2:00 A. M. and 2:00 P. M.; both Trains making close connections at Chattanooga with East Tennessee & Georgia and Western & Atlantic Railroad Trains. Returning, leave Chattanooga at 7:40 A. M. and 7:40 P. M., upon arrival of E. T. & Ga. and W. & A. Trains, arriving in Nashville at 4:30 A. M. and 4:30 P. M.

Elegant Palace Sleeping Cars on all Night Passenger Trains.

SHELBYVILLE ACCOMMODATION—Leaves Shelbyville 5:20 A. M. and 12:50 P. M., arriving in Nashville 11:30 A. M. and 4:30 P. M. Leaves Nashville for Shelbyville 5:00 A. M. and 5:00 P. M., arriving in Shelbyville 9:00 A. M. and 9:05 P. M.

Nashville and Northwestern Railroad.

PASSENGER TRAIN—Leaves Nashville 3:00 P. M.; arrives at Johnsonville 9:00 P. M. Leaves Johnsonville 4:00 A. M.; arrives at Nashville 10:00 A. M.

W. P. INNES, Gen'l Sup't,
N. & C. and N. W. R. R.
J. W. BROWN, Gen'l Pass Agent.

jan26—tf.

Nashville and Memphis
RAILROAD LINE.

OFFICE OF GENERAL SUPERINTENDENT,
EDGEFIELD & KENTUCKY RAILROAD,
SPRINGFIELD, Tenn., April 13, 1867.

ON AND AFTER **MONDAY**, THE **15th** instant, Trains on Edgefield and Kentucky Railroad will

Leave Nashville Daily at 1:30 P. M.,

Making close connections at State Line with Trains on Memphis, Clarksville and Louisville Railroad for Memphis, and at Humboldt with Trains on Mobile and Ohio Railroad for all points South.

The Line has been put in thorough repair, and is now prepared to transport passengers and freight with reliability and dispatch. **First-class Sleeping Cars** on all Night Trains. Fare as low as any other route.

BOYD M. CHEATHAM,
Gen'l Sup't E. & K. Railroad.

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LARGE ARRIVAL
OF
SPRING AND SUMMER
CLOTHING.

THIS STOCK OF CLOTHING SURPASSES all others exhibited by us heretofore, and comprises everything

ELEGANT,
DURABLE,
AND
CHEAP,

Cheaper than has been sold in Nashville in TEN YEARS. Come and see them at the old stand,

Opposite Courthouse, Public Square.

You will find these Goods well worthy your attention.

J. A. J. ROSE,
WHOLESALE AND RETAIL DEALER IN
CLOTHING,
And every description of
GENTS' UNDERWEAR,
NO. 11
South Side Public Square,
NASHVILLE, TENN.

may11 1m

J. C. WHARTON & CO.,
DEALERS IN
Drugs, Medicines, Etc.,
No. 38 Union Street,
NASHVILLE, TENNESSEE.
ICE CREAM SODA WATER.

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Union and Dispatch.

SATURDAY, JUNE 1, 1867.

Largest Circulation in City and State.

IMPEACHMENT.

TRIAL OF HON. THOMAS N. FRAZIER, JUDGE OF THE CRIMINAL COURT OF DAVIDSON COUNTY, BEFORE THE SENATE.

TWENTY-SECOND DAY.

Conclusion of Mr. Ewing's Argument for the Defense.

FRIDAY, May 31, 1867.—The court met at nine o'clock, all the members being present.

CONCLUSION OF MR. EWING'S ARGUMENT.

Mr. President and Gentlemen of the Court: I proceed with my argument at the point where I left off. I was showing that in order to sustain a charge of *malice* and *corruption* against Judge Frazier, *specific acts* of this character must be proven against him. As farther illustrating this principle, I will quote section 4798 of the Code, on bribery and embracery, which sufficiently illustrates what I wish to convey to your minds in regard to the necessity there is for making out in any given case of accusation, charge or indictment, that certain *acts* have been done of the kind and character specified, and to show that in fact, in the eye of the law, there is not, in the absence of any charge of specific acts, any offense charged at all. This section reads thus:

"4798. Any executive, legislative or judicial officer who corruptly accepts, or agrees to accept, any gift or gratuity, or thing of value, or any promise to make any gift, or do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment is to be given in any particular manner, or upon any particular side of any question or proceeding which is, or may, by law, be brought before him in his official capacity, or that in such capacity he is to make any particular appointment, shall, on conviction, be punished by imprisonment in the penitentiary not less than three nor more than twenty-one years."

Now, if persons had come round Judge Frazier and said, "Judge, here is a case in which we are interested and concerned, and if you will decide in favor of Williams you shall be our Governor," and if he had yielded to this solicitation it would have been a bribe. Hear this on conspiracy:

"4789. The crime of conspiracy may be committed by any two or more persons conspiring—

"1. To commit any indictable offense.

"2. Falsely and maliciously to indict another for such offense.

"3. To procure another to be charged with, or arrested for any such offense.

"4. Falsity to move or maintain any suit.

"5. To cheat and defraud any person of any property by means in themselves criminal, or by any means which would amount to a cheat.

"6. To obtain money by false pretenses.

"7. To commit any act injurious to public health, public morals, trade, or commerce, or for the perverson or obstruction of justice, or the due administration of the law."

Now, if the Judge had said in that case, if you will indict I will convict, he would have been guilty of a conspiracy. But he is charged with an attempt to break up the Legislature, which is not a crime according to this Code. Nothing that is corrupt is charged against him; nothing is charged as a specific fact. From this I deduce the conclusion that he cannot be convicted of the charge of conspiracy to break up the government on testimony that does not relate to the charge. This would seem to dispose of the proof of conspiracy, and if conspiracy was proved, they have not attempted to show that Judge Frazier was in any way implicated in it.

Now we come to that which will perhaps interest you more. We come to that part of the case regarding the decision of Judge Frazier on the *habeas corpus* case. It is not necessary for me to state the particulars of this case in detail; they have been sufficiently detailed already. Was Judge Frazier correct in the decision he has made? We decidedly think he was; nay, it seems to us the matter is so plain as scarcely to admit of a difference of opinion. But this will perhaps be regarded as "defiant." The gentlemen engaged for the prosecution seem to regard it an indignity, an offense, that we dare to come up and assert that Judge Frazier was right, throughout the whole of this proceeding—right in its inception, right in its conclusion. Can this be alleged as a crime, that a man comes up and says, I am not guilty of the offense charged to me? Surely not. I think he was right. I think I can show he was right. There is, however, one thought to which I would advert before I proceed, though it belongs, perhaps, to another part of the question. Now, if it is to be worked out that two and two make four, we do it in this way, and the operation is both simple and satisfactory: we put a pair of two's together, and then, counting the whole, we find they make four, and this convinces us that twice two *are* four. Now this is a very simple operation. But if it can be shown that Judge Frazier, in his capacity of a Judge, has decided that twice two make *five*, I am quite willing to see him declared disqualified for the exercise of judicial functions. But is this a question of twice two? If so, how comes it that the counsel on the other side found it necessary to make a speech six and a half hours long in order to decide so simple a problem in legal arithmetic? It has not been found to be a question of such simple solution; on the contrary, we have felt it necessary to spend a great deal of time in discussing it.

I bind myself to the proposition that I can prove that Judge Frazier was legally right, and that, as he was a Judge, his decision was morally right as to him. Well, what lies at the foundation of this inquiry as to his being right or wrong? We have to inquire into the rights and liberties of a free State. The powers of a branch of the Legislature of a free State I accord in the fullest manner to the House of Representatives of Tennessee. Let me read from 614th section of Cushing on the privilages pertaining to a legislative assembly.

Now, do they ask any larger powers than these? The voluminous extracts read to you from law books by the last gentleman that addressed you for the prosecution, did none of them nor all together assert more ample powers nor privileges as pertaining to the Legislature than are accorded here. The labor, therefore, that he imposed on himself was simply a work of supererogation. But still these powers are derived under the constitution of Tennessee. That constitution provides that they shall have all the rights of the Legislature of a free State. They have power to command the attendance of absent members. I say that either House of the Legislature of Tennessee, when constituted and duly organized with a quorum, has power to compel the attendance of absent members. A branch of the Legislature, then, is not restricted in its powers to command the attendance of absent members, but it is only less than a quorum that is so restricted.

I say, then, that what are these powers and how and when they are to be exercised, are matters to be determined by the constitution and the laws, and by nothing else. You cannot appeal to the necessity of the case as a justification of your proceedings in a case where the constitution has spoken.

A law of the State of Tennessee, it is alleged, had been enacted in pursuance of article 11 of the constitution, which provides that a less number than a quorum may be authorized by law to compel the attendance of absent members; but this, so far from being given in the Code as a *law*, is merely given as a statement of what the Legislature can do; it is merely an exposition of the powers and functions of the Legislature, or of a branch of the Legislature, of a free State, and I should suppose that gentlemen will scarcely venture seriously to controvert this fact, for it is so obvious as to be beyond the pale of debatable matter. Why, there is a provision in the constitution allowing the State "by law" to be sued, yet in the absence of a law every lawyer knows the State cannot be sued. Indeed, a law was passed subsequent to the adoption of the constitution giving claimants against the State the power of suit, and while that law was in existence the State could be sued; but several years ago it was repealed, and now no such suit can be maintained; yet the constitution remains unchanged, and nobody pretends that this proviso, *of itself*, confers the right of suit. It was claimed, however, by the gentleman that preceded me on the side of the State, that if a law to that effect had not been passed, yet parliamentary law would of itself confer the power on less than a quorum to compel the attendance of absent members. The fatality of such a claim has, I think, been made so apparent, and has been already so fully and satisfactorily disposed of that we may also dismiss it from further consideration. I have exposed this *ruse* more for the purpose of showing the unfairness that characterizes the prosecution, than to furnish an argument that may convince an intelligent assembly like that which I have the honor to address. Let us look at the absurdity that of this construction. Section 145 of the Code reads thus:

"145. The Senate and House of Representatives, when assembled, shall each choose a speaker, and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day."

And the next section provides that "two-thirds of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members." Are we to understand from this that one Legislature (in 1837) undertakes to enact laws for the guidance of others that may come after it? The subterfuge is in every way apparent. The whole looks like an appeal *ad ignorantiam*, and I may here say *ex uno desce omnes*. Let one instance serve as a sample of the rest.

I recur to the constitution, and I ask you whether there be not internal evidence upon its face that it was to be an after action on the part of the law-making power to give the right to less than a quorum to compel the attendance of absent members. Then what are my views in regard to how a less number than a quorum can be empowered to compel the attendance of absent members. When a Congress or a Legislature is elected they come together without rules, there are no rules that govern a Congress or a Legislature when first it assembles, unless it has "standing orders" as the Parliament of England has. When the Legislature meet therefore, it is without rules, and it is not possible for one Assembly to make rules for its successor. One Legislature may simply be governed by its rules throughout the time of its legal existence. It may be so, but it is not necessarily so. It does not follow, unless by a provision of the rules themselves it is enacted that the rules adopted at the first session shall be continued through the subsequent sessions. When an Assembly meets in a called session it meets without any rules whatever. Then when the Legislature met under the call of the Governor, it was a new session, it was no part of the old session. The Governor thinks proper to call the Legislature together, and it is a new session, and consequently there is no rule under which it is governed at all. I lay down the position that a legislative assembly, at its first session, has no laws for its government, and this rule for compelling the attendance of absent members, by less than a quorum, can have no force, and indeed is no rule at all until it is enacted by the Legislature when regularly organized under the constitution. The counsel confirmed his position by numerous citations from Cushing's parliamentary law—a high legal authority, so confessed by the counsel on either side.

The counsel proceeded: The right of the Legislature simply after it is regularly constituted, to have the attendance of the whole of its members is one of its most undoubted and important privileges. It is usually effected by what is designated "a call of the House." But are you "a House"—a House of Assembly—unless you have a quorum, a two-thirds of all your members? Conclusively not. I think by the express statements which I have just read from Cushing—an authority as fully recognized by the counsel on the other side as by ourselves—I have clearly made out my view in regard to a branch of the Legislature to compel the attendance of absent members. The called session, then, that met in July, 1866, met without rules, and I think that Judge Frazier was entitled to rule, that in the absence of a law conferring on a less number than a quorum, the right to compel the attendance of absentees, that no power was possessed by the Legislature assembled to exercise the authority they did in arresting and imprisoning Williams and Martin. And yet for having made this decision, he has been reviled, and I may say insulted by the remarks which have been made by the counsel who preceded me on the other side. It was said that it was for him for the first time in the world's history to call in question a right which heretofore had never been challenged. But if it was the first time that such a decision had been given, it may be safely affirmed that it is the first instance in the history of legislative bodies in which a number less than a quorum had presumed to exercise such a power. He was taunted with not knowing what was the rule of the House, when in truth there was no rule, because, being a new House and its first session, no rule was in force.

Here is that famous rule No. 14, under which they undertook to act: "No member shall absent himself from the service of the House without leave first obtained." But I would like to know how leave was to have been obtained before the House had been organized. This was a rule for the government of the Assembly after it had met and been organized. I read further: "In case a less number than a quorum of the House shall convene, they are hereby authorized to send the Door-keeper or any other person or persons for any or all absent members." That is the rule they adopted. Now, it seems the words "send for" are to be construed *arrest*. This seems to me rather a capricious definition, and we shall have to get a new dictionary before we can understand the most ordinary terms of the language.

It seems to me I have made out that there was no quorum in attendance, and that less than a quorum have no power to compel the attendance of absent members. But it is said that the two members arrested made up a quorum. But Cushing 280 expressly affirms that members under constraint cannot be counted as members, nor exercise any of the functions of members until they are freed from the constraint placed upon them. Yes, they say that is the law, but they were not under restraint. But then the Sergeant-at-Arms held them in custody, and they were not within the bar of the House, but in one of the Committee rooms adjoining, having its *door open*. But the resolution of the House which Capt. Heydt was instructed to give as his return to the writ of *habeas corpus*, denying the jurisdiction of the Judge in the premises, itself, shows them to have been then in the custody of the House, for it instructs Capt. Heydt not to give up the custody of them.

There was then no quorum in fact, no quorum to compel the attendance of absent members. A member was arrested on what is called a warrant of the Speaker. This warrant on its very face when shown to Judge Frazier, is seen to be in fact no war-

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HVILLE, TENNESSEE, SATURDAY, JUNE

rant at all. He is shown a paper coming not from the House, but from a lesser number of members than a quorum. Under this condition of things, application was made to Judge Frazier to grant a writ of *habeas corpus*. How far he was entitled to attend to and grant this petition, will appear from the following, which I take from the Code of Tennessee, section 3720: "Any person imprisoned or restrained of his liberty under any pretense, whatsoever, except in cases specified in the next session, may prosecute a writ of *habeas corpus* to inquire into the cause of such imprisonment and restraint. Section 3723 provides that "the writ may be granted by any Judge of the Circuit, Common Law, or Criminal Courts, or by any Chancellor, in cases of equitable cognizance." Section 3726 says: "If, from the showing of the petitioner, the plaintiff would not be entitled to any relief, the writ may be refused, the reasons for such refusal being briefly endorsed upon the petition, or appended thereto." It is not, then, that there is a form without a substance; it is not a mere sham presented to the Judge that can avail as an answer to the writ; but, if it is of this character, then he is bound to grant the writ. Now, it is clearly established that there was not a sufficient number of members present to constitute a quorum. But, is it nôt a vital point to ascertain this fact? clearly it is. And it is equally clear that the laws of Tennessee made it obligatory on Judge Frazier to satisfy himself on this head. Why no, according to two of the gentlemen on the other side, he was right in issuing the writ, but so soon as he found it would be necessary for him to go behind the fact that members of the Legislature had convened under the Governor's proclamation to hold an extra session, then they all say he should at once declined to entertain any question as to whether so august a body as the branch of the Legislature had been duly organized agreeably to the rules prescribed by the constitution. He was, in fact, foreclosed from any such enquiry in virtue of the sacred character of the body itself, as well as by those safeguards and defenses with which the constitution has invested it. Well, let us see how this will work. Suppose the House of Representatives orders one of its members to be hung; an extreme case, I admit, but one fairly suited to test the principle contended for. Preparations are made for carrying out the sentence, the prisoner is under the gallows, a friend of the prisoner succeeds in suing out a writ of *habeas corpus* on his own petition, just in time to bring him before the Judge alive. Will it be contended that the Judge did wrong in issuing this writ, or in ordering the prisoner's discharge? Well, but he could not do so without first inquiring into the rights of the Legislature to deal with its own members in this fashion. But this, according to the sentiments of the gentlemen on the other side, would be a flagrant violation of the rights of the Legislature, they having the exclusive right of dealing with their own members, untrammeled by outside intervention. Well, to imprison a man is not so bad as hanging him, but it is equally an evil, from which he is entitled to seek deliverance as is recognized as such by the law. If, then, a Judge can go behind the facts of the case and adjudicate the right of a legally constituted Legislature to dispose of the life of one of its members, has he not an equal right to inquire and to decide as to the right of a less number than a quorum to dispose of the liberty of a member?

The argument of the gentleman who preceded me was ornate, classical and rhetorical; it was ingenious; it was adroit; but I must be permitted to say, I do not think it was profound. It was ambidextrous, jesuitical, and I am sure it was uncharitable. In saying that, perhaps I am provoking a kindred retort on myself. If so, this honorable court must arbitrate between us. There are ingenious sophisms that are calculated sometimes to impose on an opponent. Such a sophism was the false premises that 267 Cushing inculcated, a principle which I have shown you is expressly repudiated by this author in section —, which latter section also furnishes us with a solution of what is not indeed a contradiction, but might at first sight appear a paradox. Without a discovery of the fallacy thus attempted to be palmed off upon us, his argument in regard to the powers of the House might seem to have been unanswerable. I ask you in all candor, whether Judge Frazier, if the members arrested chose to petition him for writs of *habeas corpus*, was not *obliged* to grant their request and decide on the legality of their arrest and detention? His sympathy was not with these men, nor with the mob, as it has been called, which countenanced their proceedings. But he had a duty to perform, irrespective of his sympathy. And I hope the day may never come when we may all, you and I, have to appeal to the Judges of the land as our forlorn hope. I would not, while pleading before this dignified court, address an argument to their fears, but I would remind them that it is in times of excitement when the mob arises on the one hand and the Legislature on the other, that we have to look to those provisions of the law and the constitution which the wisdom of our fathers established as the guaranteees for the maintenance of public liberty.

I have said all I mean to say of the righteousness of the judgment Judge Frazier rendered in this case. I have been more full and diffuse on these several points, because my associates have dwelt upon them perhaps less fully than their importance might seem to demand.

Now, I believe it is not contended by the other side that the defendant can be held to have acted corruptly, if he acted honestly in his judgment. I ask whether he may not have acted in good faith when he made this decision, even though he may have erred in his judgment of the law.

In weighing the merits of the case, we should take into account the difficulty of Judge Frazier's position. He was beset on the one side by an excited and infuriated community; and on the other, by a Legislature laboring, perhaps, under scarcely less excitement, and harboring, it may be, some of the resentment which factions hostile to their constitutional labors and legal functions had provoked. Was it not at best a matter of the greatest delicacy and difficulty to act under circumstances like these. But the fact that he decided as he did, I say, at least, is presumptive evidence that he decidedly, conscientiously, and according to his understanding of the ruling of the law. For, assuredly, if he had allowed himself to follow the suggestions of either, his feelings or his interests, he would have made a decision directly the reverse of what he did. The man that had stood defiantly before the dagger of the Rebel marauder, would scarcely be likely to cower before the clamors of a mob. But the attempt is made to show that his whole life has been illusory and hypocritical. Instead of putting such an interpretation upon his late act as shall make it harmonize with the well attested purity and integrity of his past life, we are to assume the corruption of this, and then to project the darkness of its shadow back upon all that has preceded it. But the people of this State or of this country will not sanction, public sentiment will not sanction, so unjust a procedure. Judas Iscariot and Benedict Arnold have been adduced as types of the same character as Judge Frazier. But is a whole life of unblemished purity to go for nothing in estimating a man's character when he has done something that may happen to bring him into suspicion with those by whom heretofore he has been admired and applauded. Does a man turn a traitor in a day? Judas Iscariot was a thief from the beginning, and Benedict Arnold was an ingrain scoundrel. But it is attested by friend and foe that Thos. N. Frazier from early youth to declining years, has been not only pure as a man, but patriotic as a citizen, and sacrificed freely his property and all he possessed on the altar of his country. Can such a man be a traitor, but, if so, what motive had he? Where was the consideration the "thirty pieces of silver" which he was to receive as a reward of his treachery? I confess I know of no terms by which adequately to express the indignation enkindled within my breast by this attempt to classify Judge Frazier under the same ignominious category to which a Judas and a Benedict Arnold of right belong.

I cannot more appropriately close my address, than by reading the beautiful and affecting language in which the defendan closes his answer to the articles of impeachment on which he is now being tried.

Respondent now, with an humble trust in Providence, and a consciousness that he has discharged his *official* duties, to the best of his knowledge and abilities; and that he has intentionally committed no violation of the laws of his land, no breach of the privileges of the House of Representatives, no effort to defeat the operations of any department of the State government, and confiding in the integrity, independence, and impartiality of his judges, and that they will hear patiently, and conscientiously determine his case, unmoved by party spirit, prejudice or political momotives, governed throughout by that moral and Christian rule, that each will render that justice to this respondent which he would wish to receive, he submits himself to their decision, conscious that in a little time his accusers, his judges and himself, will be summoned before an Omnipotent Judge, to whom each will be required to answer for the deeds of this and all other days, and hopes that himself and his judges, at that awful hour, can appeal to the rectitude and purity of this day's work with an approving conscience.

THOMAS N. FRAZIER.

The Court adjourned to nine o'clock tomorrow morning.

THE MILITIA AT BROWNSVILLE—A CARD FROM CAPT. CLINGAN.

Editors of the Union and Dispatch.

NASHVILLE, TENN., June 1st, 1866.—SIRS: I noticed in your paper of yesterday a piece published about my command at Brownsville, Tenn., headed, "Dare-devil Doings of the Brownlow Melish," in which you state that an old gentleman living at or near Brownsville was taken up and ridden upon a rail until vengeance was wreaked. Thinking that you desire to set facts before the public, I write, asking the insertion of this note in your paper, in order that justice may be did all parties concerned in the matter. On Wednesday last I arrested a man in Brownsville, Tenn., myself, who was charged with attempting to induce some of our command to desert, offering one his horse and a suit of clothes; and if he would go home and work for him, he would give him twenty-five dollars per month, and conceal him in a canebrake near his dwelling until the d—d melitia left and gone to hell, then he could go. Being satisfied from the evidence I could get, that the charges were true, and knowing it was my duty as an officer to protect my command, and to save others from severer punishment, I ordered the gentleman to be ridden upon a rail through the town of Brownsville, so that others who have been attempting the same could see the effects of their course; and that they could not induce men who had been pulled and hauled about during the rebellion by such men to comply with anything they desired done. I also state that the gentleman spoken of does live in the vicinity of Brownsville, and that he never had any sons in our command, but on the contrary was in the Rebel army—I understand volunteered in it and deserted it. I gave him his choice to double quick through town or be carried through upon a rail—he taken the ride. As to subjugating him I know nothing about, but here state that if any other man, Radical, Conservative, or Rebel, is found guilty of the same offense, he may expect to receive what we think is just. Our men have conducted themselves well, molested nothing without orders from their officers, nor do we intend they shall. I will take this occasion, if permitted, to state that the peice published in the Memphis *Avalanche* on the 26th ult. about our conduct at Brownsville is every word, from beginning to end, false.

Very respectfully, etc.,

J. K. CLINGAN,
Capt. Co. D. 1st T. V. I. S. G.

IMMIGRATION.

What Brownlowism is Doing for Tennessee—A Northern Capitalist's View of the Situation.

A prominent and influential citizen of Pennsylvania, writing to a member of the Tennessee Colonial and Immigration Company, of this city, says:

"The political career of such men as Brownlow, of your State, Stevens, of my State, and Wade, Kelly, and others, are opening the eyes of the people. Their harangues and deception will not save the leaders from the doom of everlasting political death, from which they can never be resurrected. The misrule of the Radical party is beginning to be seriously felt, and in this State, even, there is a preceptible change. The despotism and barbarism practiced by such men, the corps of revenue and tax collectors, are seriously felt here.

It is now (the 25th of May) so cold here that we are compelled to wear overcoats. There is not a potato planted, and our farmers, by the incessant wet weather and cold are unable to do anything toward seeding, and I assure you, a very dismal future is before us. No business is paying, there is no money to be had, there is nothing growing, and a dreadful political crisis is at hand. Everything appears to indicate that the sins of the Radical party are to be visited upon the heads of the honest, upright, country-loving "copperheads."

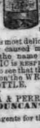
Now, I can do a good deal for you. Some twenty-five or thirty families are willing to go out with me to Tennessee. We would establish a large tannery and shoe manufactory. Our capital is ample to carry on an extensive business, and all that keeps us off is the Radical misrule in your State, and the uncertainty of profitable investments where such a government exists."

LEA & PERRINS'

CELEBRATED

WORCESTERSHIRE SAUCE.

PRONOUNCED
BY
CONNOISEURS
TO BE THE
"ONLY GOOD SAUCE"
and applicable to
Every Variety
OF
DISH.



EXTRACT
of a Letter from a MEDICAL GENTLEMAN at Madras, to his brother at WORCESTER, May, 1851.
"Tell Lea & Perrins that their SAUCE is highly esteemed in India, and is, in my opinion, the most palatable as well as the most wholesome SAUCE that is made."

The success of this most delicious and unrivaled condiment having caused many unprincipled dealers to apply the name to SPURIOUS COMPOUNDS, the PUBLIC is RESPECTFULLY and EARNESTLY requested to see that the names of LEA & PERRINS are upon the WRAPPER, LABEL, STOPPER and BOTTLE.

Manufactured by
LEA & PERRINS, Worcester;
JOHN DUNCAN'S SONS,
NEW YORK, Agents for the United States.
oct18—1yin

FOR SALE.

THE FIXTURES, SHELVING, COUNTER, Scales, etc., and small stock of Groceries for sale, and the store for rent balance of the year. Situated South College street, near Broad.

Apply to J. BROWNE,
may31 1w Corner Deaderick and Square.

Engine and Boiler.

FOR SALE, A FIRST-RATE ENGINE AND Boiler in good order. Can be seen, and price learned, by calling at this office.
may31 1m

13508

DISPATCH.

1, 1867. NO. 161.

BY TELEGRAPH.

NOON DISPATCHES.

NEW YORK DISPATCHES.

Report of Gen. Pope on the Mobile Riot—Release of Imperialist Prisoners—Kelley in Virginia—Gen. O'Neill in Canada—Maryland Convention.

NEW YORK, May 31.—The reports of Gen. Pope and Col. Shepherd on the Mobile Riot are published. Gen. Pope declares that the Mayor took no steps to prevent the disturbance which everybody expected, and that the Chief of Police was either in sympathy with the rioters, or unfit for his office. He removed them for criminal misconduct, and emphatically affirms that another riot will not occur while their successors hold office.

Col. Shepherd, who was present at the meeting, says that Judge Kelley's speech was dignified and patriotic, and fully acquits him of provoking the disturbance.

The Herald's Matamoras correspondent says Gen. Diaz has released several hundred Imperialist prisoners, with the understanding that their cases will be disposed of by the government at some other time.

The Herald's special says Judge Kelley delivered the closing speech of his Southern campaign at Danville, Virginia, yesterday. The usual crowd was assembled with the addition of several lady teachers of colored schools on the platform, and a vote of thanks was tendered the Judge at the close.

An Ogdensburg correspondent of the Herald says Gen. O'Neil the Fenian leader has been traveling incognito through Canada during the past six weeks, and on Monday, arrived at Wellington by permission of the commandant at that place, he then returned safely to the American side.

The Herald's Montreal special says rumors of a Fenian invasion created no excitement here, the people laughed at the reports, and look upon them as a very transparent attempt to hoax the Canadians, and cheat the United States out of a portion of its custom duties.

The government of the New Dominion of Canada is to be organized with Mr. Bellean as Lieutenant Governor and Messrs. McDonald, Campbell, McDougall, Howland' Harteer, Galt, McGee, and Langwin, as Ministers of State.

The Herald's Annapolis, Md., special says: The adoption of the substitute, by the convention, for the twenty-fourth article of the bill of rights, as originally reported by the Committee on Bill of Rights, by the large majority of seventy-six to twenty-four, fairly and clearly defined the position of the body on the question. The substitute reads "that slavery shall not be re-established in this State, but having been abolished under the policy and authority of the United States, compensation in consideration thereof is due from the United States." The original article was simply that slavery shall not be permitted in the State.

The Herald's special says the testimony of Gen. Eckert, formerly Assistant Secretary of War, confirms the statements that Booth's diary is now in the condition it was when first seen by him.

It is estimated that the registry in South Carolina, when completed, will show forty-five thousand white to sixty thousand black voters.

The Times special says in the Maryland Constitutional Convention, on Tuesday, Mr. Peters, a delegate, said he had received a letter from Charles O'Connor, at New York, in which he expressed the opinion that slavery has never been lawfully abolished, and that the amendment to that effect has no place in the constitution. Mr. Peters quoted this opinion to sustain his argument in favor of allowing slaveholders to claim compensation for emancipated slaves.

Presbyterian General Assembly, Etc.

CINCINNATI, May 21.—The Presbyterian General Assembly adjourned yesterday, to meet next May.

Gen. Barrett Langdon, Assessor of the first district of Ohio, died yesterday.

Aaron Jones and Michael McCoole met last evening and deposited three hundred dollars each forfeit money. They are to meet to-day to sign articles for a prize fight, to take place ten weeks hence, starting from this city.

HENDERSON BROS.,

LICENSED

PRACTICAL PLUMBERS,

GAS AND STEAM FITTERS,

No. 73 Cherry Street,

(Old No. 50,) opposite Colonnade Building,

NASHVILLE..........TENN.

Established in 1852.

WE ARE PREPARED TO DO WORK IN our line in a prompt and first-class manner.

PLUMBERS' MATERIAL

On hand and for sale.

SHEET LEAD,
LEAD PIPE,
PIG LEAD,
FORCE PUMPS,
CISTERN PUMPS,
DEEP WELL PUMPS,
ALE PUMPS,
ARTESIAN PUMPS,
BATHS, WASHSTANDS,
WATER-CLOSETS,
BLOCK-TIN and HYDRANTS,
BEER COCKS,
SHAMPOONING COCKS,
BASIN COCKS, HOSE,
HOTWATER BOILERS,
NOZZLES, COUPLINGS, ETC

GAS FITTING.

Public and Private Buildings, Store Houses, etc., fitted up in the most improved style, and on reasonable terms. Chandeliers, Hall Lights, Pillar Lights, Drop Lights, Portable Stands with Hose, Pendants, Brackets, Glass Globes, Smoke Bells, Patent and Plain Shades, Cigar Lighters, etc.

IRON PIPE,

For Gas, Water and Steam, from an eighth inch up to two inches.

Fittings for the Above.

Tees, Elbows, Crosses, Plugs, Bushings, Reducers, Lock Nuts, Hooks, Return Bends, Unions, etc.

STEAM FITTING.

Steamboat, Factory, Hotel and Stationary Engine work done. Steam Gauges, Steam Whistles, Steam Traps, Globe Valves, all sizes; Guage Cocks, Oil Cups, Air Cocks, Cylinder Cocks, etc., etc.

feb21-3m

EXECUTOR'S SALE.

BEAUTIFUL SITES FOR

COUNTRY VILLAS.

AS REQUIRED BY THE WILL OF THE late Major Wm. B. Lewis, his Executors are now prepared to sell at private sale some of the most beautiful grounds in the vicinity of Nashville, being that portion of the Fairfield tract fronting on the Smith Mill Turnpike, beyond Brown's creek.

It is offered in lots of about seven acres, most desirable sites for residences, all of them commanding a beautiful view of Nashville and surrounding country.

For further particulars apply to

G. M. FOGG,
A. V. S. LINDSLEY,
Executors.

apr28 4w top col 1stp.

PHŒNIX

Manufacturing Company,

NASHVILLE, TENN.

MANUFACTURERS OF ALL KINDS OF

Cooking and Heating Stoves,

Hollow-Ware,

BRIDGE, PLAIN AND ORNAMENTAL

CASTINGS,

WATER AND GAS PIPES,

ETC., ETC.

VERANDAHS,
STORE FRONTS, and
IRON RAILING,

Sugar and Bark Mills,

Portable and Stationary Engines,

On hand and made to order.

WORKS ON LEBANON PIKE, NEAR CITY RESERVOIR.

SAM'L E. JONES, Pres't.
JOHN TRENBATH, Sec'y.

may22m

St. Cecilia's Academy,

MOUNT VERNON,

Near Nashville,

CONDUCTED BY SISTERS OF THE

ORDER OF ST. DOMINIC,

Under the patronage of the Right. Rev. Bishop of Nashville.

THIS ACADEMY WAS FOUNDED IN 1860, for the purpose of enabling parents and guardians in the South and Southwest to impart to their daughters and wards a thorough and solid education.

The Academy is about one mile from the city and is situated in one of the most beautiful and healthy localities in its vicinity.

The Academic year consists of two Sessions each, and terminating about the 20th of June.

Special attention is given to the different branches usually taught in Academies.

FOR TERMS, ETC., apply to the Mother Superior, Nashville, Tennessee.

jan17-1y

FOURTH NATIONAL BANK.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
WASHINGTON, March 30, 1867.

WHEREAS, BY SATISFACTORY EVIDENCE presented to the undersigned, it has been made to appear that the FOURTH NATIONAL BANK OF NASHVILLE, in the city of Nashville, in the county of Davidson, and State of Tennessee, has been duly organized under and according to the requirements of the act of Congress entitled "An Act to provide a National Currency, secured by a pledge of United States Bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864, and has complied with all the provisions of said act, required to be complied with before commencing the business of banking under said act—the Comptroller of the Currency being absent—

Now, therefore, I, John J. Knox, Deputy Comptroller of the Currency, do hereby certify that the Fourth National Bank of Nashville, in the city of Nashville, in the county of Davidson, and State of Tennessee, is authorized to commence the business of banking under the act aforesaid.

In testimony whereof, witness my hand and seal of office, this thirtieth day of March, 1867.

[Signed] JOHN J. KNOX,
Deputy Comptroller of the Currency.

THE FOURTH NATIONAL BANK OF NASHVILLE, Tennessee, having been organized according to law, is now authorized to do business as a bank.

This is to inform the public that the Bank will commence business in its new Banking House ON COLLEGE STREET, **No. 49,** on the first day of May, 1867, at which time the fire-proof vault and safes, of the very best quality, will be completed and ready for use.

DIRECTORS.

DANIEL HILLMAN,	BYRD DOUGLAS,
R. H. GARDNER,	W. H. EVANS,
B. S. RHEA,	A. HAMILTON,
O. F. NOEL,	SAMUEL WATKINS,

JAMES WHITWORTH.

JAMES WHITWORTH, President.
JOHN PORTERFIELD, Cashier.

apr5 60t

GREAT EXCITEMENT!!

Greenbacks Wanted.

Come One, Come All!

WE WILL SELL, FROM THIS DAY, Goods cheaper than any other house in existence.

The best Calicos, from 10 to 16 cents per yard.

The best Brown Domestic at 18c.

Delaines at 20c.

Bleached Semper Idem Domestic, 25 to 27½c.

New York Mills Domestic, 27½c.

The Finest Organdy Muslin for 50c.

Casimeres, Doeskins, Cloths, and all other Goods in proportion.

We call attention particularly to our DRESS GOODS DEPARTMENT, as we will sell greater bargains than ever were sold. Also to our large stock of GENTLEMEN'S HATS, which we will sell 33 per cent. less than New York cost. Will only sell at these prices for one month. Come quick and purchase at

G. RICE & CO.'S,
No. 62 North College Street,

may15 1m [G., B., P.&T.] (old No. 59.)

---

184 ACRES OF
Superior Land at Auction.

ON THURSDAY, THE 23d INST., WE will sell on the premises, B. F. Nichol's valuable tract of land, on the Brick Church Pike, four and a half miles from the city, adjoining the lands of Hon. James Whitworth. This is one of the richest bodies of land in the country, about one-half being in a high state of cultivation, the balance in timber, and finely set in blue grass. The tract will be sold altogether, or divided into four parts. With the improvements, if divided, will be sold a fine Apple, Peach and Plumb Orchard, with some five acres of Strawberries. An abundant supply of never-failing water on the premises. Come one, come all. Terms liberal and made known on day of sale.

ANDERSON, JOHNSON & SMITH,
A. NELSON & CO.,
Agents.

may10 td

CHARLES BRYAN,

NO. 139 SOUTH CHERRY STREET

IS NOW PREPARED TO CLEAN CHANDELIERS, Brackets, and Portables, and to restore all Mouldings, Gildings, etc., to their original appearance. Statues, etc., bronzed in superior style.

Ale Pumps, Soda Founts, put up and repaired to order. apr26 3m

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INSURANCE AGENCY.

P. P. PECK,

36 COLLEGE St., NASHVILLE, TENN.

HOME INSURANCE COMPANY,
OF NEW HAVEN.

Capital and Assets $1,440,116 60

GEORGIA HOME INSURANCE CO.,
COLUMBUS, GA.,

Paid up Capital and Assets..............$400,000.

ÆTNA LIFE INSURANCE COMPANY
OF HARTFORD.

Cash Assets $4,500,000

Traveler's Accident Insurance Co.,
OF HARTFORD

Capital and Assets $725,000

POLICIES WRITTEN ON FIRE AND MARINE Risks, and Losses promptly adjusted at this Office. Also, applications for Life and Accident risks in the above first class Companies.

oct31-tf-sp

The Merchants' and Manufacturers' Mutual Insurance Company

ARE NOW ISSUING POLICIES, AT EQUITABLE rates of premium, against loss or damage by fire, and the perils of the seas and rivers.

Office at Chamber of Commerce.

Insure your property.

may21 1w W. H. GORDON, Sec'y.

Books for Farmers and Gardeners

FARMERS' AND GARDENERS' DICTIONARY; the Farm and Garden, by Jacques; Bridgeman's Gardeners' Assistant; do. Kitchen Gardening; Buist's Kitchen Gardening; Downing's Fruit Trees of America; do. Barrey's; do. Baker's; Flint on Grasses; do. on Milch Cows; the American Shepherd; the Farmers' Barn Book; Fuller's Grape Culture; do. Haralsthy's; Pardee on Rose and Strawberry Culture; Buist on the Rose; Youatt, Skinner, Mayhew, Dodd and Frank Forrester on Horses.

For sale by JOHN YORK,

jan31-dtf-w3t 41 Union street, Nashville.

SECOND SUPPLY

OF

SPRING AND SUMMER

GOODS.

FURMAN, GREEN & CO.,

WHOLESALE

Dry Goods,

49 PUBLIC SQUARE,

NASHVILLE.

WE ARE NOW OPENING OUR SECOND complete assortment of **SPRING AND SUMMER GOODS,** to which we invite the attention of the trade.

Merchants wishing to replenish their Stocks will be benefited by giving us a call.

FURMAN, GREEN & CO.

apr23—to june14

The Large and Elegant Stock Goods of

CAMERON, GRIER & CO.,

HAVE BEEN REMOVED TO THE

South Side of the Public Square,

NO. 19.

THE STOCK EMBRACES ALL VARIETIES and grades of Goods; and as they are obliged to be sold for the purpose of closing up the business, purchasers can rely upon getting great bargains.

TABLES and three large handsome MIRRORS for sale, also twelve thousand good SEGARS.

may8 2w

For Rent.

BY DECREE IN CHANCERY, IN THE CASE of Jno. W. Walker vs. the Sheriff of Davidson county and others, I am directed to rent for the year 1867 the following property, viz:

The Store House now occupied by Messrs. R. B. Cheatham & Co.

The Store House on Church street occupied by Messrs. Hamilton & Green. And a Store Room between the two houses above mentioned.

Those wishing to rent will call on me at R. B. Cheatham & Co.'s, corner of Church and College.

dec8-tf [B.] R. F. WOODS, Trustee.

MONTVALE SPRINGS, 1867.

THIS POPULAR SUMMER RESORT HAVING been placed in thorough repair, and furnished with new furniture, will be opened for visitors on the **1st of June,** under the direction and control of the undersigned, proprietors of the American Hotel, Atlanta, Georgia. Montvale presents the strongest attractions, to both the invalid and pleasure seeker, no less on account of its retirement and beautiful surrounding scenery than of the restorative powers of its waters. We have reduced the price of board to the lowest figures consistent with a proper entertainment of our guests. Board per day, **$3;** per week, **$20;** per month, **$60;** with an allowance for families. Travelers by rail reach the Springs by special conveyance from Louden, or by regular daily mail coaches from Knoxville, Tenn.

apr25 1mtr-w WHITE & WHITLOCK.

A. & W. RANNIE,

NO. 24 BROAD STREET,

Between Market and College streets,

WHOLESALE BAKERS AND CONFECTIONERS, Manufacturers of all kinds of Candies, Crackers, Cakes and Bread. Dealers in all kinds of Fruits, Nuts, Raisins and Sardines, Oysters, Canned Fruits, Pickles, Toys, Notions, etc., etc.

The attention of the city and country merchants respectfully solicited.

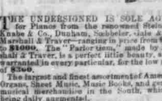
WM. KEEGAN, Salesman.

A. & W. RANNIE.

feb23 1y

McCLURE'S MUSIC STORE,

ESTABLISHED IN 1850.



THE UNDERSIGNED IS SOLE AGENT for Pianos from the renowned Steinway, Knabe & Co., Dunham, Subbeler, Gale & Co., Marshall & Traver—ranging in price from **$300** to **$1000.** The "Parlor Gem," made by Marshall & Traver, is a perfect little beauty, and is warranted in every particular, for the low price of **$300.**

The largest and finest assortment of American Organs, Sheet Music, Music Books, and general musical merchandise in the South, which is being daily augmented.

☞ Those dealing with us will insure a saving of the transportation over parties buying in New York and large cities at a distance, as we sell precisely at Factory prices; besides warranting all Pianos and Organs from our establishment. Orders from a distance promptly filled, and Music mailed free of postage.

Pianos and all kinds of Musical Instruments tuned and repaired by S. Hahn. Orders left with us will be promptly attended to.

JAS. A. McCLURE,
Music Publisher,
33 Union Street.

mar17 3m

FOR SALE OR RENT

AN ELIGIBLE DWELLING, IN THE SIGLER block, on South High street, between Church and Broad, containing nine or ten rooms and in perfect repair. Apply to

T. A. McCALL,
at Cheatham, Woods & Co.'s,
Cherry st.

may12

WOOL WANTED.

WE WILL PAY THE HIGHEST MARKET price for Fifty Thousand Pounds Washed and Unwashed WOOL, without burs, delivered in our Warehouse, No. 39 Market street.

HUGH McCREA & CO.

apr23 3m