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THURSDAY, MARCH 5, 1874.

THE meanest man in America is the counsellor at law for the Society for the reformation of juvenile delinquents in New York city. This society gets $500 from theatres and opera houses by way of license fee. Now the poor little boot-blacks of New York city banded together and gave a sort of theatrical entertainment for the benefit of the suffering, from which they realized the sum of $56, and the counsel for the society has written to the "Grand Duke Opera" demanding his $500! Who would not rather be an Albany Ku-klux than such a man?

The Louisville *Courier-Journal* of Friday last says that it had the honor of a call yesterday from a prominent colored statesman—an ex-State Senator—of Mississippi. "How did it happen," we inquired, during the very able conversation which ensued, "that while the entire expenses of your State government in 1865 amounted to but $260,248.04, your public printing alone cost you in 1873 no less than $331,945.-66?" "Well, I don't dzac'ly how it is boss," answered this Christain statesman, "but the fack is, down at Jackson, sich things as public print'n has riz monsus here lately."

BUTLER's friends say that SIMMONS' confirmation will secure the BEAST the next Gubernatorial nomination in Massachusetts; and others predict that it will be followed by a bolt of the Beacon Street and State Street malcontents, and an entirely new deal in Massachusetts. Whether it will involve SUMNER's defeat for the Senate remains to be seen; but it is probable that he feels much less secure of the result than he did. But whatever the future, it is certain that the larger portion of the God-fearing and manhating Republican party of Massachusetts is in a state of rage and wonder at this inexplicable triumph of one who never belonged to its own set. The office is one of great power, and the political result important all through New England.

THE case of the Boston Collector of Customs has produced some disgraceful disclosures. The members of Congress opposed to the confirmation of SIMMONS have been busily engaged in telegraphing to all parts of the State to send on remonstrances. This of itself is of no particular interest, but copies of all these private dispatches were furnished to the BUTLER organ in Boston and published in that paper. If this thing can be done under the present condition of affairs, what would be the result if the telegraph belonged exclusively to the Government? Is the government already in possession of the wires, and is every private dispatch the property of the Government, to be used at its pleasure?

When the question of confirming SIMMONS was before the United States Senate the Democrats argued among themselves, whether they would gain anything by breaking down BUTLER merely to build up such cruel malignant and unrelenting partisans as BOUTWELL and the two HOARS.—BUTLER, it was urged, sometimes indulged in the luxury of a liberal action; but his opponents never, even by accident. The threat, by the existing Radical regime in Massachusetts, of a bolt if SIMMONS were confirmed, was not calculated to stimulate Democratic opposition to SIMMONS. In addition to this a number of dispatches were sent by leading New England Democrats all during the day, urging their friends in the Senate to vote for SIMMONS.—The result was that most of the Democrats supported the nominee; two or three only voted against him, and one or two failed to vote at all.

SENATOR SCHURZ delivered a fine speech in the Senate not many days ago on the subject of Finance. He opposed inflation and depicted in glowing colors the evils to be apprehended from a "bloated currency." MORTON, by way of reply, pronounced SCHURZ' arguments "stuff;" and MORTON was right. It is all "stuff" to talk about financial schemes of relief when any man of common sense can see that the burdens pressing so heavily upon the country are the necessary consequences of heavy taxes, paid in by the people to be gobbled up by thieves. To give our readers some faint idea of the amount of stealing that is going on in public places, we shall head this column daily with the "latest developments" of theft in official circles—only promising that the detected thieves are to be considered as mere surface indications of undiscovered roguery. The underlying mine will one day come to light, but not until those interested in keeping it undeveloped have been remanded to private stations.

THE eight preambles to Senator CARPENTER'S Louisiana bill set forth, (1) that there are no State officers legally elected under the Constitution and laws thereof; (2) that there is no Legislature so elected; (3) that there is no provision in the Constitution or laws of Louisiana for a special election; (4) that the offices above referred to are filled by persons who hold the same by virtue of a canvass of the votes now shown to have been fraudulent and void; (5) that the Legislature now exercising Legislative functions in that State was organized in pursuance of illegal orders issued by Judge DURELL; (6) that the proclamation of the President recognizing the existing *defacto* government, &c., was predicated on a supposed state of facts, since shown to have been false; (7) "that the said pretended legislature is now in session, pretending to enact laws which the said pretended Governor is pretending to approve under which pretended laws it will hereafter be pretended that rights have vested, to the oppression and injury of the people" and (8) that the public peace in said State is now preserved and can only be preserved by retaining a part of the United States army therein, all of which several facts and allegations are true almost if not quite to the very letter. Congress interfered to create this state of facts and the continued interference of the National Government continues them as facts; yet the Radical organs of the country are now inconsistently holding that to restore the people of Louisiana the rights thus withheld would be an invasion of the rights of that State. How very Conservative to be sure! Truly the Devil can quote scripture for his service.

The Truth in Detail.

In another place we print an elaborate and carefully prepared account of the late Eufaula election fight. We published yesterday, in our State Press column, an account of the part borne by the Eufaula Rifles in quelling the disturbance without further bloodshed So many false reports have been written, and published, respecting this affair that we have deemed it due the truth of history no less than the fair fame of Eufaula, and the people of the South generally, that the whole of the facts should be published. It is unnecessary to recapitulate the facts in this editorial. They are all embraced in the article on our first page. It is only necessary to say that they show, what we at first suspected and believed to be true, viz: that the evil counsels of unprincipled white Radicals were the seeds, which produced there, as elsewhere, a crop of bloody fruits.—We know that it is idle to warn the negroes against such men. Experience is the only school in which they can be taught anything—but they will one day learn, in *that*, that the white Radical is the worst enemy their race ever had. He is the most insidious—the most calculating—the most thoroughly selfish and therefore necessarily the worst. He is like the chess player who uses either black men or white to win his little game and then tumbles them headlong into some old box until he may need them again. He cares for nothing but *self* and will hesitate at no means to that general end. He is the offshoot of the ignorance which the negro has brought into Southern politics. This ignorance is unable to discriminate between the false and the true. As a rule it *prefers* the garish, glittering outlines of the former to the sober, sound realities of the latter. This leads to an inversion of Darwin's theory of Natural selection, *ie* the "survival, or selection, of the *fittest;*" and as Darwin's theory is one of progress this *must* be one of retrogression. Under conservative white tutelage the ignorance of the black man would not be turned against his own interests, as under the guidance of the white Radical it always is. Under such tutelage he would never be pitched headlong into a ring, like some game cock, heeled and gaffed, to win battles for some gambling politician who stands behind him and watches him bleed and counts the falling drops of blood as so many healing salves to the wounds which his party is everywhere receiving at the hands of an outraged and betrayed country. He would never be induced to vote heavy taxes on white men in the vain belief that he would never have any of them to pay. He would never be taught that the white man was his "bitter enemy" on any account whatever. A better era would dawn upon the South; and although the "lion and the lamb" might not "lie down together," as one of our enthusiastic contemporaries asserted a few days since, there would be a great calm in Southern politics, and a broad vista of uninterrupted prosperity opened up before the Southern people. If the Eufaula affair shall result in convincing the negro of the folly of giving heed to interested Radical counsels it will not have been fruitless of all good—however much the means of bringing that good into being may be deprecated.

New York Editors Coming to Alabama.

A letter from Mr. H. N. BEACH, chairman of the committee appointed by the last Editorial Association of New York, to arrange for the trip of the Editors of that Association to Alabama, in May next, informs the chairman of the corresponding committee appointed by the Alabama Editorial Association, that active measures are in progress for the excursion. These gentlemen come among us on the invitation of the Press Association of Alabama, to inspect and write up the coal and iron mines, and other resources of the State. It was upon that idea that the invitation was extended and on that it was accepted. They come to give us a helping hand in the work of development. They know that we have been unfortunate since the war; they understand the circumstances which hinder and retard our growth and advancement. The chairman of the Alabama committee met these gentlemen in their association last year and laid these several facts and circumstances before them. They do not expect, therefore, any such tendered ovations as those they tendered the Southern Editors two years ago. Our circumstances (*this disastrous season*) would necessarily compel us to disappoint them if they did. They only desire to come and go as a party of visiting friends, and that we shall arrange for their transportation from point to point. Their "line of march," after leaving Birmingham, has not been determined upon. That matter has been left to the management of the committee appointed on the part of Alabama, who are anxious to receive such suggestions on that subject as any individual or corporation may think proper to offer. M. M. COKE, of this paper, is chairman of the committee, and to him all communications may be addressed.

Let Alabamians Read.

A writer in the Boston *Post*, for whom the editor vouches, says that in Charleston the city tax is at the rate of $26 to the $1,000; the state and county tax is $17 to $1,000; and other taxes bring the average rate of taxation up to $47 to the $1,000! Several instances are given where the tax on real estate exceeds the rent, while the average tax is more than one-half. Stores in the best business streets in Charleston built of brick and stone, can be purchased for $2,500 to $3,000 each, but were worth $15,000 to $20,000 before the war. With these facts staring them in the face, it is no wonder that the people appeal to Congress. It remains to be seen what action Congress will take. It would seem as though the power which organized this corruption could disperse it.

SINCE the confirmation of SIMMONS Boston refuses all comfort. Mr. BOUTWELL has managed with singular ability to displease both the factions. The State-street crowd say that if he had stood up properly, Mr. SIMMONS would have been rejected. Mr. BUTLER claims to have made Mr. BOUTWELL and is reported as saying that he will now proceed to destroy him. It is supposed that the Radical party in Massachusetts will be in hot water for at least a year to come. If the "hot water" succeeds in removing some of its surplus "wool," the country will be vastly benefitted.

"Do You See Yon Little Cloud?"

When the Prophet ELIJAH cast himself down upon the top of Mount Carmel, and sent his servant to look toward the sea, the servant returned six several times and said there was "nothing." But when he returned from his seventh visit, and said: "Behold, there ariseth a little cloud out of the sea, like a man's hand," the Prophet said to him: "Go up and tell AHAB to prepare his chariot, and get him down, that the rain stop him not. And it came to pass that the heavens were black with clouds and wind, and there was a great rain." Since that hour the "cloud like a man's hand" has been deemed the proper type of dawning hope. A drought, threatening famine, had parched all the lands, and this little cloud put an end to it. A political drought parches our own fair land, and we are all anxiously looking for that "little cloud"—that harbinger of relief—to put an end to it also. We have an AHAB over us—who, like the unjust Judge, fears not God nor regards man. But we have sound reasons for believing that his course is almost run and that within another year or two his blood shall follow that of the Southern Naboth, whom he slew for the sake of his vineyard. But the cloud like a man's hand ariseth out of the sea, nigh unto a place called Plymouth Rock, in the heavenly kingdom of Massachusetts. Unlike the cloud which the servant of ELIJAH saw this cloud is like a man's *pocket*, and, *not* unlike that which the Prince of DENMARCK saw, it is like a beast (BUTLER.) It grows apace as it rises higher, and unless all signs fail in such weather, we shall speedily have "an abundance of rain."

If we have adopted the serious style of treating the late Massachusetts imbroglio it is not because there are no ludicrous points in it, nor yet because of any desire on our part to put scriptural themes to base uses. But we are treating of "the saints" and the place whereon we stand must needs be hallowed ground. From the whole tenor of their past History we can derive but one conclusion, viz: that the Saints are "too wise to err." But they are now *divided*, on the question of SIMMONS or no SIMMONS, and we must conclude that both are right. Hence we have now a hope which was never ours before, because we have two distinct bodies of saints, both right and both at war with each other, on either of which we may drop anchor "both sure and steadfast" with a perfect trust as to the ultimate result. And these saints, or bodies of saints, have each an organ; not the splendid instrument which consecrates Music Hall with its deep-toned melodies, but another steam-impelled machine with stops, keys, bellows, pipes, windtrunks, sound (and fury) boards, backfalls, stickers, trackers etc., capable of sending forth diapasons, double diapasons, etc., in harmonious or inharmonious thunders as occasion may demand. Of these the most important is one called the *Advertiser*, which on the 24th ult. gave forth the following:

"If the President and his flatterers really imagine that the opposition to the evil influences at work in the government is local or personal, they are blind. It is deep, wide-spread, and determined. The diminished majorities in every State election since 1872 are symptomatic. They indicate the current discontent with an administration that makes promises to the ear and breaks them to the hope. To those these significant warnings would be wise; to despise them is stupid. For five years the talk has been of civil service reform, and now again the most impeachable foe of reform is permitted to dictate the removal of the chief national officer in New England, and to fill his place with the most unscrupulous partisan—no regard being paid to the community's judgment of his fitness! And as if to give point to the offense, the occasion is improved by the scribblers who serve General Butler, to proclaim that the change is in accordance with civil service reform rules! The taunt is meant for those who believe in reform; does the President relish it?"

But as if this was not enough the same organ peals forth the following in the ears of the President.

To His Excellency Ulysses S. Grant, President of the United States of America:

SIR:—For almost twenty years the Commonwealth of Massachusetts has been devoted to the interests of the Republican party, both before and since its rise to power. Nowhere within the United States have you, sir, found such steady and loyal support as from its citizens. They have not been faultfinding and impatient. They have seen your administration adopt a policy of federal interference with local affairs which they have disapproved; they have been told civil service rules disregarded and solemn promises forgotten; they have seen you dismiss from your service men in whom they have trusted, and listen to the counsel of those whom they despised, and still they have remained true to you, believing that in the end you would see the right and the truth, and would justify the confidence they placed in you when they chose you for their President.

And, now, sir, we, the citizens of Massachusetts, would address to you a solemn remonstrance. We do not wish to deal here with small local issues, we do not wish to stand on party lines or to stoop to discuss paltry personal jealousies, but we wish to speak in the name of all that is upright and honorable not only in Massachusetts but in the Union.

Sir, you are beset by evil advisers; you are deceived by their representations, and either through a misapprehension of circumstances or a want of knowledge of the sentiments of this nation, you are led to lend your aid to their schemes. Mr. Butler is the man in whose machinations we have now most concern, and him we will take as an example. His aim is to climb into power by means of a corrupt use of the civil service over which you have control. His creatures are given office with the direct, almost avowed object of defrauding the people of their rights to hold free elections. Bribery, corruption, intimidation and lies are the methods employed to attain this end, and how successfully it is attained the history of the past few years can leave in you, sir, unhappily too little doubt. *The same sad story is true of almost every other state.* Will you allow the name of the party, for whose policy you are responsible, thus to become a by-word of shame?

We, sir, have held our peace too long. We have brought reproach upon ourselves for sitting calmly by and seeing others suffer,—and that reproach is deserved, for it is the duty of every citizen to resist fraud at all times and in all places, regardless of consequences. We have erred from having too strong a faith, but we will so err no longer.

The issue is too broad and deep to be lightly handled. It is the great struggle between purity and self-respect, and degrading corruption; in this great struggle there is no room for compromise or half measures; it is impossible to bargain between good and evil. We are speaking soberly and most seriously, and it is not well to disregard our words. What we desire, sir, and what we must have, is reform. *The employment made of the administrative service of the country is rotten in root and branch; corruption has eaten to its very core;* unprincipled men seek to use the machinery of party for their own advancement, *utterly neglectful of the wants of the people*, and those wants are neither few nor small. On this evil we must trample or it will destroy us. Party questions cannot enter here. On this issue, at least, all honorable men who love their country are united—all Republicans, all Democrats.

The great party which you lead was designed for higher aims than to pander to the ambition of unscrupulous politicians. Properly led, it has still before it a long career of usefulness in the reformation of those abuses which are now this country's shame, and in the conduct of those measures of public policy which lie year after year neglected and forgotten; led as it now is, it has only a future of bitter disaster and disgrace to you, to us, and to the nation. The moment now seems at hand when a decision can no longer be postponed; and we hope, sir, and trust—nay more, we demand, that you, your ministers and Congress, will choose that path which statesmanship, which integrity and which courage dictate; and be assured, sir, that in so doing you will have the united and hearty support of all that is manly and upright in the American people.

But it all will do no good. BUTLER triumphed and SIMMONS was appointed. What note will the organ strike next? *Nous Verrons.*

Washington Special to the New York Herald.

Demoralized Condition of North Carolina.

Senator Ransom, who has just returned from a visit to North Carolina, reports the condition of the State, so far as the agricultural and cotton interests are concerned, as worse than at any time since the war. He states that while the cotton crop will be large the prices will be low, and hence not as remunerative as heretofore. The prices are lower because of the increase in the yield of the crop, and also on account of the foreign buyers having anticipated it by contracts when gold was high. The higher the ruling rates of gold, the lower the market price of cotton correspondingly is. The labor is disarranged, and there is not the same class of men in management of plantations as heretofore. The former planters seem to have become demoralized, and now accept positions on railroads and in stores at from $40 to $50 per month, giving up their former occupations.

The trouble that has overtaken the North Carolina farmers is due to their folly in abandoning the crops suited to their locality, and going into the cotton raising business. Until they go back to first principles they will lose money, and when they devote their attention to grain and tobacco the "good time will come again." The cost of fertilizing per acre of cotton land in North Carolina knocks off all chance for profit.

How to save Money.

An article in our Grangers column this morning gives the planters of Alabama some valuable information on the subject of the preparation of fertilizers. It presents an analysis of the various chemical fertilizers in use in the South and shows wherein and to what extent the cost of the compound exceeds the aggregate cost of the ingredients composing it. It shows that a planter may save more money by making his own fertilizers than is generally supposed—not ultimately but presently, in the cost of material. The analysis of these fertilizers was carefully made by Prof. WHITE of the Agricultural and Mechanical college of Georgia and was therefore as nearly perfect as possible.

Honors to Commodore M. F. Maury.

On Friday last the General Assembly of Virginia passed resolutions expressing concurrence in the design of certain distinguished individuals in Europe to build a light-house on the coast of Brazil as a tribute to the memory of the late Com. MATTHEW FONTAINE MAURY. One of the resolutions reads:

"That in the opinion of the General Assembly of Virginia it is in every way fitting that the nations of the earth who go down to the sea in ships should unite in paying tribute to the memory of the author of the wind and current charts, which, while they were given without price, have saved millions of dollars to commerce annually, and have laid the maritime world under obligation to their illustrious author; that the Governor be, and he is hereby, requested to transmit a copy of these resolutions on parchment to the Royal Geographical Society of England.

The Richmond *Whig* in indorsing the resolutions hopes that the action of the Legislature will be followed by contributions of the citizens of Richmond, leading merchants and bankers to raise a fund at once, and in time to accompany the copy of the resolutions.

The Colored Troops Indignant.

Senator BROWNLOW, of Tennessee, as is well known to many of our readers, took ground against BUTLER'S social equality bill when that measure came before the House of Representatives wearing the thin mantle of "civil rights." To this independent action of the great ex-*pounder* of the bible, the Maryville *Republican* (edited by W. B. SCOTT, a negro) takes exception. SCOTT thus apostrophizes the Revered Senator:

When the Reverend Senator declared in Congressional Judgment, in his debate with PAYNE, that the negro race was only a species of intelligent monkeys, he came nearer expressing his sentiments than he did when he declared in favor of the enfranchisement of the slave in 1865, or 1866.

He thinks the colored people but a "small minority" in this country. Well, what if they are; are they not as much entitled to justice as the large majority? And if this small minority had not voted with the Republican party in the past, where would Wm. G. Brownlow and the Republican party have been to-day? Did not the colored men shed their own blood, not only to make themselves freemen, but to perpetuate and sustain this Union? While colored people owe a debt of gratitude to the Republican party, what does the Republican party owe to the colored voters? Have not the colored voters fully paid the debt by elevating their benefactors to offices of profit and trust accepting the "crumbs that have fell from the rich man's table?"

Again, we say we do not favor the strict enforcement of this "mixed school" and church clause; for we don't believe it could effect any good at all. But to condemn the whole bill because of one obnoxious clause is to show our opposition to the whole bill—and, as the Senator says, "prejudice" is at the bottom of this opposition.

Will the great and good Republican party be controlled by prejudice? If so, what difference is there between the two political parties on this continent?

In the course of his remarks opposing this social equality measure, BROWNLOW said that he never expected to be a candidate for office again.—SCOTT responds that this declaration accounts for BROWNLOW'S change of front. But in that BROWNLOW is no exception to the rule. All the "fast friends" of the colored man who have forsaken the companionship of white men for his, will do precisely the same thing when they too shall have determined upon retiring to the shades of private life to subsist for the remainder of their days on their ill-gotten gains. Experience teaches a dear school; but it does seem that the colored troops are destined to learn in no other.

From the Eufaula News.

The Disturbance in Eufaula.

Its True History.

We have made diligent inquiry into all the facts in relation to the late election in this city and the disturbance that occurred on that day, and now propose to lay before our readers the result of our investigations. We are satisfied that all the statements herein made are true, and can be established by witnesses of indubitable veracity.

In the first place the Mayor and Council appointed the managers and challengers for the election, which appointments were published ten days before the election. The men selected were and are discreet, correct men, being among the best citizens of the city. No formal complaint as to the selection was made to the Mayor and Council by any one, until the morning of the election and a very few minutes before the hour for opening the polls, when two of the Radical candidates for Aldermen called on Mayor Bray and requested that some changes be made in the managers. The Mayor replied that it was then too late to make any change, that the appointments having been made by the whole Council, he, the Mayor, did not feel authorized to make any changes without consulting them; but that the managers selected were correct men, and that the election would be fairly conducted.

Immediately afterwards, these same parties protested against the election being held by the managers already selected. The Mayor replied, very civil. This is the substance of all that passed in relation to the election managers.

Second, The Mayor issued no proclamation whatever in relation to carrying or not carrying fire arms, and there was no special order on that subject from him for any one to obey or violate.

Third, In reference to the voting and count of the votes in the second ward, the facts are these. The managers proceeded to count the votes before the election was closed with window and door open, the ring having about ceased, and when the polls were closed there were but a few votes left to be counted. When the polls were closed the window was pulled down as an intimation, that they were through receiving votes, and the count was finished while Alex. Hamilton, the Radical challenger at that box was looking on through the window, the door leading to the polling room being left open.—The most of the votes were counted as before stated; before the polls were actually closed; and in the face of any party who chose to look on, only four votes being left in the box to be counted when the polls were actually closed.

No Mr. Berringer or any one else asked to be admitted into the room to see that justice was done, or for any other purpose. No one was refused admittance. The result was announced in that ward within ten minutes after the closing of the polls. No inspector made any such reply to Alex. Williams as is stated by the *Journal's* correspondent.

Now in reference to the disturbance. About eleven o'clock a deaf and dumb idiot, well known to be such, was brought to the polls in the third ward and his vote offered by some one. His vote was challenged by the Democratic challenger Mr. R. A. Solomon. A brother of the idiot, one Abe Cawthon rushed within the ropes drawn to protect the polling place from the crowd, with a large open knife in his hand, and with a violent and aggressive manner rushed up against Mr. Solomon. He was ordered back by Mr. S. (no person being allowed within this space except the voter, the challengers and some policemen) and not leaving when ordered, he was forcibly expelled by Mr. S. He was not struck with any stick by Mr. S. for at that time he had none. Cawthon commenced cursing Mr. Solomon, and was told by Mr. S. that he must not curse him. Bill Flagg another negro took up the matter and also commenced cursing Mr. S. and white men generally, and making violent demonstrations. At this juncture while Policeman Brown was endeavoring to quell the disturbance by calling on the parties to keep quiet and stop the noise, R. D. Locke, Esq., Radical candidate for Alderman in the Third Ward and county Solicitor got up out of his chair where he was sitting and came over to where Brown was, and called out very loudly and excitedly to the negroes saying "Republicans stand up" "Don't give back an inch" "Stand up to your party," "I'll be d—d if I don't stand up to the Republican party!" repeating these or words of similar import several times. The negroes thereupon became very much excited and commenced yelling. Bill Flagg was induced at the instance of a white member of his party Mr. A. J. Locke to leave the polling place, but he only went a few steps and came immediately back and commenced his violent and excited talk again. Mr. A. J. Locke again went to him with Mr. G. C. Beckham a Democrat and Conservative and tried to induce him to leave, but he would not go. Mr. Beckham said that the idiot was not entitled to vote. Flagg contradicted him offensively shaking his fist in B's face where upon Mr. B. seized him by the collar. Flagg then raised a large stick which he had and struck at Mr. B. Several interfered on both sides and the fight soon became general and pistols were used by those who had them. Flagg was shot, and also knocked down but only after he had struck Mr. Solomon a violent blow with his stick in the face cutting it and drawing blood. It is utterly false that Flagg was shot by any one after he was knocked down. Mr. Solomon had no stick, when the fight commenced, but snatched one from the hands of a by-stander after Flagg had struck Beckham as above stated, and was rushing upon Solomon.

This same Flagg be it remembered was not a citizen or voter of the Third Ward, but was a voter of and had voted in the Second Ward, and was heard to say when he left the Second Ward, that he was going to the Third Ward and was going to have his rights if he had to have a difficulty to get them.—The negroes ran off shouting to each other as stated in another article which also speaks of the action of Mayor Bray and the military company under Capt. Dent. Flagg is not mortally wounded, but is getting well. No officer or member of the military company arrested or assisted in arresting any one.

Now to retrace a little. A Republican candidate for Alderman made a speech to his colored friends, on Saturday night previous to election in which he used the following language:

"You are entitled to the same rights civil and political of the white man, but under the infernal laws now existing you have not got them, but if I was in the Legislature you should have them."

It can be proved, that on the morning of the election, this same Flagg said in going to the polls that he intended to get up a fight before he left. He cursed two Democratic negroes who were quietly at work in a gentleman's yard on the morning of the election, and tried to get up a difficulty with them. He was heard about a week before the election, cursing white men and saying he wanted to knock some damned white man's head off, and that he intended to whip some white man.

No white man dreamed of a disturbance at the election. The Democrats counted on an easy victory, and did not think there was interest enough in the election to get up a disturbance.—The election of the Democratic nominees was conceded, as Democrats thought by everybody. The night following the election the Exhibition Hall at the Fair Grounds was burned, evidently the work of an incendiary. The negroes were reported that evening after the election to be making threats to do something.

One negro, Dick Thomas, was heard to say in the evening after the election that "he wanted blood, "that the negroes would be ready for them that night."

A second remarked "That the white men did their work in the day time, but that the negroes were like chinches they did their work at night."

It will thus be seen that the statements of the *Journal* and its correspondents are a tissue of falsehoods from the beginning to the end. The fling which is attempted to be made at several of our citizens is unworthy of comment. The parties alluded to are known to be gentlemen, gallant and true, and they cannot be hurt by the malignant squib of an anonymous scribbler.

We vouch for the correctness of all the statements contained in the foregoing account of the affair on Monday last and in support of them refer to such well known citizens as E. B. Young Esq., Col. D. M. Seals, Z. J. Daniel, Esq., Messrs. J. A. B. Besson R. A. McTyer, T. E. Morgan and many others.

Analyzing Fertilizers.

The following circular letter from Prof. W. C. STUBBS Professor of Chemistry in the State Agricultural and Mechanical College at Auburn will prove of interest to the planting community:

There has been established, in connection with the Laboratory of this College, an Analytical Department, and I am now prepared to analyse Guanos, Fertilizers, Soils, Ashes, Waters, Minerals and Paints; to make assays of Gold, Silver, and other ores; also, to make examination of Wines, Liquors, Adulterations of Food, cases of suspected poisoning, &c.

Being in the employment of an Institution whose main object is the dissemination of such knowledge as will lead to the development of the Agricultural and Mineral resources of our own State, I hereby promise to make any analysis for its citizens at very moderate charges—especially Soils and Fertilizers, Iron Ores and Coal.

Price list for analysis furnished upon application.

Yours truly,
WILLIAM C. STUBBS,
Professor of Chemistry, &c.

Prof. STUBBS is thoroughly competent to the discharge of the duties set forth above. At various times we expect to give the result of some of his labors to the readers of the ADVERTISER.

The State Press.

The Demopolis *News-Journal* compares Alabama to a rich merchant, "who has fallen among thieves and been robbed and bound but whose hidden wealth has escaped the greedy clutches of the robbers. The State needs but to arouse herself and to break the bonds with which she is tied down and she will soon again become prosperous and happy."

In a card to the Eufaula *News* of the 3d Mr. R. A. SOLOMON, after expressing contempt for "the liars" who have assailed him in the public prints, approves Judge KELLS' order for a special Grand Jury and hopes that the said Jury may institute the most rigorous investigation. He was given to understand, even after the summons had been issued, that the matter could be settled without recourse to a special Grand Jury, but he, and the other gentlemen maligned, declined any such settlement and insisted that the investigation by the Jury should proceed. Those who gave Mr. SOLOMON the intimation to which he refers had no doubt a wholesome dread of what that investigation would reveal. Meanwhile we second Mr. S's demand and say: Let the truth be officially proclaimed, hurt whom it may!

Apropos of this subject, the *News* propounds the following query:

"We would like very much to know by what authority E. M. KELLS, Judge of the City Court, empanelled a special Grand Jury and refused admittance to all, except officers of the Court, to hear his charge to that Jury?" This man KELLS is the same to whom the Supreme Court of the State a few days since delivered a stinging rebuke for invading the province of the jury in the case of the State *vs.* Perkins.

Referring to the newspaper custom of printing the details of various crimes, the Huntsville *Independent* says:

Usually these statements are coupled with an earnest condemnation of the outrage; and thoughtful people will candidly admit that the standard of American journalism was never higher than it is at present. Fearless in denouncing wrong; indiscriminate in its condemnation of crime—beyond the reach of sycophancy or bigamy, the great body of Journalists of this country form the strongest bulwark against the spread of evil. Let them then stand boldly and manfully to their colors, and fight the gory king of the carnival of crime with every good, given talent they possess until life and property shall be safe in spite of weak laws and corrupt judges.

We are glad to find that the *Independent* places the Press beyond the reach of conflicting mothers-in-law, because that is generally considered to be the *ne plus ultra* of human felicity. Bigamy would be a dangerous extension of the *freedom* of the Press. But substituting "bigotry" (the word intended) the case is not quite so clear. There seems to be some demoralization even of the tripod.

The Birmingham *Independent* proposes Hon. G. W. HEWITT as the Conservative nominee for Congress in that district. The *Independent* has a well founded faith in Col. HEWITT'S talents, ability and patriotism and believes that if he could be elected "the sixth district would then have a representative that would do his whole duty, free from the influences of rings, and with an eye single to the good of his constituents"—all of which we also most firmly believe.

The Mobile *Register* discusses Sir HENRY THOMPSON'S proposition to burn dead bodies instead of burying them and closes its remarks with the following very just and eloquent reflection:

After all, in both the Hebrew and Christian mind, there are so many sacred, tender and touching thoughts and emotions connected with the tomb—from the Cave of Macphelah, which Abraham bought of Ephron the Hittite, and where Jacob wished to lie, because there he had buried Leah, to that yet more memorable and more hallowed sephulchre near Jerusalem, which we but mention, with reverence, in a newspaper article,—that considerations of convenience and economy are not likely to outweigh them.

The Birmingham *News* eulogizes that little garden spot, known as Jones, valley. It says in the conclusion of its article:

With small farms, our beautiful valley would "blossom like the rose"—comfortable cottages would be built up—churches and school-houses would spring up as if by magic—everywhere would be seen thrift and happiness—no debts—no mortgages—no advances, cash and a self-sustaining system would rule.

This is no fairy picture—no stretch of the imagination. It is a true picture of what can be done in Jones Valley, and also in other valleys in this fine agricultural State.

The Union Springs *Herald and Times*, advocates the erection of a cotton factory at Union Springs and points to the Eagle and Phœnix of Columbus as an illustration of what such enterprises, when properly conducted can and will do for a city.

PELHAM grew belligerent in Washington last Monday and attacked Young BUSTEED *vi. et armis*. But Young DICK *busteed* the Honorable representative, whose cloak, it seems, hindered his free movements. When the cloak strings broke he got away—if our dispatches, relating to the matter, meant all they said. And now PELHAM is held to bail for an assault with intent to kill.

Commercial Fertilizers.

The last meeting of the State Agricultural Society of Georgia, made arrangements for analysis and value of the various fertilizers used in that State. Prof. WHITE of the State University to whom the matter was entrusted made the following report, on ten different samples:

UNIVERSITY OF GEORGIA,
LABORATORY OF APP'D CHEMISTRY,
ATHENS, GA., January 17, 1874.

M. Johnston, Esq., Secretary State Agricultural Society, Atlanta:

DEAR SIR:—I have the honor to enclose herewith report of analysis of ten (10) samples of Commercial Fertilizers received from you in sealed packages, each having a number affixed under the head of which the analyses are here respectively reported. Please designate each by the name under which it is sold in the markets (which names are at this time unknown to me,) and make such use of this report as you deem best for the interests of the Agricultural Society.

In estimating the commercial values of the fertilizers here reported, the valuations have been employed that were adopted as proper in the preliminary report from the State College recently published, viz:

	cts. per lb
For phosphoric acid, soluble in water	16
For reduced phosphoric acid	16
For insoluble phosphoric acid	5
For potash	6
For nitrogen	30

SAMPLE MARKED "1."
(Etiwan Dissolved Bone sold at $45 per ton.)

	per cent.
Moisture and volatile matter	25.90
Non-volatile matter	74.10
Sand and clay	14.83
Phos. acid soluble in water	10.34
Reduced phosphoric acid	1.91
Insoluble phosphoric acid	0.75
Commercial value per ton (2,000 lbs.)	
206.8 pound soluble phos. acid	$34 64
32.2 " reduced phos. acid	6 40
15.0 " insoluble phos. acid	0 83
	$ 41 87

SAMPLE MARKED "2."
(Etiwan Guano, sold at $60 per ton.)

	Per cent.
Moisture and volatile matter	37.94
Non-volatile matter	62.06
Sand and clay	9.88
Phos. acid, soluble in water	8.17
Reduced phosphoric acid	1.62
Insoluble phosphoric acid	0.78
Potash	0.98
Nitrogen (=ammonia 1.25)	1.03
Commercial value per ton (2,000 lbs.)	
163.4 pounds soluble phos. acid	$27 38
32.4 " reduced phos. acid	5 43
15.6 " insoluble phos. acid	86
19.6 " potash	1 23
20.6 " nitrogen (=25 lbs. ammonia	6 18
	$41 08

SAMPLE MARKED "3."
(Soluble Pacific Guano sold at $50 per ton:)

	Per cent.
Moisture and volatile matter	41.59
Non-volatile matter	58.41
Sand and clay	8.03
Phos. acid, soluble in water	4.18
Reduced phosphoric acid	0.50
Insoluble phosphoric acid	6.47
Potash	1.02
Nitrogen (=2.29 ammonia)	1.31
Commercial value per ton, (2,000 lbs.)	
82.6 pounds soluble phos. acid	$13 84
10.0 " reduced phos. acid	1 67
129.4 " insoluble phos. acid	7 12
20.4 " potash	1 28
36.2 " Nitrogen (=44.0 ammonia)	10 86
	$34 77

SAMPLE MARKED "4."
(Sea Fowl, sold at $50.)

Moisture and volatile matter	44.31
Non-volatile matter	55.69
Sand and clay	8.58
Phos. acid, soluble in water	6.79
Reduced phosphoric acid	3.07
Insoluble phosphoric acid	1.75
Potash	0.54
Nitrogen (=7.77 Ammonia)	2.05
Commercial value per ton, (2,000 lbs.)	
135.8 pounds soluble phos. acid	$22 75
61.4 pounds reduced phos. acid	10 28
35.0 pounds insoluble phos. acid	1 92
10.8 pounds potash	68
41.0 pounds nitrogen (=35.4 ammonia)	12 30
	$47 93

SAMPLE MARKED "5."
(Peruvian, sold at $85.)

	per cent.
Moisture and volatile matter	59.92
Non-volatile matter	40.08
Sand and clay	6.52
Phosphoric acid, soluble in water	2.14
Reduced phosphoric acid	9.83
Insoluble phosphoric acid	3.19
Potash	2.03
Nitrogen (=6.77 Ammonia)	7.22
Commercial value per ton (2,000lb.)	
42.8 lbs. soluble phos. acid	$ 7 17
196.6 " reduced phos. acid	32 93
63.8 " insoluble phos. acid	3 51
40.6 " potash	43 32
144.4 " nitrogen (=175.4 ammonia)	2 54
	$89 47

SAMPLE MARED "6."
(English Dissolved Bone sold in Atlanta, at $55 per ton.)

	per cent.
Moisture and volatile matter	24.58
Non-volatile matter	75.42
Sand and clay	4.72
Phos. acid; soluble in water	11.54
Reduced phos. acid	2.41
Insoluble phos. acid	1.05
Commercial value per ton (2,000 lbs.)	
230.8 lbs. soluble phospho. acid	$ 38 66
48.2 " reduced phospho acid	8 07
21.0 " insoluble phospho acid	1 10
	$ 47 85

SAMPLE MARKED "7."
(Currie's Ammoniated Flour of Raw Bone, sold at $50 00.)

	per cent.
Moisture and volatile matter	33.36
Non-volatile matter	66.61
Sand and clay	1.68
Phos acid soluble in water

Advertiser and Mail.

SUNDAY, MARCH 8, 1874.

Mr. Carpenter's Political Heresies.

We have heretofore called attention, briefly, to the singular and utterly untenable positions assumed by Mr. CARPENTER in his speech on Louisiana affairs, delivered in the Senate of the United States on the 4th inst. Of these the first which we shall consider is his declaration that "the powers of the Federal Government are as sovereign, except as limited by the Constitution, as those of the Czar of Russia." The second is that "the Congress of the United States may lawfully set aside a decision of any tribunal."

Leaving the 10th article of amendment to the Constitution of the United States entirely out of the question, let us take a brief review of the Constitution as it came from the hands of the convention and see how far it comports with these ridiculous, but essentially Radical theories. The preamble to the Constitution recites that: "We, the people of the United States * * * do ordain and establish this Constitution for the United States of America."—Then "the people" are superior to the Constitution, because the Constitution is the workmanship of their hands.—This is too clear for argument. The first section of the first article of the Constitution declares that: "All legislative powers herein *granted* (not limited) shall be *vested* in a Congress, &c."—Here we find the Constitution "*granting*" powers, which certainly could not be the case if the Constitution, the creature of the people, did not rightfully dominate the Congress. The powers thus "granted" are also "vested," and vested in that creature of the Constitution—*Congress*.

The 18th subdivision of section 8, Art 1, reads as follows: "The Congress shall have power to make all laws which shall be necessary for carrying into execution the *foregoing powers* and all other powers vested by this constitution in the *Government* of the United States." So it seems that the "powers" of this *autocratic* "Government," so far from being unlimited are both vested and limited by the Constitution. MR. MADISON, in one of his historic papers, considers the constitution under two general points of view, the first of which "relates to the sum or quantity of power which that constitution vests in the Government, including the *restraints* imposed on the States." But what are the powers thus "vested?" Without undertaking to answer the question in detail, it is sufficient to say that by the last clause quoted above they are carefully *confined* to the specific objects enumerated in the Constitution. Beyond these specific powers the Government of the United States—that *autocratic* power—has positively no *existence*.

It will be observed that the several States are "*restrained*," in certain attributes of sovereignty, by the Constitution; observe, also, this distinction: On the Federal Government powers are *conferred*. There are no powers *conferred* on the States. On the contrary, the sovereignty of the State is *restrained*. Powers can only be *conferred* when the grantee was previously without them; they can only be "*restrained*" to the curtailment of some pre-existent sovereignty. That this pre-existing sovereignty was not surrendered in and by the Constitution is evidenced by the fact that the Constitution, which is a continuing law, contains one or more clauses continuing the specific restrictions upon the States sovereignty. If the States had *parted* with their several sovereignty, or consolidated it for the formation of a general government, the introduction of this clause in the constitution would have been a meaningless absurdity. There was *no* general government before the several States united to establish it. In those States resided all the inherent sovereignty of "the people" named in the preamble to the Constitution. They endowed their creature, the constitution, with certain definite grants of power, to be conferred on the general government. To the extent of those definite grants the States are subordinate to the general government—to the extent of whatsoever sovereignty was not alienated by those grants they are subordinate to no earthly power. It follows, therefore, that there is really no inherent sovereignty either in the constitution or its creature, the general government, but simply a system of delegated and limited powers, in the execution of which the latter stands to the collective States in the relation of an agent to his principal. What, then, becomes of Mr. CARPENTER'S ill-considered boast of "limitless power, except in so far as modified by the national organic law?"

The able Senator further startles us with a proposition that Congress may invade the province of the Judiciary and set aside the judgment of a Court of Law. We do not deny that cases may arise, involving usurpations by the Courts, which would justify Congress in abolishing the Courts, but we *do* deny that Congress has any right, under the constitution, even as patched since the war, to resolve itself into a High Court of Errors and Appeals. Chief Justice TANEY decided, in the celebrated MERRYMAN case, that "no branch of the Government, Legislative, Executive or Judicial, can lawfully exercise any powers of government beyond those specified and granted to such department by the constitution." The constitution gives Congress no power to hear and determine judicial controversies, whether quasi political in their character or relating solely to private rights. SIR EDWARD COKE, when Chief Justice, quarreled with King JAMES and Lord BACON because the latter upheld the right of chancery to issue writs of injunction restraining suits at common law which COKE maintained to be an invasion of his jurisdiction. That great master of the common law even went so far as to have one man (who had been a party to a case in his court) indicted for filing a bill in chancery to compel his quondam adversary to answer. He felt the encroachments of chancery and probably foresaw to what they would lead. [Mobile.] He was therefore jealous of the "usurpation." If a man of COKE'S learning and sagacity was willing to incur the personal displeasure of an almost absolute monarch rather than subject his country to the dangers calculated to arise out of the invasion of one branch of the Judiciary by another, how much more zealously ought we, in this more enlightened age, to resist any—even the slightest—invasion of the Judiciary by the Legislative department of the Government? It is a proposition fraught with unmixed evil. There is some force, however, in the point made by the Senator relative to the complicity of the Supreme Court of Louisiana in the general conspiracy. If that Court was engaged in the conspiracy (a fact of which we have no doubt) its opinion in aid of other conspirators is simply the evidence of an accomplice in behalf of his comrades. But how is that to be established? Who shall undertake to decide at what point the Court overstepe the bounds of its authority and enters upon a course of usurpation? Consider the subject in whatever light we may it is hedged with difficulties, if we go not back to the root of the evil and *begin right*. Congress has no right to interfere with the internal government of any state, so long as that government is not anti-Republican in form. But Congress *did* interfere in Louisiana and this KELLOGG Government is the fruit of its interference. Congress did Louisiana a great wrong and the question now is—*not* one of interference with the internal affairs of a State, but of a *cessation* of that interference, and the wiping away of its foul blots—KELLOGG, and his government, inclusive. It is true that one of the first great expounders of the constitution (Mr. HAMILTON) held that the guaranty clause of the constitution provided a remedy for wrongs like this in Louisiana. "*Without this*" he says "usurpation" may rear its crest in each State and trample upon the liberties of the people, while the National Government, could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of law and order while no succor could be constitutionally afforded the friends and supporters of the Government." But on this point he was opposed by the almost unanimous voice of his able coadjutors, who held that the guaranty clause was a mere safeguard against foreign influence operating in particular States for the overthrow of the Republic. The States were young then, and believed to be subject to allurements, whether held out by ambitious domestic leaders or foreign potentates. Mr. MADISON expressly says "the authority extends no farther than to a *guaranty*," etc., "which supposes a *pre-existing Government* of the form to be thus guaranteed." Other authorities are equally explicit; but we have no space for further quotations at this time. According to MONTESQUIEU, "a mere confederation or league has the right to put down *insurrection* or suppress domestic *violence* in one of the States." But the difficulty here is to *show* the "violence," except on the part of the United States officials. We must, therefore, insist that the safest and most honorable course for the Congress to pursue in this Louisiana matter is to retrace its false steps and remand that State to the condition she was in when Congress first seized her realm and enfeofted DURELL and KELLOGG for the "loyal" PINCHBACK, *cestui que use*.

The State Press.

The Eufaula *News* gives editorial endorsement to the Hayneville *Examiner*'s manly appeal, for harmony in the Conservative ranks in the coming campaign. So also does every Conservative newspaper in the State, with but two or three exceptions, which have not yet spoken out on that subject.

The Mountain *Eagle* asserts that Hon. W. S. MUDD, is the first choice of that Judicial Circuit, for Circuit Judge—the same position he now holds and which he has so long and faithfully and acceptably filled.

The *Eagle* also calls upon the Governor, to offer a reward for the capture of JOE. PATTERSON who killed PETER CURRAN, at Jonesboro, in Jefferson county on the 7th ult.

The Birmingham *News* strongly opposes the introduction of the "Repudiation" feature in the approaching canvass, on several conclusive grounds *viz*: 1 because it is impolitic: 2 because it will divide and defeat the opponents of Radicalism: 3 because it will hang a millstone about the necks of those who may be put forward to make the race and 4, because it prefers that the issue between the advocates of a white and of a negro government shall be fairly presented.

The *Iron Age* pronounces itself a permanency and sends greeting to its many readers the gratifying intelligence that its subscription lists are rapidly increasing. It would afford us much pleasure to hear the same from every Conservative journal in the State, because the newspaper carries intelligence, as the sun carries light, to every spot that it visits. It instructs men in their rights as well as their duties. It encourages morality, and ably seconds the ministrations of the gospel. It brings to notice and sets out in bold relief the advantages and the enterprise of the place from which it issues. It converts ignorance into knowledge, vice into virtue, slaves into "freemen who know their rights, and, knowing, dare maintain." No tyranny, however insidious or carefully disguised, can long subsist when a virtuous and enlightened public press is left free to combat it.

The *Age*, in another column, distinctly and unequivocally repudiates all repudiation doctrines.

The Selma *Times* thinks that:

"Alabama to-day stands in the hands of the Radial party because of the acts of folly committed by the LINDSAY administration aided by ignoring the only question in which the people felt an interest in the last canvass." Well, suppose that there is no mistake about this, how many votes will we gain by keeping up a perpetual reminder of the fact? If Gov. LINDSAY did make mistakes those mistakes are not issues in this canvass. For Heaven's sake "let the dead past bury its dead." Let us work together, in "the living present," for the good that lies before and not for what evil may lie behind.—"Shake hands across the bloody chasm" of the Past. Fold away all the cerements in the Sepulchre. Raise no recording stone to mark the spot where sleep our Griefs; but rather let us build a monument to the Future and inscribe all over it, in letters of light and life, "*pro Patria*—first, last and forever."

The *Times* asks us why the communication of a "Granger," published in its columns a few days ago (in response to an article sent us from Union Springs), was not transferred to the "Grangers' Column" of this paper. Without recognizing the right of any paper to question *our* right to select or reject such matter as we may think proper, we shall give the *Times* a categorical answer: Because the paper containing "Granger's" letter did not reach this office until Thursday morning.

The Tuskaloosa *Times* referring to the Vanderbilt University says:

It is a remarkable and most felicitous circumstance, in the opening history of the Institution, that the crowning contribution to its endowment fund should have been made by a great capitalist at the North. The noble benefaction, spans like a bow of peace and reconciliation, the closing gulf of alienation between the sections, and deserves the fitting commemoration that it has received in the honored name which the Institution bears.

The LaFayette *Clipper*, in an article on our prospects and our purposes uses this truthful, forcible and sensible language:

There is now a crisis in our State which will decide our destiny in the future; and it is with the people to oust the present miserable managers at the head of all the wretched bungling that has involved the State in almost irretrievable ruin, or not, as they may choose. If they will forget the issues of the dead past, and deal only with the living present and the future—if every good and true man will lay aside personal ambition, individual advancement, bickering, animosities, preferences for persons, and worn out questions, and think only of the triumph of truth and honesty, we can redeem the State and elect good men to every office. We want able and prudent men in the legislature, and competent and trustworthy men in the county offices.

Here is an item from the Birmingham *Independent*, which we would like to see copied in every newspaper in America:

We had a call Wednesday morning from Messrs. W. D. Smith and Fleming Jordan, two of the substantial men of Jefferson county, who had some fine specimens of brown hematite ore, which is abundant on the farm of Mr. Smith. They were *almost solid masses of iron* with scarcely any other matter. We would advise every friend in the county, who has mineral lands to hold on to them, no matter how tempting the price may be, until they are satisfied that the purchaser means to go to work, and is not merely speculating.

The Tuskaloosa *Blade* ably and warmly urges the necessity of perfecting the anti-Radical organization in this State. It says, that: "Personal preference must be yielded to public good. Better that a few friends be sacrificed by being thrust aside, than that a whole people should lose their honor, which rests on the preservation of their political power and race supremacy."

A correspondent of the *Blade* suggests the following "State Ticket": For Governor, Wm. S. Mudd, of Jefferson county; for Lieutenant-Governor, E. W. Martin, of Conecuh; for Secretary of State, W. V. Chardavoyne, of Lawrence; for Treasurer, J. F. Grant, of Calhoun; for Attorney-General, J. W. A. Sanford, of Montgomery; for Superintendent of Education, Col. J. T. Murfree, of Perry; for Superintendent of Industrial Resources, Wm. H. Chambers, of Russell; for Supreme Court Judges, E. W. Pettus, of Dallas, Peter Hamilton, of Mobile, and H. M. Somerville, of Tuskaloosa; for Congressman at Large, R. W. Walker, of Madison, and Alpheus Baker, of Barbour.. This is a splendid array—from beginning to ending.

The *Southern Ægis* opposes the *Southern Argus* on the bond question "diametrically." It endorses the views of the Livingston *Journal* on that subject. Speaking of the South Carolina Tax-payers' memorial, the *Ægis* very forcibly says that "If the *devil himself* were in full power on earth, it is not unreasonable to suppose that the picture of his government would reveal no more hideous spectacle of moral turpitude than is disclosed in this memorial."

The Greenville *Advocate* thinks that the Conservative candidates should tell the people plainly and unequivocally what they propose to do in the event of their election in regard to every matter likely to come before the Legislative or Executive department for action or adjudication." That would involve a terrible *long* canvass in this State. If the people nominate men on whose integrity and intelligence they can repose implicit trust, it will be better that such men should go into office, unshackled by pledges to crude opinions, formed it may be in the light of half-revealed facts or artfully concealed falsehood, to deal with questions as they may arise. "It is time enough to cross the river when we get o it." On the other hand if the people nominate men whom they *cannot* trust what good will their pledges do? No man's views will please everybody, and in our next canvass that man will stand the best chance to succeed who has the fewest disposable "views" on hand outside of his party platform.

The Funding Bill.

COLLINSVILLE, Ala., March 3, 1874.

Editors Advertiser:—You are aware that a funding bill was passed by the Legislature at the last session, which was to take effect January 1st, 1874. Will you please inform me, and others that may be interested, through the ADVERTISER whether old claims and warrants against the State may now be exchanged or not, and how such exchanges can be effected. I have written to the Auditor upon the subject but can not get any news or answer from him.

Yours, respectfully
ERASMUS P. REED.

REPLY.—Not having the funding act before us, we submitted the letter of our correspondent, to a legal friend, in whose judgment we have confidence, who replies as follows:

1. *Warrants* and certificates for the payment of money issued before the 1st day of January, A. D. 1874, and outstanding at that time, can be exchanged with the Auditor. If the exchange is made within thirty days after the proclamation, which the Governor is required to make by section 7 of the act, the "obligations" received in exchange for the warrant bear interest from their date; if at a later day the obligations bear interest only from the actual placing of them in the hands of the person surrendering the warrant or certificate.

2d. "Old claims," if they are owing citizens of the State (*unless they grow out of the railroad indebtedness*,) must be presented and allowed by the Auditor, and then (under the decision in Smith *vs.* Jones, published yesterday,) if the Auditor has "obligations" of the State, provided for by the "funding bill," available to pay the claim in the order in which it was presented to the Auditor for allowance, it will be paid in the obligations, as it is not likely that any greenbacks will soon get into the Treasury if so desired.

3d. If persons desire to exchange warrants, or certificates for the payment of money, they can send their claims to some banker or attorney, who can make the exchange for them.

Number of Shingles in a Roof.

J. D. TATE gives to the New York *Farmers' Club*, a rule for estimating the number of shingles required for a roof of any size, one of which he thinks every mechanic and farmer should remember. First find the number of square inches in one side of the roof; cut off the right-hand or unit figure, and the result will be the number of shingles required to cover both sides of the roof, laying five inches to the weather. The ridge-board provides for the double courses at the bottom.—Illustration: Length of roof, 100 feet, width of one side, 30 feet,—100x30x144 =432,000. Cutting off the right-hand figure, we have 43,200 as the number of shingles required.

THE elections in Alsace and Lorraine indicate that these provinces are still loyal to France and Rome. Among the members returned to Parliament are the Bishop of Metz and the Bishop of Strasbourg. A fact which may be noticed in the United States as indicating the anti-German spirit of the Alsatians is that when officially asked their country they reply, Alsace.—They can no longer claim France, so they ignore Germany.

A PARIS letter says the Empress EUGENIE has aged sadly. There are deep lines at each side of her mouth, and her whole face looks drawn and haggard. The little flat crape hat which she wears pushed back from her temples, seems too youthful for her worn face, but it is a relief not to see her lips set in that stiff smile, artificial as the gold of her tresses or the roses in her bonnet, wherewith she used to greet her subjects of Paris in other days. The young Prince Imperial is her very image, but the slight moustache just budding on his upper lip will soon mar the present perfection of the resemblance.

A Sharp Financier.

Mr. RICHARDSON'S system of arithmetic is one of those things which a "fellah carn't find out, you see." The State elections of Connecticut and New Hampshire are close at hand and it is barely possible that the "Christian Statesmen" and Secretary, who lets out SANBORN contracts to collect one half of certain taxes for the other, allows that fact to have some influence on his exhibits. He knows that not more than one man out of every ten can possibly follow him through his elaborate columns of figures and therefore "doctors" the ultimate calculation to catch the unwary and win votes.

Now here are the Secretary's own figures simplified and arranged for the benefit of those who believe that "GRANT is paying off the National debt" as rapidly as Mr. RICHARDSON officially reports that he is.

It will be remembered that Mr. RICHARDSON claimed to have reduced the debt $4,465,000 during the months of January and February. Let us see if he did.

PRINCIPAL OF DEBT.

Jan. 1	$2,248,245,662
Feb. 1	2,262,755,113
March 1	2,266,530,977
Increase during Jan	13,509,441
" " Feb	3,775,864
Total increase	$17,285,316

During the months of January and February the Secretary paid out $14,491,960. So the *increase* of the debt exceeds the Secretary's *payments* since the first of January by $2,793,356. In other words the *debt* has increased that much. The increase of the principal during the month of February was $3,775,864. The payments during that month were $2,360,511. Increase in February $1,415,353. But Mr. RICHARDSON reports a reduction during that month of $2,360,0471

We said that possibly the Secretary and "christian Statesman" did some 'doctoring" of the figures. He physics them after the following style.

CASH IN TREASURY.

Jan. 1	$132,476,961
Feb. 1	135,700,575
March 1	139,704,976
Increase during Jan	3,223,614
" " Feb	4,005,400
Total increase	7,229,015

He has seven millions more of cash now than he had on the first of January and he calls that idle cash a credit on the debt of the Government. We regret that our creditors cannot be persuaded to consider their claims against us paid, in whole or in part, by the cash which lies idle in our "strong box."

ALABAMA NEWS.

A tide of emigration from Northern and western states is already setting in to the agricultural and mining regions of Alabama. Hon. John B. Alley, of Massachusetts, President of the New Orleans and Mobile railroad, and a large capitalist, the basis of whose fortune was derived from profits in the shoe manufacture, will, we are informed, locate in Mobile. A man of his energy, enterprise, sterling integrity and large capital will be an accession to our population, and others who will follow him will infuse vitality and activity into business enterprises.

We reported Monday, on the authority of the Choctaw *Herald*, that two Boston gentlemen, Mr. H. H. Stimpson and Mr. J. H Stimpson, had purchased the Barney plantation on the Tombigbee river, and removed to Alabama. A few days since it was stated that Thomas Brigdon had purchased thirty thousand acres of land in Walker and Winston counties, and had already a colony of over three hundred people there. These emigrants are mechanics, miners and laborers, of the very best character. He intends purchasing five thousand acres in Coosa and Elmore counties. Other reports have been published lately in reference to emigrants to Alabama, which indicate that the tide is setting in this direction. We expect, therefore, that Alabama will ere long become the most prosperous of any of the Southern States. Everything bears a cheerful aspect, and the people should be hopeful.—*Mobile Register*.

Mobile is moving in the matter of a grand Agricultural, Floral and Horticultural Fair, to come off in May. Col. C. C. Langdon is one of the leading spirits.

Two negroes escaped from Conecuh county jail last Friday night.

The Troy *Messenger* says some of its exchanges "seem to be ignorant of the fact, well established by history, that there is a place in Georgia, Mississippi and other States, as they locate all Pike county items in Alabama. There is also a Troy in New York, Pennsylvania, and other States, and we don't like to have so many Troy items of murders, burglaries and other crimes floating about without a definite location."

The Troy *Messenger* says: "Alderman N. K. Brantley returned to Troy, on Friday night, from an extended tour through Alabama to Meridian, Miss., and he reports that no place that he has visited presents as lively an appearance as our own flourishing little city. This statement, so frequently confirmed by visitors, ought to encourage our merchants and cause them to feel that the panic has treated them very generously as compared to other sections."

Methodist Conference Meetings have been inaugurated at Troy.

The editor of the Talladega Reporter who has recently visited Clay County Court, says:

The docket shows a very healthy condition of society. The investigations of the Grand Jury, show no crimes of any magnitude and comparatively few misdemeanors. To the credit of the county, be it said, there is not a case of larceny in it. The juries of Clay are usually composed of men of intelligence and character. Judge Smith presided, and in his usually quiet manner, dispatched a large amount of business.

The people of Clay sow wheat and oats, they raise their own corn and pork; have plenty of cattle, milk, butter, eggs and poultry. They have not forgotten how to weave jeans nor lost the music of the spinning wheel. They owe but little, have very few mortgages and are to-day among the most prosperous and independent people in Alabama. Population almost exclusively white and conservative.

Candidates are beginning to crop out, and from indications there will soon be a goodly number in the field. The people are wide awake to the approaching contest, and will roll up a heavy vote against Radicalism.

We noticed orchards planting in some places, but regretted to learn that most of them were Virginia trees.—Our neighbors the Hunleys, could have furnished so much better trees for one-third the money.

In the late election at Opelika Dr. Fitzgerald received 308 votes and W. J Samford 265. The *Observer* says:

There were 250 negro votes polled, and at least 75 voted for Mr. Samford, showing that the white vote was almost equally divided for Mayor. The Democratic party has a majority in Opelika, and to call the result of this election a triumph for the Radicals is simply preposterous.

An old Indian grave in Lee County was plowed up last week and beads, ear-rings and other Indian articles were found in it.

Wheat and oat crops in Lee county the best ever known and by far the largest. The cotton acreage has been greatly reduced and planters have bought but little of the fertilizers.

Hamp Wade, negro, is to be hung in Tuskaloosa next Friday. Crime rape.

The grist mill and gin of Mr. Wm. Carden in Shelby county were destroyed by fire last Friday night.

The *Guide* says the granges of Shelby county, nine in number, met at the Masonic Hall in Columbiana, on Monday last. Col. John M. Kidd, of Harpersville Grange, was made temporary chairman of the meeting, and Dr. A. E. McGraw, acted as secretary. The officers of the Council for the present year are J. M. Kidd, of Harpersville, Master; J. J. Norris, Overseer; Thos. B. Miller, Steward; W. C. Denson, Assistant Steward; J. E. Densler, Secretary; W. M. Armstrong, Treasurer; E. G. Walker, Corresponding Secretary; Gains Lee, Gate-Keeper. The Post office of the Corresponding Secretary is Montevallo, Ala.

Five Millions in Three Months!

It is hardly necessary to correct *every* erroneous statement which we find in the State *Journal*! We *could* not if we would, without enlarging the ADVERTISER to an extent which the times will not justify. But the charge preferred against Governor LINDSAY'S administration, in its issue of Friday last, might happen to deceive some unwary person, if it were to pass without this contradiction.

That charge was as follows:

But the people have not forgotten the last Democratic reign in Alabama. They remember that **$17,100,000** of this railroad debt, which Democracy now proposes to repudiate, *was issued under Lindsey's extravagant administration of two years!*

No "ifs" or "ands" about that! It was "seventeen millions" and LINDSAY'S administration did it!! Well that is horrible!! And the "Democracy" "proposes to repudiate" it? Then "the Democracy" consists of four newspapers of the State while the remaining sixty papers, published by Democrats, count for nothing.

But what is *this* that we see? Here, in this file of the *State Journal*, [Nov. 29th, 1873,] we find the following:

The bonded debt of the State (Alabama) is now $8,843,800. * * * Add the *contingent liability*, on account of Railroad endorsements, **$12,754,060**.

That will do. We have but little more to say. It is *worse* than idle to spend time in correcting the errors of a newspaper which, for mere partizan purposes, increases the contingent liabilities of the State FIVE MILLIONS in three months. We prefer not to provoke it into further extravagance lest it should bankrupt us *in toto* and mortgage the whole State for "contingent liabilities!" before the time for the "*heavy work*" in that line begins.

Morals and Moralists.

The highest of our Courts is not above criticism. To criticise their doings whenever the public interest demands, is at once the high prerogative and duty of the journalist in a time when politics rather than judicial attainments, are the stepping stone to judicial preferment.

In common with the press of the State we have often unsparingly dissected what we believed to be "judicial treason," and condemned without stint decisions founded on prejudice or partisanship.

For exercising this right moralists, like the State *Journal*, have written long articles upon "what is due to the courts," intimating that we were "stirring up strife," "advising rebellion," "trying to bring contempt on the administration of justice," and "endeavoring to promote a love of lawlessness and anarchy."

All this was well enough, when the courts decided in a manner pleasing to the moralists. But lo! a change comes over their dreams! The State *Journal* which had denounced the people of Mobile as "rebellious" and anarchical for daring to say that a Chancellor had usurped jurisdiction, and which every now and then "precipitates," our Eufaula friends "into rebellion" uses the following language in regard to the Supreme Court, in its issue of the 4th, inst.

"They ask us *to lay aside common sense* and the plain import of language, and *believe* them when they say there is not the slightest conflict in the provisions of the two acts. In the light of the *six* palpable conflicts already pointed out, we decline to *stultify ourselves* and *believe any such absurdity*."

In its issue of the 3d inst., that paper proposes a little "*nullification*," as follows:

"There is only one course by which all this endless confusion can be obviated. And that is for the Auditor to refuse to draw his warrant, under the 9th, 14th, 15th and 20th sections of the funding act, *and see if any court* will compel him to do what those sections forbid him or any other officer from doing under heavy penalties."

Considering that the Supreme Court *made* the *Journal* "State Printer," it seems rather hard to have its progeny so wanting in veneration for a parent. But if they can stand it we can.

We only mention the matter to show of what flimsy stuff the morals of the *Journal* on this subject are made, as also to demonstrate the very flexible character of its consistency.

The New Hampshire Election.

To come at once to the point we shall not deeply regret a Radical triumph in New Hampshire next Tuesday. It is evident to our mind that the Generals of that party are now engaged in making a false movement and it would be something of a National calamity to interrupt them—especially with such a significant interruption as a Democratic victory in the old "Granite State" would be. Considered independently of all future bearings and influences nothing would please us more than to see Democracy triumph in New Hampshire at this time, but believing as we do that such an event is but little more than barely possible we shall not speculate further on ultimate results.

The candidates for the Governorship of that State are: Republican, LUTHER MCCUTCHENS, of New London; Democrat, JAMES A. WESTON, of Manchester; Prohibition, JOHN BLAGMER, of Sandwich. A corpespondent of the Boston *Globe*, sent to survey the field, says.

National affairs will have hardly a perceptible effect on this election, unless it be that the wide-spread feeling of dissatisfaction with the administration of the Government will increase the apathy and dimish the vote. That such dissatisfaction very generally prevails, there can be no manner of doubt, but there is nothing to give it direction or practical expression, and all that can be done is to wait for some opportunity not now clearly seen. * * This has given to the violent "out and out" Prohibitionists an opportunity which they are improving with more vigor than is displayed in any other party.

"National affairs" may indeed have no effect on the election," but the election will nevertheless have a very decided effect on National politics:

MR. JOHN Q. SMITH, one of the Republican Congresmen from Ohio, secured the removal of "Col." ROBERT HARLAN (colored), of Cincinnati, from the position of Special Postoffice Agent, on the ground of incompetency and unfitness. Now SMITH is seeking to have HARLAN reinstated, provided he shall be assigned to duty in the South.

A MACON Ga., letter to the Augusta *Chronicle*: The work of slaughtering the magnificent landed and personal property of HUGHES & VICKERS, the planters whose failure for $190,000 has already been published, commenced in Lee county on last Thursday. They owned a plantation there containing 3,160 acres of splendid cotton lands, upon which was a fine residence, gin-houses, quarters, stables, and all other improvements in proportion to make up one of those complete cotton farms which have, for fifty years past, been the pride of the black belt. The land cost its proprietors $40,000. The improvements, the stock, gear, wagons and farming implements $15,000 more or, in all, $55,000. Under the receivers hammer, last Thursday, the land was knocked down to the Central Bank of Macon for $6,500. The stock implements and crop brought $4,500. This whole magnificent estate only bringing $11,000!

Mere Mention.

THE SANBORN contract rascality involves BUTLER, BOUTWELL, SAWYER and RICHARDSON. The sum involved in the frauds, is in the neighborhood of $500,000.

IT is announced from Washington that Hon. ALEX. H. STEPHENS has had a relapse, and is lying at the point of death.

THE Ohio Constitutional Convention has adopted an amendment conferring the veto power upon the Governor, and making a three-fifths vote of the Legislature necessary to overcome it.

THE Philadelphia *Press* says the protests which Boston is uttering so vigorously against SIMMONS is a "forerunner of the resentment which smolders in the breast of Republican Pennsylvania."

MRS. HAMPTON, wife of General WADE HAMPTON, died at Charlottesville, Va., Saturday last. Her remains were brought to Columcia for interment. Mrs. HAMPTON was the daughter and only child of the great GEO. MCDUFFIE; and her health had been indifferent for a number of years.

CONGRESS is about to have another wrestle with the Mormon question. A bill in the House of Representatives, designed to strike at the root of the matter, has just appeared. The bill provides that it shall not be necessary to prove the "extra marriages," as the Gentiles would say. It is to be sufficient proof of polygamy that a man is found living with several so-called wives. This, and the restricting of all cases under the law to the United States courts, will certainly carry terror into Mormondom. If this law were to be put in force in would soon whelm the courts and jails of Utah.

A Washington correspondent of the New York *Graphic* says that among the certainties of the future, as discussed here, we may mention the following: 1. The loss of New Hampshire to the Radicals in the election to be held next week. 2. A Democratic majority in Connecticut in the April election. 3. The sloughing off of at least one-third of the Republican votes from the present Republican party, but a large per centage of addition from the old Democratic party, due to new combinations. Gen. BUTLER, it is understood, will make a speech, giving the programme of the new Administration party. The speech will involve some very decided views on the financial question, will be strongly anti-monopoly, and will assert the power of the General Government over the railroads and all transportation routes.—There is every promise of a very lively time after the New Hampshire election.

THE Columbus (Ga.) *Enquirer* says: "A Russell county farmer, in order to show the impossibility of raising meat in the South, stated that just before Christmas he had forty-one fine hogs. The weather was too warm to kill them, and he did not have sufficient corn to feed them for any length of time. Since then he had sold two and killed one. All the rest had been stolen. A bystander asked what he valued them at. 'Two hundred dollars was the reply. The questioner then asked—give the very highest price at which you could have secured the services of a man, including his clothing and food, to watch these hogs. One hundred dollars was answered. 'Then,' replied the mainfainer of plantation independence, 'the loss is your own fault, for by an investment of $100 at the very highest rate, you could have made $200. And this explodes the idea that meat cannot be raised in this section, according to your outside estimate. You can hire a trusty boy or man for much less than you have stated.'"

To Cultivate 100 Acres with one Hand and two Mules!

Editors Advertiser:—Conversing with my intelligent friend M., on the subject of corn planting, he defied me to show that I could cultivate properly 100 acres in corn with one hand and two mules. Since he thinks my plans might benefit others, if you think it worth while you may publish this, otherwise, throw it in your scrap box.

As a basis of calculation, we assert, 5 acres per day, one furrow in the row, and 10 acres when the days are 12 hours long, to be a moderate day's work:—commence first of January, rows of 5 feet, as corn rows ought always to be in this climate. Four furrows with Avery's black Land Plow, No. 40-0, run properly will prepare the land. 2 acres per day. Fifty days, makes the 100 acres. This brings us ready to plant first of March.

One furrow to open and drop with machine, and one to cover, using 2 very small Bull Tongue's on same stock, 4 acres per day—making 25 days to plant the 100 acres.

This brings us to first of April.

Running over with harrow say 10 days—100 acres. It is very important to do this exactly at the right time, which is just before the corn shows itself above ground. This displacing the top soil is almost equivalent to a working with the hoe, and gives the corn a chance to get large enough by the next working to bear a heavy furrow, thereby putting the crop out of danger. Days are now 12 hours long and work at the rate of 10 acres per day.

Running with Avery's "double-shovel plow, 2 mules, at 5 acres per day, makes 20 days to side over the crop. (This is a great labor-saving implement and with it there is no need of the team walking on the corn—One hand doing the work of two, and it is better done than two could possibly do it. It is great for plowing in oats or wheat.) This brings us to the first of May.

Run one furrow with two mules, and the double shovel in the middles, which will break it all thoroughly, and will take ten days. Now, with double-sweep, cutting thirty-eight inches, properly adjusted, side the right-hand side of each row—will go over the crop in ten days. Siding the other side can go over in ten days more.

This brings us to the first of June. Continue to run the double-sweep, one furrow to the row, at least one more time, or as long as circumstances require.

When the corn is as large as it is now, it is best to take both mules to the field and work one at a time, changing whenever necessary.

The sweep used for this work should be only about 22 inches from heel to point, so as to allow the earth to pass over it, leaving the land in nice order and preventing too great accumulation of soil in front, thereby making the draught lighter.

Now you will see the crop has been ploughed 5 times and if done well has been kept in better order than usual.

J. D. B.

Cotton Seed and Cotton Planting.

In cotton culture it is the worst of bad management to plant inferior seed, because it would cost something to buy the best; but, as we have repeatedly urged every planter should, by continual selection and high cultivation, make his own seed, and take pride in having the best. Begin with the Dickson seed, or any better sort, if there be any better; and improve upon that till you have something as much better than the Dickson as the Dickson is better than the common. We are accustomed to boast of the perfection to which cotton culture has been brought in this country, and with some reason, but there is still room for improvement—something to learn by those not too wise in their own conceit to accept new truths. Only general rules for the culture of any crop can be given, when they are to be applied to various conditions of soils, climate and season.—Experience must determine the exceptions and good judgment guide the planter at every step.—*Rural Carolinian, March Number.*

A Loyal Howl.

A thunderbolt from a cloudless sky would not have surprised loyal Massachusetts, more than did that little message sent out from Washington announcing the triumph of BEAST BUTLER and the overthrow of RUSSELL and his friends. The decent element of Boston Radicalism saw at a glance that all the hope they had reposed on the good faith of the President had been wasted. They also saw to use their own committee's expression, that BUTLER was running GRANT. They had leaned on a broken reed which at the last moment pierced their own sides. Forthwith a universal howl arose from the sick and wounded of whom there were many thousands in the sacred precincts of Cape Cod. That deep-toned organ, of which we spoke a few days ago, the Boston *Advertiser* was peculiarly resonant.

It denounces the President as inconsistent. It calls him a trickster. It intimates he is not a soldier and a gentleman, and calls him a liar. The appointment of SIMMONS "is an invasion of our rights, for which no precedent will be found in the political history of this country,—an outrage which cannot be many times repeated without destroying not only the political party which tolerates it but the harmony of the States as surely." The people of Massachusetts "look upon it as helping corruption to strike a deeper root in our soil, and stimulating the worst and most dangerous influences in our political system;" and they have said "by their Conventions and their votes again and again, that so far as their power extends, it shall not find a comfortable resting-place on their soil. And to that purpose, by God's grace, they will adhere."

This being a sort of family fight it may be that we have no right to interfere. But one cannot suppress the wish that the *Advertiser* had been as wise eight years ago as it seems to be to-day.

The *Globe* says: "Our honorable President appears in the disgraceful *role* of a lobbyist. While Gen. BUTLER, Mr. HOOPER, and the pure minded CAMERON were button-holing the Senators, the President was instructing MATT CARPENTER, Senator CONKLING, and other faithful servants to inform the Senators that 'the confirmation of Mr. SIMMONS would greatly please HIM.'"

There are not many "lamentings heard i' the air" from the Boston *Journal*; but it is evidently unlimbering a few field-pieces for somebody's benefit. Hear it:

We have a long battle before us, and it is no use to issue sounding manifestoes, publish plans of operation, or to forecast definite results. All we know is, that the Republican party of Massachusetts will not stand this evil and disgrace sought to be—whether intentionally or not—inflicted upon us at Washington. We will not allow all the corruption incident to our political condition to organize itself and take command of the resources and direction of the party. It may intrench itself in the national offices in our midst, but a *cordon sanitaire* of the healthful old Massachusetts integrity shall be drawn round them by the masses to choke the mischief designed in such schemes as this now so boastingly announced. The first and only appeal will be to the rank and file of the party—if, indeed, they are not already so awakened that they need no appeal. If the spirit which animated them under the leadership of ANDREW still lives, they will triumph over their enemies within and without—if not they must accept the fate of recreancy, even though it comes in the shape of a penalty for keeping bad company.

The tumult has spread from Boston to the interior. The Worcester *Gazette*, always "loyal" to a Massachusetts degree, recounts the grievances of which the SIMMONS confirmation is the climax, and adds:

It does seem to us worth considering whether any party can go into the next Presidential campaign with a hope of success, burdened with the salary-steal, the Credit Mobilier, the SANBORN contract, and hosts of other questionable schemes already exposed, or soon to come to light in the future. *If a new party is soon to be formed, has not the time arrived?* This is not the only State where chaos reigns in politics.

Worcester county claims to be the birthplace of the Republican party, and now the *Gazette* desires the formation of "a great National Party."—Massachusetts blood is evidently boiling. The formation of the great National party clearly signifies that the Radical party is no such party, which few men hereabouts will have the hardihood to gainsay. "*Mene! Mene Tekel Upharsin*" is plainly written on the walls of its former greatness and power.. And when it dies the death it has so long and so richly merited, the country will spring forward in the race of progress as one relieved of a great weight.

When SINDBAD, the sailor, was wrecked on that desolate shore (every schoolboy knows the story) he was induced to let the "Old man of the sea" mount upon his shoulders "to cross over a small brook." But when the brook was crossed the "old man" refused to dismount and resisted SINDBAD'S best efforts to compel him to do so, until that unfortunate traveller gave him new wine, of which he drank to deep intoxication. He then dismounted his tormentor and cracked his skull. Now the little brook, called Arican slavery, lay before the American SINDBAD and he suffered the Radical

Advertiser and Mail.

W. W. SCREWS, M. M. COOKE, } Editors.

Montgomery, Ala., Tuesday, March 10 1874

A Luminous Speech.

We this morning surrender the most of our space to the speech lately delivered by Hon. B. H. HILL, of Georgia, before the Atlanta branch of the Southern Historical Society. Let its great length deter no man, woman, or child from reading it. It is filled with important truths which every man should know and comprehend.

The Death of Hon. Millard Fillmore.

The death of Hon. MILLARD FILLMORE, announced in our telegraphic columns this morning, will fill all this wide land with sadness and sorrow. The people will feel, when they hear the announcement, that another landmark is gone—that one of those bright links which bind the Present to the Past has been snapped asunder and that the country has been deprived of one of its wisest and noblest sons.

Mr. FILLMORE was born in Cayuga county, N. Y., Jan. 7, 1800—the 2d of 9 children of NATHANIEL and PHŒBE FILLMORE. His father was poor, and had too many others to look after to bestow much special care on him. At the age of 14 he was apprenticed to a fuller with whom he lived until he was 19, at which age he commenced the study of Geography and Grammar. The next year (1820) he took up the study of the law—doing office work in summer and teaching a little school in winter for his support. In 1823 he was admitted to the bar and moved to Erie county. In 1826 he married Miss ABIGAIL POWERS, of Erie county, and in 1833 removed to the city of Buffalo. In 1827 he was admitted as Attorney, and the next year as Counsellor at Law by the Supreme Court, and in 1828 was elected to the Legislature on the anti-masonic ticket. After serving three terms he retired, but his popularity had by that time grown so great that in 1832 his friends nominated and elected him to Congress on the anti-Jackson ticket. In 1836 he was again elected, as a whig. It was during this term that as chairman of the Ways and Means Committee he developed those high and striking qualities which afterwards secured him from his fellow citizens the honors of the Vice Presidency. In 1844 he received the Whig nomination for Governor of New York, but was defeated by the celebrated SILAS WRIGHT. In 1848 he was nominated by the Whigs for Vice President on the ticket with Gen. TAYLOR, and elected. On the death of General TAYLOR, July 9, 1850, he succeeded to the Presidency and took the oath of office on the 10th. The Cabinet which Gen. TAYLOR had selected immediately resigned, when Mr. FILLMORE appointed the following: DANIEL WEBSTER, Secretary of State; THOS. CORWIN, Secretary of the Treasury; CHAS. M. CONRAD, Secretary of War; WM. A. GRAHAM, Secretary of the Navy; A. H. H. Stuart, Secretary of the Interior; NATHAN K. HALL, Postmaster General, and JNO. J. CRITTENDEN, Attorney General. On the death of Mr. WEBSTER, Oct. 24, 1852, Mr. FILMORE appointed EDWARD EVERETT to succeed him in the department of State.

Mr. FILLMORE had been but a little while in the presidential chair when he was called upon to perform an act, which the country knew and which he knew would forever after, consign him to the shades of private life. We refer to the approval of the celebrated Fugitive Slave law of 1851. But Mr. FILLMORE never hesitated. The measure was submitted to Attorney General CRITTENDEN, who pronounced it Constitutional and the President approved it. The other leading measures of his administration were the protection of New Mexico, against Mexican invasion, the proclamation against fillibusters, the prosecution of GARDNER for swindling the Government, the negotiation of treaties with Japan, and with several of the South American States, the fitting out of various exploring expeditions, for Africa (under Com. LYNCH of the Navy), the Valley of the Amazon, and the Chinese Seas, etc. That he accomplished no more is chargeable to the opposition of Congress in which department there was a majority adverse to his administration. He recommended the reduction of postage to three cents; the establishment of a bureau of agriculture, the improvement of the rivers and harbors; the establishment of an asylum for disabled and destitute seamen; a moderate but perpetual tariff; the opening of lines of transit for freight and passengers from the Mississippi to the Pacific; an extension of the land law system to newly acquired territory; a law to provide for the retirement of superanuated officers; a strict adherence to the compromise measures of 1850 and various other measures which were not then acted upon on account of the opposition of Congress. Experience demonstrated the wisdom and sagacity which had suggested them however, for many were afterwards adopted and are still in force. In his last annual message he took strong ground against the acquisition of Cuba.

On the 4th of March 1853 MR. FILMORE retired from the Presidential office—MR. PIERCE succeeding him. On the 30th of the same month he had the misfortune to lose his beloved wife and returned almost heart-broken to his desolate home. But he left his country at peace with all the world, contented, free, independent and prosperous. He made no attempt during his term to conciliate politicians. Duty was the only star by which his official career was guided. The result was that in the nominating convention, held by his party just before his retirement, he was not able to command twenty votes. Returning to Buffalo he devoted himself to a life of study, relieved by occasional excursions through the United States and Europe. The University of Oxford, England, offered him a degree which he promptly declined and all the Courts and courtiers of the old world received him with the consideration due his great merit and former high office. In 1854 he lost his only daughter by death. While absent in 1855, in Rome, he was notified of his nomination for the Presidency by the American party and at once returned to America to prosecute the canvass; but even his warmest friends saw that the choice of the country was destined to fall on either MR. BUCHANAN or MR. FREMONT and thousands of them abandoned his cause to support MR. BUCHANAN. Maryland, alone of all the States, gave him her eight electoral votes. He then returned to the practice of the law with the firm of FILMORE and HAVEN (SOLOMON G.) in Buffalo since when he has not appeared prominently in the politics of the country. He doubtless felt that his pure character could receive nothing but blemishes in a pool so filthy as politics shortly afterwards became. Whether he felt so or not, however, it was true, and he acted a wise part in holding aloof. His second wife (formerly MRS. MCINTOSH of New Jersey) and an only son — a lawyer in Buffalo—survive him, and to these a whole nation extends its sympathies.

Such are in brief the leading incidents and events in the life of this amiable and remarkable man. From the humblest of humble beginnings he arose like an eagle, and through all the thick clouds that obscured his vision and retarded his flight, cleft his way with strong, unwearying pinions to the undimmed sunlight of the most exalted station. The achievments of his genius, the beautiful symmetry of his character, the unselfishnes of his disposition, and the patriotism of his conduct under all circumstances, render his life a model worthy the study and imitation of his fellow men of all climes. But he is gone; and the place which once knew him shall know him no more forever. A great man has fallen; "a power has passed from day to darkness;" and when the muse of History comes to the task of recording the rise and progress, and perhaps the decline and fall of the great Republic she will linger, long and lovingly, over that bright page, on which are inscribed the name and well-earned fame of MILLARD FILLMORE.

ADDRESS

Delivered Before the Southern Historical Society.

AT ATLANTA, GEORGIA, WEDNESDAY NIGHT, FEBRUARY 18, 1874.

BY B. H. HILL.

[Published by request of the Society.]

Mr. President, Ladies and Gentlemen:—The object of this meeting is to organize, in Georgia, an auxiliary branch of "The Southern Historical Society." The object of this Society is to collect and preserve authentic materials for a full and correct history of the Confederate States. I have accepted the flattering invitation to address you on this occasion, and now proceed to perform the part allotted me, as both a duty and a pleasure.

When the war between secession and coercion ended, the Southern States were under every obligation which defeat could imply or surrender impose, to abandon secession as a remedy for every grievance, real or supposed. Whatever might have been their convictions touching the abstract right of secession, or the sufficiency of the causes which provoked its exercise, surrender was a confession of inability to maintain it by the sword, and honor and fair dealing demanded that the sword should be sheathed. But defeat, in a physical contest, does not prove that the defeated party was in the wrong. It is certainly no evidence of criminal motive. It is a confession of weakness, not of crime. Were it otherwise the robber is a law-abiding citizen and his victim a thief; Socrates was a felon and the mob that sentenced him to death were patriots. In a wicked world innocence and right are not at all incompatible with failure, sorrow and humiliation. Else the man who fell among thieves on his way from Jerusalem to Jericho was a criminal, and his plunderers were entitled to the plaudits, the oil and the wine of all good Samaritans. Nay, the Saviour himself was a malefactor and his crucifiers were "Christian gentlemen." Failure to dissolve the Union, and nothing more, was the confession of surrender, and the obligation to remain in the Union and discharge all its duties under the Constitution necessarily resulted.

So, on the other hand, the Northern States—the assertors of the right of coercion—were equally under every obligation to accept surrender as meaning this and only this. They proclaimed no other purpose in making the war of coercion, but to defeat secession and preserve the Union. They had no right, political, moral or honorable, to enlarge the issue after the contest had ended, and the issue made by the contest was exhausted and determined.

The Southern States and people accepted, in a frank and liberal spirit, all the just consequences of their defeat. They abandoned secession, and the doctrine of secession, as a practical remedy for all grievances, past or future, and for all time. They did more. Property in slaves was not the cause of the war. It was not the great fundamental right for which the Southern people went into secession. It was only an incident to that right. The right of the States to regulate their own internal affairs, by the exercise of the powers of government which they had never delegated, and the conviction that independence was necessary to preserve that right of self-government, was the great, moving inspiring cause of the seceding States. There was not a day of the struggle when the Southern people would not have surrendered slavery to secure independence. But slavery was the particular property which, it was believed, was endangered without independence, and which, therefore, made the assertion of secession necessary. The disciples of coercion denied this, and asserted they had no intention of interfering with slavery in the States. True, a war proclamation of emancipation was issued finally, and a movement was made to amend the Federal Constitution as if to make this emancipation effectual. But this was avowedly done as a threat to induce a surrender to avoid such a result. But, promptly after surrender, the Southern people waived the discussion of all technicalities on this question, and relieved the late enemies of all necessity to enter upon such discussion, and, in conventions assembled, each State for itself, most solemnly abolished slavery forever in their borders. To protect the negro in his freedom was more than a corollary to this emancipation. It was a duty which the preservation of society made necessary in each State, and by each State for itself.

But the Northern States and people were not satisfied with these prompt and manly concessions by our people of every legal, necessary, reasonable and even incidental result of defeat in the war. The war being over, our arms surrendered, our government scattered, and our people helpless, they now determined not only to enlarge the issues made by the war and during the war, but they also determined to change those issues and make demands which had not before been made, which indeed had been utterly disclaimed in every possible form by every State of the North, and by every department of the Federal Government—legislative, executive and judicial. Nay, they now made demands which they could have no power or right to make without violating the Constitution they had sworn to support, and destroying the Union they had waged the war itself to preserve. Over and over during the war they proclaimed in every authoritative form to us and to foreign governments, that secession was a nullity, that our States were still in the Union; and that we had only to lay down our arms, and retain all our rights and powers as equal States in the Union. We laid down our arms and immediately they insisted our States had lost all their rights and powers in the Union, and while compelled to remain under the control of the Union, we could only do so with such rights and powers as they might accord, and on such terms and conditions as they might impose!

Over and over again during the war, they, in like authoritative forms proclaimed that our people had taken up arms in defense of secession under a misapprehension of their purposes towards us, and that we had only to lay down our arms and continue to enjoy, in the Union, every right and privilege as before the mistaken act of secession. We laid down our arms and they declared we were all criminals and traitors, who had forfeited every right and privilege, and were entitled to neither property, liberty nor life, except through their clemency!

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Over and over again they insisted our people had lost all their rights and powers in the Union, and that we had only to lay down our arms to secure the blessings of citizenship! Such a proposition was not to be entertained for a moment by our people, who had not lost a right or power they had ever possessed in the Union, but who had only to lay down their arms to secure the recognition of their undoubted rights. That we had lost slavery, and the right to property in our slaves, we freely admitted, but that was all we had lost. We had not lost the right to be tried by our peers in the vicinage before we could be deprived of life, liberty or property, and we had not lost our right to be secure in our persons, houses, papers and effects against unreasonable searches and seizures. We had not lost our right to be free from bills of attainder and ex post facto laws. We had not lost our right to be free from slavery or involuntary servitude except for crime. We had not lost our right to be free from cruel and unusual punishments. We had not lost our right to be free from excessive bail and fines. We had not lost our right to be free in our persons from quartering soldiers among us. We had not lost our right to be free from unreasonable searches and seizures by warrants issued without oath or affirmation, describing the place to be searched and the persons or things to be seized. We had not lost our right to be free from compulsory self-incrimination in any criminal proceeding. We had not lost our right to be free from being compelled in any criminal proceeding to be a witness against ourselves. We had not lost our right to be free from being deprived of life, liberty or property except by due process of law. We had not lost our right to be free from the application of the law of treason to our political action. We had not lost our right to be free from ex post facto laws in our political action. We had not lost our right to be free from being deprived of our property without just compensation. We had not lost our right to be free from being slaves of our slaves. We had not lost our right to be free from being slaves of our fellow-citizens who were our slaves. We had not lost our right to be free from being slaves of our fellow-citizens who were our slaves by virtue of the act of their States

Advertiser and Mail.

SATURDAY, MARCH 7, 1874.

Two Important Decisions.

In this issue we present two very interesting and important opinions of the Supreme Court. One refers to the custody of children and the rules of law which guide Courts in determining that matter. The opinion is written with much more warmth and eloquence than is usual, in dull, dry "documents of the law." The other is of great importance, to the charitable, institutions of the State, state officials, sheriffs, etc., who have claims against the State accruing since Jan'y 1st, 1874. It explains to some extent the operations of the "Funding bill." The decision in this case presents about the only possible solution to the financial difficulties now surrounding the public officials and the inmates and managers of the various charitable institutions of the State.

Mere Mention.

THE Republicans of Kansas are commencing to howl at their defaulting State Treasurer, HAYES, who has been presented for impeachment, but do not stop to consider how far they themselves are responsible for his conduct. In 1871, a legislative committee examined the condition of the State Treasury, and reported that Mr. HAYES was depositing State money in National Banks, contrary to law. With these facts before them, the Republican Convention of 1872, presented his name to the voters of Kansas, re-elected him, and thus virtually indorsed his course. With what consistency, then, can Republicans blame him for doing what they indorsed? It would be infinitely more appropriate for them to accept the fruits of their folly in silence, and put Democrats into power.

IF half the frauds alleged by the *Press* were actually perpetrated in the late Philadelphia election, that city has no right to celebrate the birth of any Government that allows people to vote.

IF Hon. CALEB CUSHING and Mrs. GAINES would "do the State some service" they should get married without delay and cease their interminable law suits. That amiable lady has sued CALEB for $200,000 for libel. That will be a lively little inheritance if she should get it, and it seems to us that that the easiest and surest way to get it is to take Mr. CUSHING along with it. If she resembles FALSTAFF, in a penchant for her "ease," it would certainly be wise to take a *Cushing* to begin with.

THE Committee on Privileges and Elections, of the KELLOGG Legislature of Louisiana, has reported D. J. HUTCHINSON elected. He ran on the Republican ticket, against Mr. B. F. JONAS, for State Senator. The committee reports him (HUTCHINSON) elected, almost at the end of the session, for the sole purpose that he may draw his pay from the public Treasury. It is stated by many a Republican that HUTCHINSON did not receive even twenty per cent. of the votes cast, and that neither of the Returning Boards pretended to give him more.

THE *Courier-Journal* flings a small amount of "villainous saltpetre" into the following notification to the editors of the *Commercial*. The *Commercial* (R) replied to some remarks of the *Journal* in a strain of personal vituperation and it was in response to this that the latter paper, of the 2d, said: "If Col. ROBERT M. KELLY, Gen. JOHN M. HARLAN, and Mr. W. A. MERRIWETHER think they can obtain any laurels of the Editor of the *Courier-Journal* by blackguard epithets they are at liberty to indulge their peculiar tastes. If they suppose they can bully him they will find themselves mistaken. He declines to enter the cesspoil proposed by them. But as he supposes himself to be responsible for what he says, writes and does, and as his place of business is accessible, they might take a hint from a more rational and gentleman-like course of procedure."

IF the Louisiana legislators do not build their arguments upon the "holy text of pike and gun" they at least strive to "show their doctrines orthodox by apostolic blows and knocks." A few days ago the Clerk of the House, Mr. VIGERS, attempted to call the roll. Mr. GAIR objected, and made a dash at the roll book. He not only made the dash, but he captured it from the Clerk and dashed it violently down on his desk, swearing loudly that the roll should *not* be called. A commotion arose. Mr. BUCKMAN lunged forward to recapture the book. Other members came to his aid. But GAIR "stuck," and like a HERCULES, hurled back his assailants until they overcropped him. Meanwhile the agitation of the waves began to throw such little "strays" as pistols and bowie knives to the surface, and forthwith the wind blew *away* from the Capitol—carrying with it lobbyists, members, etc., in a double quick. Sergeant-at-Arms CURRY occupied a prominent position on a chair, whence he gesticulated wildly, and gave forth frequent vigorous shouts, the burden whereof was a request to know whether the members intended to disgrace themselves and the State. The battle over, GAIR quietly ambled to the water-cooler, took a drink, and then took the chair, which Mr. SOUER gave up without a murmur.

IT now turns out that Secretary RICHARDSON, in his letter to the House relative to the SANBORN contracts, purposely omits a number of the most essential points called for. Samuel HOOPER, an M. C. from Massachusetts, should have figured in the Credit Mobilier business, but he was omitted for very obvious reasons.

THE customs' Radical spy system at New York and Boston, as practiced by B. G. JAYNES and his colleagues, is said to be one of the most stupendous systems of robbery ever practiced in this or any other country. By means of this system $4,000,000 have been taken from the merchants of the two cities in less than five years. And yet there is no redress for the victims under GRANT'S Administration.

MRS. WARD, of Greenville, Tenn., keeps a drinking saloon and for two weeks the ladies of Greenville have been singing and praying at that drinking saloon without the least visible effect. Mrs. W. is a thoroughbred Milesian and having now "got her Irish up" she bids defiance to all the powers of earth and air. Her "spirits" belong to a class that will not "down" at anybody's bidding, who bids less than "a quarther." This praying crusade against the rum shops reminds us of the children's story of the "Wolf and the three pigs. Two of the pigs fell victims to the wolf's endeavors against their houses. But the house of the third pig resisted his best endeavors and MRS. WARD seems to be the third pig.

THE Rev. Mr. HAMMOND, the revivalist, has been telling the story of DAVID MATTOON, the Rochester gambler, whom he converted, and who afterwards became Mayor of Oswego and member of the New York Legislature. The Troy *Whig* takes up the story where Mr. HAMMOND left it, and shows that, after MATTOON got into the Legislature, he sold his vote for $20,000 cash to the New York Central people, and for $20,000 cash to the Erie people, and when the day of voting came he wasn't to be found. During the session he was mainly occupied in initiating members into the mysteries of draw poker. Mr. HAMMOND'S convert was an expensive one, as he cost the Legislature, according to the *Whig*, about $100,000. In this wicked world it isn't safe to trust even one of Mr. HAMMOND'S converts for any length of time, especially if he should become a member of a Radical Legislature.

Butler Master of the Situation

Do the readers of the ADVERTISER realize the fact that the apparently trivial matter of the Senate's confirmation of SIMMONS has placed BEAST BUTLER in the foremost rank of Radical aspirants for the Presidential succession? It may turn out to be nothing more than sound and fury, signifying nothing, but at this time the outlook is decidedly BUTLER-ish in connection with the Radical nomination for the next ensuing term. GRANT runs the party and BUTLER evidently runs GRANT. There seems to be but little doubt of that fact. The prominence with which this event has invested the Massachusetts beau-ideal will be apt to put all his rivals in full cry at his heels and it is just now "a far cry to Lochow." They may pull him down before he reaches the goal. But if the stars in their courses continue to fight for him as they have fought already there will be no doubt of his nomination. Of his election, however, not so much can be promised. He is a man of wonderful resources and tireless energy. In a struggle for the Presidency he would hesitate at nothing. He would exhaust all his resources of cunning and villainy and tax his energies to the last limit of endurance to secure that tempting prize.—He desires the office almost solely on account of the power it will confer to punish his enemies. His hatred is a much stronger motive than his affections. The latter have had their edge blunted by time, while the point of the former has been ground to a wonderful keenness. It would afford him more heartfelt gratification to triumph over and degrade one enemy than to reward ten thousand friends. Yet this man, with all his foul faults, is to-day the fugleman of Republicanism on this Continent. He is the principles of the Radical party expressed in human form. He leads the party, North as well as South, by virtue of his superiority in those qualities which under better governments and in a more reasonable era would be his passport to the oblivion of contempt. His supple followers bend before him as the devotees of the East knelt at the shrine of the Veiled Prophet of Khorassan—hoping, trusting, believing and dying, only to find, when too late, that they have been first beguiled and then betrayed. But they *will* be dupes and victims, let who may say aught to the contrary; and for our part we rather prefer that they shall be BUTLER'S dupes than those of a better man.

But if BUTLER'S enemies should succeed in nipping his presidential aspirations in the bud, that agile individual has the Governorship of Massachusetts to fall back upon, and in this scheme it will require more engineering skill than has yet been developed, to defeat him. He holds the whip hand in that race and will certainly win it if he thinks the prize worth contending for. Meanwhile we of the South look on with supreme indifference, tinctured possibly with some slight hope that the lips of Massachusetts may yet be forced to open upon the poisoned chalice she has so industriously and so spitefully prepared for our own.

The State Press.

The Conecuh-Escambia *Star* nominates Hon. S. A. BARNETT of Monroe for State Treasurer. Mr. BARNETT was Monroe's late Representative in the Legislature. He is a fine financier and possesses one of the coolest, clearest, most well-balanced minds in the State. And what is still more to the purpose he is as honest as Honesty itself.

The *Star*, in another article pays a deserved compliment to Judge CUNNINGHAM's charge to our Grand Jury.

The Alabama *Reporter and Watchtower* [it is really a "reporter *on* the watchtower"] ably argues the necessity of a railroad from Montgomery *via* Talladega to Nashville, Cincinnati and other important points in the Middle States. This road is simply a vital necessity to Montgomery and sooner or later *must* be built.

The old *Register* discusses "Politics and Poetry" and shows that a devotion to the former does not necessarily preclude all idea of the latter. DISRAELI, GLADSTONE, the Earl of Derby, BULWER and other distinguished politicians are cited as examples of the entire compatibility of the two. The *Register* thinks that no character can be intellectually complete and well-rounded without some share of the poetic faculty.

The Troy *Messenger* thinks it impolitic and unwise to nominate "State tickets" before the convention has assembled. It says that such things will have a tendency to perplex and distract the convention in its efforts to secure complete harmony of action in the coming campaign. It admits, however, that it could heartily endorse the nomination of Col. R. H. POWELL for Lieutenant Governor. It very truly adds that Col. P. is a high-toned christian gentleman, a splendid presiding officer, and a man whom the people of that section would delight to honor. Of Prof. ORIS D. SMITH, of the East Alabama A. & M. College, who has been mentioned in connection with the nomination for Superintendent of Public Instruction, it says the same, and would be pleased to support him in the event of his nomination. Already an efficient member of the Board of Education and a life-long instructor of youth, few men are better fitted for that important office. But it leaves both gentlemen in the hands of the Convention.

The Selma *Times* devotes a page and a half to the late admirable speech of Hon. B. H. HILL, of Georgia. There is nothing in the range of political literature which the Southern reader, or the Northern, can study with more satisfaction and profit than this splendid oration.

Now is the time for getting up clubs to the Weekly ADVERTISER; show the paper to your frainds and neighbors and get them to join in. We want to roll up the biggest subscription list in the South. that was ever accomplished Remember that this is the great election year, in which Alabamians are all deeply interested. All Democrats and Conservatives, friends of industry and progress, should do their utmost to increase the circulation, as it will prove of vast benefit to the cause. Every family who will read the ADVERTISER regularly will be wiser and happier at the end of each year; therefore, every one should be induced to subscribe. We want all our friends to work with a will.

TERMS:—For single copy, $2 00; clubs of ten, $17 50; clubs of fifteen, 22 50.

Show this to your neighbors. Send us one or more subscribers.

HEAD NOTES OF DECISIONS
OF THE
Supreme Court of Alabama.

JANUARY TERM, 1874.

Reported expressly for the Montgomery Advertiser.

WEDNESDAY, March 4.

5th Div. No. 124. B. T. Cousins *vs.* The State of Alabama. Appeal from the Circuit Court of Elmore county.
PETERS, C. J.

1. The Revenue Law of Dec. 31, 1868 which requires lawyers who engage in the practice of that profession in this State to take out license before engaging in the practice of said profession is a valid law. [Pamph. Acts, 1868, p. 267, *et seq* sec. 105, 111, 112.]

2. The State may enforce the payment of the price of such license by indictment against a person who has violated the provisions of said Revenue Law.

3. The conviction on an indictment under said Law against a Lawyer should fine him *three times* the price of the license—which in a Lawyer's case is twenty dollars, and the fine is sixty dollars.

Affirmed. B. F. Saffold, J. dissenting: Held,

1. A license to carry on any useful and necessary business, not the subject of the *mala prohibita*, imposed for purposes of revenue solely, is merely a receipt for a tax, the non-payment of which contains no element of offense or misdemeanor, and cannot be punished, under our State Constitution by imprisonment.

2. The State has the right *to* tax occupations, and may enforce the collection by execution, with increased amount for delinquency.

3. The practice of law is a pursuit necessary to be regulated, and is regulated by license of the Courts, after due examination. This license gives the right to engage in, or carry on, the business on the same footing as other business for which no license is required.

3d Div. No. 241. D. S. Harris *vs.* The State of Alabama. Appeal from the Circuit Court of Lowndes county.
BRICKELL, J.

1. An indictment for a violation of the Revenue Laws of 1868, in engaging in or carrying on the business of retailing, without license, must aver the place, at which the business was engaged in, or carried on, or it is fatally defective.

2. To "engage in or carry on a business," as those words are used in the Revenue Law of 1868, means to pursue an occupation or employment, as a source of profit or livelihood. The question is one of intention, which the jury will readily solve. Did the accused intend to engage in, or carry on the business as a means of profit or livelihood? It is not necessary, it should be his sole occupation or employment.

Reversed and remanded.

2d Div. No. 145. Paul Jones *vs.* The State of Alabama. Appeal from the Criminal Court of Dallas county.
BRICKELL, J.

1. The Code does not prescribe the form of an indictment for forgery of a written instrument; an indictment analogous to the precedent in the Code, is sufficient.

3. Under the statute (R. C. sec. 4126,) it is not necessary in an indictment for forgery, to name persons intended to be defrauded. A general averment of an intent to defraud, is sufficient.

3. It is forgery, falsely and fraudulently to make a writing purporting to be an order drawn by a child on a parent, though the payment of such order if genuine, would depend wholly on the parent's favor and affection to the child.

Affirmed.

1st Div. No. 155. Angelo Eldridge *vs.* The State of Alabama. Appeal from the City Court of Mobile County.
BRICKELL, J.

1. A charge assuming, as proved, a fact of which there is no evidence, is properly refused.

Affirmed.

2d Div. No. 155. P. Cohen *vs.* The State of Alabama. Appeal from the Criminal Court of Dallas County.
BRICKELL, J.

1. On an indictment for receiving stolen goods, it is permissible in showing the value of the property stolen, for the owner to state what the thing was worth at the time. Its value to him is a fact, however slight, tending to show its real value.

2. An exception to an entire charge given by the court *mero motu*, is too general and indefinite, if any part of the charge is correct.

3. A charge having a tendency to mislead and confuse the Jury, should be refused.

4. Charges asserting correct legal propositions of law applicable to the evidence, should be given in the terms in which they are requested.

Reversed and remanded.

2d Division No. 159. William Roy *vs.* The State of Alabama. Appeal from the Circuit Court of Dallas county.
B. F. SAFFOLD, J.

1. In a prosecution for larceny, a witness, testifying to an admission of the defendant that he had the property, may state as a fact, whether or not he supposed the defendent *jested* in saying so.

Reversed and remanded.

1st Div. No. 165. Eugenia Woodruff *vs.* Patrick C. Conley. Appeal *on Habeas corpus* from the Chancellor of the Southern Division, sitting at Mobile.
B. F. SAFFOLD, J.

1. The custody of a child is always a subject of chancery jurisdiction; and it is immaterial whether it is invoked by bill, petition or application for *Habeas corpus*.

2. Equity will not withdraw a child of nine years old from the custody of her uncle by marriage, at the suit of the paternal grandmother, when it is shown that he has adopted her, is a suitable person to have the care of her, is possessed of a large estate, and it is the decided wish of the child to remain with him, and the grandmother is in limited circumstances, has the care of the brother, also a child, and there is no danger of a child being deprived of the reasonable society and companionship of her grand-daughter.

3 Letters of guardianship, when there is no property, have no influence in deciding the question of the custody of a child, inasmuch as in such cases the guardian is not bound to expend his own fortune in maintenance, but may surrender the ward.

Affirmed.

6th Div. No. 63 Carter, Kirtland & Co. *et al vs.* Phillip Happell *et al*. Appeal from the chancery Court of Hale county. Application for rehearing.
Per Curiam.
Rehearing denied.

4th Div. No. 158. Geo. S. Spencer *vs.* Samuel P. Dorsey, Dr'r. Appeal from the Probate Court of Pike county. Application for rehearing.
Per Curiam.
Rehearing denied.

8th Div. No. 71. Morris K. Taylor, adm'r. *vs.* Larkin A. Wortham, adm'r. Appeal from the Probate Court of Madison county. Application for rehearing.
Per Curiam.
Rehearing denied.

4th Div. No. 212. Bose Napier, *vs.* The State of Alabama. Appeal from the Criminal Court of Bullock county.
BRICKELL, J.

The Attorney General applies for a rehearing of this cause, on the authority of Ed. Ray, *vs.* State, and of Ned. Napier *vs.* State, at present term. These cases are in direct conflict with the foregoing opinion. While I would prefer adhering to the opinion, as conforming to the former decisions of this court, to which reference is made, my brothers recognizing fully the authority of those decisions, when applied to indictments for gaming, are unwilling to extend them to a case like the present, on indictment not for gaming, but for betting at a game of cards played at an unlawful place. Under the influence of their opinion, the rehearing is granted—the judgment of reversal heretofore rendered, is set aside, and the judgment of the court below is affirmed.

3d Div. No. 253. Aaron D. Cowles, *vs.* The State of Alabama. Appeal from the Circuit Court of Butler county.
B. F. SAFFOLD, J.

1. An indictment in the form prescribed in the Revised Code, for fraudulently exhibiting a false sample of cotton is sufficient.

2. In proof of damage, the cost of sending cotton from Greenville, the place of sale, to Mobile, is irrelevant, as not being the necessary, or reasonable result of the fraud.

3. The proper agent of a railroad company, in order to prove the date of shipment of a lot of cotton, may state that he made the entry in his book, and would not have so entered it, if it had not represented the truth, although he had no remembrance of the shipment.

Affirmed.

THURSDAY, March, 5.

3d Division No. 276 Robert T. Smith Auditor, *&c., vs.* Thomas G. Jones. Appeal from the City Court of Montgomery county, granting *mandamus*.
B. F. SAFFOLD, J.

1. The law providing for the monthly payment of the salaries of State officers on the last day of each month, and other like claims, is not repealed, or modified by the provision of section fifteen of an Act "To provide for the funding of the domestic debt of this State," approved December, 19 1873 save only that the warrant shall not be drawn, unless, at the time, the state has lawful money, or "obligations" wherewith to pay such warrants.

2. The words in the first proviso of the 15th section of that Act, "if such (obligations) be then in the State Treasury," in the connection in which they are there used; must be held to mean if such obligations are within the control of the State and properly available for the payment of the warrants mentioned in said proviso.

3. A literal interpretation of words, apparently in conflict with the general design, which would defeat the purposes of the statute would not be adopted, if other reasonable construction can be given to them.

4. Where application is made by a domestic creditor to the Auditor for a warrant on State Treasurer payable in the "obligations" of the State, in settlement of an allowed claim, accrued since January 1st, 1874, and the Auditor refuses to draw his warrant, or pay the claim in such "obligations," he will be compelled to do so by *mandamus*, if there be obligations of the State which may properly be devoted to the payment of such claim in the order of its priority.

Affirmed.

Another Important Decision.

3d Div. No. 279. Robt. T. Smith, Auditor. *vs.* Thos. G. Jones. Appeal from the City Court of Montgomery. Tried before Hon. Jno. D. Cunningham.
B. F. SAFFOLD, J.

The appeal is from the order of the City Court of Montgomery, granting a mandamus, requiring the Auditor to issue a warrant to the appellee for the amount of his salary as reporter of the decisions of the Supreme Court of Alabama, for the month of January, A. D., 1874, to be paid in the obligations of the State, as to be expressed in the warrant, as authorized by the Act of December 19th, 1873, "to provide for the funding of the domestic debt of this State."

The issue is whether the first proviso to the fifteenth section of the act which authorizes the issue of a warrant and its payment in the obligation, forbids by its concluding words, "*if such be then in the State Treasury*" the issue of the warrant, unless the obligations have been first put out by the Auditor in the ordinary operations of the act for funding purposes, and have been put back to the treasury in the payment of taxes, for which they are expressly made receivable.

The act in the 15th section forbids the Auditor from and after the 1st day of January, A. D., 1874, to issue any warrants on the treasury unless there is at the time in the treasury funds which can be applied to the payment thereof. No payments are to be made by the treasurer except upon the warrant of the Auditor now directed by law. Warrants on the treasury are to be paid only at the treasury of the State and in the order in which they are presented: "Provided, that any public creditor may, if he elect, receive payment of his claim in the warrant of the Auditor so expressed, in the obligations herein authorized, if such be then in the State Treasury." The section then expressly forbids by two succeeding provisos, the auditing and paying of any claims, growing out of the Railroad debt of the State or the use of the obligations in liquidation of interest accruing on any railroad obligations in this State.

It is manifest that the main use intended to be made of the obligations was to fund in them the domestic debt outstanding on the first day of January, A. D. 1874. It was supposed that the authorized one million of dollars would be required for that purpose. As the obligations were receivable in payment of taxes, it was contemplated that they would be returned to the Treasury in that way. No matter what the intention of the Legislature was, in prohibiting the issue of warrants, unless there is at the time, in the treasury, funds for their payment, the prohibition was only in case there were no funds. For it is immediately said the warrant may be issued if the public creditor will consent to receive the obligations in payment, if such were in the Treasury. It was not intended that the obligations should remain in the Auditor's possession unused. The Legislature knew from the report of the Auditor what amount of warrants were outstanding. If the larger portion of them were hurried into the Treasury, it was not supposed by the framers of the act, whether or not he supposed the defendent *jested* in saying so.

Reversed and remanded.

1st Div. No. 165. Eugenia Woodruff *vs.* Patrick C. Conley. Appeal *on Habeas corpus* from the Chancellor of the Southern Division, sitting at Mobile.
B. F. SAFFOLD, J.

The custody of a child is always a subject of chancery jurisdiction; and it is immaterial whether it is invoked by bill, petition or application for *Habeas corpus*.

2. Equity will not withdraw a child of nine years old from the custody of her uncle by marriage, at the suit of the paternal grandmother, when it is shown that he has adopted her, is a suitable person to have the care of her, is possessed of a large estate, and it is the decided wish of the child to remain with him, and the grandmother is in limited circumstances, has the care of the brother, also a child, and there is no danger of a child being deprived of the reasonable society and companionship of her grand-daughter.

3 Letters of guardianship, when there is no property, have no influence in deciding the question of the custody of a child, inasmuch as in such cases the guardian is not bound to expend his own fortune in maintenance, but may surrender the ward.

Affirmed.

6th Div. No. 63 Carter, Kirtland & Co. *et al vs.* Phillip Happell *et al*. Appeal from the chancery Court of Hale county. Application for rehearing.
Per Curiam.
Rehearing denied.

4th Div. No. 158. Geo. S. Spencer *vs.* Samuel P. Dorsey, Dr'r. Appeal from the Probate Court of Pike county. Application for rehearing.
Per Curiam.
Rehearing denied.

8th Div. No. 71. Morris K. Taylor, adm'r. *vs.* Larkin A. Wortham, adm'r. Appeal from the Probate Court of Madison county. Application for rehearing.
Per Curiam.
Rehearing denied.

4th Div. No. 212. Bose Napier, *vs.* The State of Alabama. Appeal from the Criminal Court of Bullock county.
BRICKELL, J.

The Attorney General applies for a rehearing of this cause, on the authority of Ed. Ray, *vs.* State, and of Ned. Napier *vs.* State, at present term. These cases are in direct conflict with the foregoing opinion. While I would prefer adhering to the opinion, as conforming to the former decisions of this court, to which reference is made, my brothers recognizing fully the authority of those decisions, when applied to indictments for gaming, are unwilling to extend them to a case like the present, on indictment not for gaming, but for betting at a game of cards played at an unlawful place. Under the influence of their opinion, the rehearing is granted—the judgment of reversal heretofore rendered, is set aside, and the judgment of the court below is affirmed.

3d Div. No. 253. Aaron D. Cowles, *vs.* The State of Alabama. Appeal from the Circuit Court of Butler county.
B. F. SAFFOLD, J.

1. An indictment in the form prescribed in the Revised Code, for fraudulently exhibiting a false sample of cotton is sufficient.

2. In proof of damage, the cost of sending cotton from Greenville, the place of sale, to Mobile, is irrelevant,

The Radical Mob in Philadelphia.

The investigating committee appointed to inquire into the facts connected with the late STOKELY-MCCLURE election in Philadelphia reports the following as among the most prominent frauds practiced by the Radicals of that city to retain their hold on the reins of Government. In ward 1 they cast 500 fraudulent votes, took possession of the ballot boxes, kept them all night and drove off the officers of election opposed to them in politics. In ward 2 they added 800 votes to STOKELY'S poll; in ward 3 they changed 700 ballots, in ward 4 the MCCLURE votes were taken out of the ballot boxes and STOKELY tickets put in their places. The same story is substantially repeated of every one of the nineteen wards into which the city is divided. Wherever an earnest worker for MCCLURE was found, he was arrested and sent to the lock up, and once there no amount of bail could reach him. The Station houses were filled with such—but when night came they were all released. Verily we live in a country distinguished above all others for the freedom of its institutions and the purity of its elections! It is wonderful that the oppressed, tyrant-ridden people of Great Britain, in view of the marked success of Republican institutions in America, do not drown Queen VIC, and ornament the highest turrets of Westminster with the ghastly faces of DISRAELI and his fellows of the ministry.

NOW is the time for getting up Clubs to the Weekly Advertiser; show the paper to your friends and neighbors and get them to join in. We want to roll up the biggest subscription list in the South, that was ever accomplished. Remember that this is the great election year, in which Alabamians are all deeply interested. All Democrats and Conservatives, friends of industry and progress, should do their utmost to increase the circulation, as it will prove of vast benefit to the cause. Every family who will read the ADVERTISER regularly will be wiser and happier at the end of each year; therefore, every one should be induced to subscribe. We want all our friends to work with a will.

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AN INTERESTING AND IMPORTANT DECISION.

Habeas Corpus About the Custody of a Child.

1st Div. No. 165. Eugenia Woodruff. *vs.* Patrick C. Conley. Appeal, on *Habeas Corpus*, from the Chancellor of the Southern Division sitting at Mobile.
B. F. SAFFOLD, J.

The matter in dispute is the custody of a child, Mary Conley Woodruff, about nine years of age. The appellant is the mother of the child's father. The appellee is her uncle, by marriage with her mother's sister. The grandmother is also her guardian by appointment of the Probate Court, in September, 1871. The uncle is her father, by adoption under the statute in November, 1873. No notice of the adoption was given, or is required to be given, to the grandmother, or other relatives of the child.

Any matter affecting a child may become a subject of chancery jurisdiction, and it is immaterial whether it is brought to the attention of the court by bill, petition or application for the writ of *habeas corpus*. The relief desired generally indicates the form of the application which will be varied by the court to suit the circumstances developed. In this case, the mode of proceeding is adequate for the purpose designed, and is proper and right.

The letters of guardianship can be allowed little influence in determining the custody of the child, has no property, and in such case the guardian may lawfully put the ward to work, or, if too young and feeble, surrender him to some charitable institution. He is not bound to expend his own fortune. [Schouler's Domestic Relations, p. 455.] Section 1447 of the Revised Code requires the grandmother or grand-child of any persons unable to support themselves to maintain such persons, if able to do so. The father by adoption is under like responsibility to the child.

No court would entertain for a moment the proposition of a stranger to withdraw a child from the custody and care of its grandmother, who was able and qualified to extend to it necessary and sufficient provision, instruction and kindness. The adoption might not be denied, as it made the child capable of inheriting the estate of the declarant. But the law, even by the statute authorizing the adoption, means to preserve inviolate the family relation. The uncle, however, is not a stranger, though the relation is by affinity and the marriage has been dissolved by death. No argument can strengthen or disprove our consciousness of the fact.

The welfare of the child is the guiding light by which the discretion of the Court must be directed.

The matter is one of exceeding delicacy and responsibility. We are deprived of the benefit of the presence of all that an intimate and thorough acquaintance with the parties would afford us. The question of material, or pecuniary advantage is of easy solution. But which will best train this child in the way she should go? Is there any inability, on the part of either, to inspire her with a true love for virtue, and a high appreciation of right things? We can only determine from the outward circumstances. Poverty and wealth, with all their gradations, have their peculiar advantages and disadvantages.

The grand mother is shown to be a most exemplary lady, possessed of a moderate income, obtained almost entirely by the personal exertions of herself and her children. The uncle is represented as devotedly attached to the child, and of lavish generosity to her and her parents during their lives. He is in the meridian of life, and is possessed of an ample fortune.

The appellee and the father of the child married sisters, the daughters of Mrs. Cloudis, who is still alive, though about ninety years of age. After the death of the father nine years ago, the mother and her two children, without means, lived alternately with the appellee, the appellant and Mrs. Cloudis, until the death of her sister Mrs. Conley, when she made her home chiefly with the appellant.

During all this time, and until her death in the summer of 1871, she and her children were mainly supported by the appellee. I think the evidence shows that the appellant could not have borne the expense alone, or in much part, beyond the lodging which her house afforded without the expenditure of money. The mother was frequently disheartened at her dependent situation, though deeply grateful to Capt. Conley and her husband's mother.

The two children would be a decided tax on their grandmother, and she has the brother, about twelve years old. The appellee has no children, and he and his present wife desire to retain the sister. On examination, privately and publicly, by the Chancellor, she exhibited intelligent appreciation of what she was doing, and, without hesitation, decidedly declared her preference to remain with her uncle. An infant is not without legal responsibility. His civil contract is voidable only; and he may be sued for necessaries. He is responsible for his torts, and punishable for crime. The age of discretion is not a fixed period of life. Blackstone says that impunity of crime, on account of tender years, would be of dangerous consequence to the public by making children the instruments of others in perpetrating atrocious crimes; but the evidence of malice which is to supply age ought to be strong and clear beyond all doubt and contradiction. Children of eight, nine and ten years have been capitally punished. [3l. Com. 23. Godfrey vs. State 31 Ala. 323.]

In view of such accountability the clearly expressed wishes of a child of such age in respect to her guardianship ought not to be disregarded without good grounds.

Concern for the welfare of this child is much mitigated by the consideration that her custody does not involve exclusion and irrevocable appropriation to one, and absolute separation from the other of her protectors. In this age it is established that the utmost kindness and tenderness towards children afford the only proper means of their culture, and harshness is disreputable and revolting. It may be safely assumed that she is in no danger of neglect or abuse from either party. The strong probability is that beyond affectionate remonstrance her own desires and wishes would be prudently gratified.

Is there any reason why she should not preserve her hold on both her grandmother and her adopted father? A good Providence has given her two supports to lean upon, from which she may be enabled in the future gratefully to recompense all their kindness and love. Shall the Court take away anything of what her attractiveness has won for her? Rather, let it be, in her own artless expression, "like it had always been; to stay with Pat sometimes, and with grandma sometimes."

The judgment of the Chancellor is affirmed.

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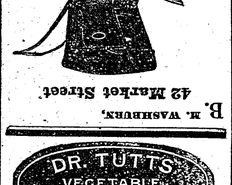

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Notice is hereby given that on the 22d day of January, 1874, letters of administration on the estate of Kate A. Sistrunk, deceased, were issued to me, the undersigned, by Hon. George Ely, Judge of the Probate Court Montgomery county, Alabama.

All persons having claims against said estate are required to present the same within the time prescribed by law, or they will be barred.

Persons indebted to said estate will make payment to me.

WALTER E. SISTRUNK,
jan24wcw Administrator.

ADMINISTRATOR'S NOTICE.

Notice is hereby given that on the 19th day of January, 1874, letters of administration on the estate of Henry B. Bray, deceased, were granted to the undersigned, by Hon. George Ely, Judge of the Probate Court of Montgomery county, State of Alabama.

All persons having claims against the said estate are required to present the same within the time prescribed by law, or the same will be barred.

All persons indebted to the said estate will make payment to me.

TRAVERS H. BOZEMAN,
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