

# THE CLARION.

OL. XLVI.

JACKSON, MISSISSIPPI, WEDNESDAY, FEBRUARY 7, 1883.

No. 6.

Mad-dog is again heard in Newton Free Press has a new bright look.

Total visible supply of cotton for world is 3,236,424 bales, of which 14 are American, against 3,125,422 respectively last year.

Statement of Gen. Martin, of the N. J. & C. Railroad, in the Natchez Democrat, that arrangements have been made for insuring the completion of the Columbus.

Meridian Mercury says that John P. Richardson, Chas. A. and others, have bought the interest of Mr. Fred Wolfe in the Bank of Meridian, for the purpose of making it a National Bank.

Next November following officers are to be elected in Mississippi: Members of the house representatives, one-half of the members of the senate, district attorneys, circuit clerks, chancery clerks, treasurers, tax assessors, coroners, members board of superintendents of the peace and constables.

Pascagoula Democrat-Star on the death of Maj. W. C. Capers, Christian, after a long and lingering illness, aged sixty-five years. He had edited the American Citizen, and subsequently was associated with Capt. Lynch in the True Patriot of this city. The Democrat properly describes him as a gentleman and high culture.

31st, ult. at Winona, Capt. W. H. of Grenada, shot and killed Charles Wright. The Grenada Democrat says that Mr. Wright approached Fowler with a pistol in each hand, and T. for satisfaction, when he wheeled around drawing his instantaneous and fired with the result. The Advance mentions that, but does not give the particulars. We have not learned the result of the preliminary trial.

Our impression is the benefit has been reduced one-half with benefit to the State. We don't see any surplus lying dead in the State Treasury. There are no probable contingencies for any great outlay. The relief afforded by a reduction will create a better prospect of prosperity among us, and encourage our people to stimulate all enterprises for the common good. We insist on low taxes a question at the next election, and let us all take more interest in the same, and less in national politics.

The bill redistricting the State was passed in great hurry and confusion in the last hours of the session of the Legislature, and is incongruous and defective in many particulars. The districts are not equal in population and are far from being geographically compact. It is entirely competent for the next Legislature when it meets to make such changes as are necessary to remedy these defects.

The Jute Culture. Vicksburg Herald: It is also claimed that planters can make their own bagging with comparatively little expense, and thus save at least two cents per pound in the price of wrapping, which amount will, of course, be again saved in the weight as so much lint cotton. Hon. W. W. Stone, of Washington county, is entitled to much credit for investing the subject of jute culture with the interest it is now assuming throughout the State. He and other enterprising planters see that the South must have a diversity of products and industries, and we sincerely hope the late Jackson convention has opened up the way for so desirable a result in one direction at least.

Statistics reported by the Commissioner of Agriculture of Georgia, a marvelous agricultural growth in the State, contrasting the products of 1882 with those of 1882. The State has an increase of over 200 per cent. in wheat, 75 per cent in rye, 100 per cent in Irish potatoes, 800 per cent in corn and sorghum, 400 per cent in cotton and a similar increase in all other farm and garden products. In 1870 Georgia raised 473,934 bales of cotton; in 1880, 814,411 bales— an increase of nearly 100 per cent. in value and ranking her as the second cotton State. In 1882 the cotton production grew to 925,443 bales, which was accomplished with a diminished acreage. Horses have increased 51 per cent, mules 51 per cent, cows 36 per cent and other cattle 26 per cent; sheep increased 26 and 49 per cent. In 1870 Georgia had 189,000 farms; in 1880 she had 189,000. Estimated value of farm products in 1880, \$80,000,000; in 1880 it swelled to \$100,000,000.

Gov. Ireland, of Texas, in his recent message recommends the appointment of a railroad commission, and also favors state interference for better telegraph facilities, in accordance with his recommendation, a bill has been introduced in the Legislature. The bill contemplates the appointment of three Commissioners by the Governor, the salary attaching to the position to be \$2,500. The oath embraces, among other things, the following: "I am not a stockholder in any railroad, freight or transportation company, nor in any way, directly or indirectly, in the employment of any railroad, freight or transportation company."

The Commissioners are to have general supervision and control over all railroads, freight or transportation companies, and to carefully examine and inspect the same as often as may be necessary, and keep themselves fully informed as to the condition of the companies, their railroads, bridges, culverts, embankments, tracks or other structures, and the manner in which the companies are operated with reference to the security, convenience and rights of the public, and also to inform themselves as to the compliance on the part of railroads with all the provisions of the several charters of the companies and with the laws of the State. The bill prescribes penalties for disobedience. It provides for the punishment of discriminating, and declares that charges for transportation on each class or kind of freight shall be uniform. Any unjust discrimination in the rates or charges for the transportation of any freight made against any person or place on any railroad operated in the State is declared unlawful; and it shall be prima facie evidence of an unjust discrimination for any company to demand or receive from one person, firm or company a greater compensation than from another person, firm or company for the transportation of any freight of the same kind or class, in equal or greater quantities, for the same or less distance. Any railroad corporation guilty of extortion or unlawful discrimination shall, upon conviction, be fined for the first offense a sum not less than \$100 nor more than \$1,000, and upon a second conviction in any sum not less than \$500 nor more than \$2,000, and upon a third conviction in a sum not less than \$2,000 nor more than \$5,000.

The bill seems to be modeled after the laws of Georgia, Missouri, California, South Carolina, Illinois, and other States, though probably more stringent than some of them.

The Congressional Districts. The bill redistricting the State was passed in great hurry and confusion in the last hours of the session of the Legislature, and is incongruous and defective in many particulars. The districts are not equal in population and are far from being geographically compact. It is entirely competent for the next Legislature when it meets to make such changes as are necessary to remedy these defects.

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THE Fayette Chronicle of the 2nd records the death of two valuable citizens of Jefferson county, Mr. R. K. Scott, of Red Lick, aged 28 years, and Mr. C. H. Forman, aged 57 years. They were both universally esteemed.

UTAH wants to come into the Union as a state with its barbarism of polygamy. The best thing that could be done with it, would be to obliterate its lines and divide it between the adjoining States, Nevada and Colorado, whose laws do not tolerate the barbarism.

REV. DR. HUGH MILLER THOMPSON, having received information from the Presiding Bishop that the Church has completed and confirmed the action of the Mississippi Diocese, appointing him Bishop, has signified his acceptance of the trust.

## NEWS AND NOTES.

A woman went to a Michigan clergyman for advice as to a business venture, and implicitly followed the directions which he did not hesitate to give. The result was disastrous. She now sues him for \$4,500, that being the amount of damage which his bad counsel caused. His defense is that, while his profession made him an expert in spiritual affairs, the woman had no excuse for relying upon his judgment for business matters.

A few days ago a telephone conversation was carried on between W. B. Strong, President of the Atchinson, Topeka & Santa Fe Railroad in Boston, and the General Manager, O. C. Wheeler, Guaymas, a distance of 3,500 miles. One was on the shore of the Atlantic, the other on the Gulf of California, which unites with the waters of the Pacific.

The business of canning fruits and vegetables has grown to enormous proportions. Over 52,000,000 cans of tomatoes were packed last year, making one for every man, woman, and child in the country. Nearly half of this work was done in Maryland and Virginia. The wholesale price for three-pound cans ranged from four to five cents each.

N. O. States: The world of letters has lost a brilliant luminary in the demise of Prof. Alexander Dimitry, who died yesterday in this his native city, at 2 o'clock A. M., in the seventy-eighth year of his age, but in full possession of all his wonderful mental faculties.

Maj. W. S. McCloy was killed in his store at Concordia, on the Mississippi side of the river below Memphis. The assassin used an axe.

At Springfield, Mo., John Gibbons, a contractor on the Springfield and Memphis Railroad, was assassinated while coming home from his work in Oregon county. He was shot from a brush by an unknown person.

Jacob Shanner was found on College campus, at Gainesville, Ga., murdered.

At Kansas City, Mo., on the 29th a tragedy was enacted at the home of Mr. Chas. T. Hopkins, in the accidental killing of Mrs. Fannie Hopkins at the hands of her husband, a young man not yet 25 years of age. The accident occurred while Mr. Hopkins was engaged in cleaning a loaded shotgun in his sitting-room.

At Baltimore, Chas. Foots, colored, was whipped with lashes in jail for beating his wife.

At Akemes, Mich., Chester county, David Clark, a farmer, was shot and instantly killed by his wife. The fatal disagreement arose from the wife's determination to administer medicine other than that prescribed by the attending physician to one of her children. The child's illness continued to grow worse until she was supposed to be dying. While Clark was endeavoring to restore her to consciousness his wife got a revolver from an adjoining room and deliberately shot her husband through the back. The murderer was arrested immediately afterward.

Mrs. Outlaw, wife of T. G. Outlaw, died at her residence in Mobile, last week.

Rev. H. B. McCollum, a veteran journalist, editor and proprietor of the Florida Union, died last week of consumption, from which he had been suffering for many years.

At Mobile, W. T. Ayers, an old citizen, died on the 36th. He was engaged in the saddlery business.

The Minnesota legislature elected Sabin to the United States senate.

President Arthur said recently that he does not intend to appoint any more colored men to office in the future.

Representatives Miller, of the Ohio Legislature, is supposed to be temporarily insane from hard drinking.

The West Virginia House of Delegates has passed a bill submitting to popular vote a constitutional amendment forbidding the manufacture and sale of intoxicating liquors.

At Erie, Pa., Libby Raible, a student of the State normal school at Edenboro for a year or two past, was arrested for the murder of her illegitimate babe, born on the night of January 23d.

Representative Fred H. Smith, of Dallas county, has been appointed State Treasurer of Alabama, vice Vincent absquatulated.

In Philadelphia, Pa., Catherine Berneson, who was annoyed by children playing in front of her house, fatally shot Maggie Carlette, one of them.

Five negroes engaged in last year's East-man riots in Georgia have been hanged. A sixth has been arrested in Lawrence county and others are shadowed, and another quintuple hanging is promised.

A colored man named Lewis Carter, living on Dr. Prellow's farm, in Southampton county, Va., attacked his wife with an axe, crushing her skull, from the effects of which she died. So it seems that our Nephew has company.

At Marshall, Tex., last Saturday a colored woman named Martha Johnson, residing in the suburbs of the city, while playing down smoking her pipe suddenly rose, and saying she was smothering, gasped and fell dead. A coroner's inquest was held, and the jury returned a verdict of death from suffocation, caused by nicotine in the throat.

## OVER THE STATE.

Mr. B. Milan, of Marshall county, is the owner of the famous madstone. In consequence of the number of mad-dogs at large, there is great demand for his madstone.

The residence of Mrs. Tucker, four miles south of Oxford, was consumed by fire some days since.

The Port Gibson News learns that the committee of Natchez citizens which went from that city to New York to confer with Mr. Wilson, relative to building the N. O. & M. road through Natchez, have telegraphed that their mission is a failure.

Louisville Signal: Mr. Alfred Ellis, an old citizen of Winston county, died Saturday Jan. 27th, in the sixty-ninth year of his age.

Carroll Watchman: Mr. H. M. Van Avery and family, left for Denver, Colorado, on Tuesday evening. We regret to lose such a citizen as Mr. Van Avery.

Robinson, who murdered Adair, in Carroll county in 1881, will be hanged on the 15th of March.

Mississippi Farmer: Mr. Thomas Winstead, an old citizen of Smith county, fell dead last Friday. He was a christian gentleman, and his loss will be felt by his Methodist brethren and a large circle of other friends.

Utica Monitor: Died, near Utica, on the night of the 25th of January, 1883, Mr. Jno. B. Adkins, in the 45th year of his age. In the death of Mr. Adkins our community has sustained a loss that is almost irreparable. A true christian, upright in all his dealings with his fellow man, he had endeared himself to one and all alike.

Lexington Advertiser: Married, at the residence of the bride's mother, in Lexington, Thursday, February 1st, 1883, by Rev. R. B. Morrow, Mr. William Sample to Miss Jennie Barbour.

Macon Sun: Several of our exchanges favor female compositors for newspaper offices. Much of the composition of the Sun is the work of Miss Lula Stokes who is scarcely twelve years of age.

Capt. T. W. Brame, of DeKalb, has removed to Saratoga.

Oxford Eagle: Maj. W. T. Ivey died yesterday. He was an old citizen of Lafayette.

Durant News: Mr. Robert Powers of Ebenezer, died last Wednesday.

The Natchez Democrat learns that on the train when at Brandon station, one of the passengers, a drummer for a Cincinnati brewery, named Meyers, died suddenly. He appeared in good health when the train left this city.

Summit Sentinel: Mr. Henry S. Anderson, of Amite county, met with a severe loss last Thursday night, in having his finely equipped gin, together with six bales of cotton and about 200 bushels of cotton seed, totally destroyed by fire. The fire is supposed to have originated from matches being in some cotton while it was being ginned.

Inland Recorder: Col. Wm. N. Archer died at the residence of his brother, Mr. Henry Archer, in Webster county, last week.

Brandon Republican: John H. Rhodes, M. D., and Prof. T. E. Lamb, of Pelahatchie, have removed to Learned, in Hinds county, on the N. J. & C. R. R., and opened a first-class drug store. Rhodes prescribes the pills and Lamb gently compounds them.

The Booneville Pleader learns that W. L. Dilworth, eight miles from town, was bitten by a mad dog Sunday. A child was also bitten. Mr. Dilworth left in search of a mad-stone.

Brandon Republican: On Friday night last, about \$500 worth of merchandise consisting of boots, shoes, clothing, etc., was stolen from Mr. Bland, a Pelahatchie merchant. No clue was found by him in the bold robbery could be spotted. On Saturday night Mr. G. W. Brooks' smoke house was broken open and all the meat he had—several hundred pounds—was stolen. On the same night, a pair of buggy horses was stolen from Mr. P. B. Bridges, and also a pair from Mr. J. W. McMaster. On Tuesday night, having already supplied themselves with the harness, they proceeded to put it to use by stealing two mules from Mr. L. D. Rhodes, and a double-seated two horse open buggy from Sheriff Cole. The latter property was afterwards recovered.

THAT Tariff Commission, the Nebraska Granger thinks, must be wishing it hadn't made a report, or had managed to confine an expression of opinion to matters that the members knew something about.

THE Missouri Legislature has instructed the Senators and requested the Representatives from Missouri to oppose the passage of any bankrupt act by Congress.

In the U. S. Senate, on the 1st, Morrill, Chairman of the Committee on Finance offered a resolution to suspend the coinage of silver dollars. About the same date, the N. Y. Chamber of Commerce petitioned Congress to that effect.

THE Lien law should carry the bread and meat in one hand, says the Beville, and in the other a law to force the laborer to labor in good faith. Correct.

## SUPREME COURT DECISIONS.

REPORTED WEEKLY BY C. C. CAMPBELL.

JACKSON, MISS., Monday, Feb. 5, 1883.

The following cases were affirmed:

- 4030—Geo. N. Dickerson et al. vs. Mary F. Mays.
- 4163—John O'Connor vs. Sarah E. Clopton et al.
- 4165—Geo. C. Paine, assignee, vs. Aberdeen Hotel Co.
- 4166—Geo. C. Paine, assignee, vs. Aberdeen Hotel Co.
- 4177—B. F. Avery & Son vs. Myers, Houseman & Co.
- 4178—John L. Adams & Co. vs. Myers, Houseman & Co.

The following cases were reversed and remanded:

- 3920—Chas. E. Nash, vs. J. M. Phillips.
- 3987—Emma C. Sadtler vs. Mobile Life Ins. Co.
- 4056—Menkin Bros. vs. J. L. Combs.
- 4105—James Snoddy vs. Wm. Buchanan & Co.
- 4114—Chas. M'Laran vs. R. Moore & Co.
- 4129—T. W. Hopper et al. v. Nancy Hopper et al.
- 4137—Thos. M. Jones vs. DeSoto County.
- 4163—D. C. Wells vs. E. G. Andrews.
- 4188—C. B. Cowden vs. Jasper Lookidge.
- 4167—Joel J. Perrin vs. A. B. Connell.—Reversed and decree here on entering of remittitur.

## SUPREME COURT REPORTS.

October Term, 1882.

REPORTED WEEKLY BY ROBT. SHOTWELL.

CALDWELL vs. HALL.

Appeal from the Circuit Court of Panola county, Hon. A. T. Roane, Judge.

Hall placed in the iron safe of Caldwell the sum of \$35. It was contained in an open box and to it and from it Hall withdrew at his pleasure, so that at one time he had in the box thus deposited as much as \$700. This money was never mingled with Caldwell's, nor was any receipt given for it, nor any entry of it made on his books. His bookkeeper, who carried the safe key, some times used small portions of it in making change, always dropping into the box tickets showing the amounts so withdrawn, and always replacing them in a few days. His habit in this regard was known to and acquiesced in both by the depositor and depository. Some months after the date of the original deposit, Caldwell's safe was robbed without any fault or negligence on his part. His own money was lost along with that of Hall and other depositors. Caldwell was not a banker, but a merchant, and the deposits belonged to friends and customers, to whom he had not made himself liable. He died before the robbery his bookkeeper used the key to open Caldwell's Hall's money, which, not having been replaced, he paid to Hall after the robbery. This suit is brought by Hall to recover the balance of the sum stolen. The right to recover is rested upon the statement testified to by Hall, but denied by Caldwell, that at the time of the first deposit it was understood and agreed between the parties that the money was to be used by Caldwell in his business if he so desired, and that it was received on this basis. It is not claimed that Caldwell then became the borrower of the money, and that the relation of creditor and debtor then arose, but that Caldwell became a bailee of the money with an agreement to return it in specie, or to use it and to repay it with other money at his option; and this it is insisted, constituted that peculiar species of bailment known in the civil law as *mutuum*.

L. C. Standifer and Taylor & Kyle for appellant.

Stone & Calk contra.

CHALMERS, J.

Held—

1. In our system of jurisprudence, the species of bailment known in the civil law as *mutuum*, is treated as a sale rather than a bailment, and this seems to be its proper aspect, since its practical effect must always be to operate a transfer of title when chattels are deposited, and to create the relation of lender and borrower where money is involved. In the one case it is a sale with the right in the purchaser to return the thing delivered or its equivalent in kind, though not in specie. In the other, it is a deposit of money with the understanding that it is to be surrendered on demand but with the right in the recipient to use and replace it if he desires. It follows, therefore, that at common law the idea of bailment in this class of cases is lost in that of a purchase where the thing deposited is a chattel, and that of debtor and creditor where it is money.

Schouten on Bailment, pp. 5, 7, 75, 77. Edwards on Bailment, pp. 137, 186. Story on Bailment, § 283.

2. In order for this suit to be successfully maintained such a state of facts must be shown as will warrant the idea that Caldwell when the money was deposited became at once the debtor of his depositor. The money was to be received by Caldwell as a bailee without reward, with permission however to use it in his own business if he so desired. If he did so use it he at once became the debtor of the depositor.

It is not pretended that at the time of the deposit Caldwell became the debtor of the depositor and the subsequent dealings between the parties—Hall having the right to withdraw the deposit at any time without consultation with Caldwell, leaves the latter a bailee without him, and bound only to exercise that ordinary care demanded of persons occupying that position. Reversed and Remanded. (To be reported.)

BOB. WATKINS, vs. THE STATE.

Appeal from the Circuit Court of Clay county, Hon. James M. Arnold, Judge.

The bill of exceptions recites that the Court below of its own motion prepared a written instruction which in the presence of the jury and against the protest of defendant, he handed to the District Attorney, and this officer at once passed it back with the request that it might be given in charge to the jury, which was at once done.

The second instruction for the State told the jury that if the accused sold property which he knew did not belong to him, and appropriated the proceeds to his own use, they should find him guilty of larceny. F. S. White, for appellant.

J. L. Harris, acting Attorney General, contra.

CHALMERS, J.

Held—

1. The instruction prepared by the judge in this case was not in modification or explanation of those asked on either, and evidently was not so regarded by him, else he would not have resorted to the expedient of handing it to the representative of the State, in order that a request might be preferred by that officer in connection with it. Clearly that which the statute intends to forbid cannot be rendered admissible by so idle a ceremony as this. The judge having no right to prepare and give it by his own motion, did not acquire any by the course adopted.

2. It is not necessarily true that the selling of property which the seller knows does not belong to him amounts to larceny. Under some circumstances it might amount to a breach of trust, and under other to getting money under false pretenses. A felonious taking is essential to larceny, and a sale might take place where there had been no such taking. Reversed and new trial. (To be reported.)

## U. S. Senate—The Tariff.

WASHINGTON, D. C., January 30.—The pending question was on Mr. George's amendment providing for the admission of machinery for the manufacture of cloth and thread from cotton, wood, hemp, jute or ramie, and all tools used solely in manual labor, at a duty of ten per cent. ad valorem.

Mr. Jones moved to add to this "machinery for the extraction and manufacture of sugar from cane and sorghum."

Mr. George offered a further addition, admitting agricultural implements, tools and machinery at ten per cent. for ten years after the passage of this act.

At the end of the debate Mr. George asked for a separate vote upon each of the three propositions embraced in his amendments.

Accordingly, the first vote was on the provision that machinery for the manufacture of cotton and woolen goods, or goods composed of hemp, jute or ramie, should be admitted at 10 per cent. ad valorem:

YEAS.	
Barrow,	Jones, (Fla.)
Cooke,	Kellogg,
Farley,	Maxey,
George,	Ransom,
Grover,	Vanoe,
Pugh,	Vest,
Harris,	Walker—14.
NAYS.	
Aldrich,	Hawley,
Allison,	Hill,
Anthony,	Hoar,
Bayard,	Jones,
Beck,	Jones, (Nev.)
Blair,	Logan,
Blunt,	McMillan,
Caulden,	McPherson,
Chilcott,	Miller, (Cal.)
Cockrell,	Miller, (N. Y.)
Conger,	Morrill,
Dawson,	Platt,
Davis, (Ill.)	Flumb,
Davis, (W. Va.)	Rollins,
Dyer,	Stevenson,
Eyre,	Stratton,
Gorman,	Rewell,
Groome,	Sherman,
Hale,	Voorhes,
Hampton,	Williams—39.
Harrison,	

Mr. George's second proposition, to admit all tools of mechanics used solely in manual labor, at ten per cent. ad valorem was rejected—yeas, 13; nays 37.

The third proposition, to admit agricultural implements, etc., at the same rate, was rejected—yeas, 15; nays, 36.

With the exception of Kellogg, the yeas were all Democrats. The Democrats who voted in the negative are italicized. The Republicans, except Kellogg, voted nay.

## WASHINGTON.

### The Question of Miscegenation Coming Before the Supreme Court.

WASHINGTON, Jan.—In the United States Supreme Court to-day, in the case of John C. Tinsley, plaintiff in error, vs. the Commonwealth of Virginia, on motion of Mr. A. B. Blair, Attorney General of Virginia, the appeal was dismissed with costs, pursuant to the sixteenth rule. Tinsley, plaintiff in error in this case, who is a colored man, was tried and convicted in one of the State courts of Virginia for marrying a white woman, contrary to the law of that State, which prohibits the intermarriage of white and black persons. He brought the case here upon a writ of error, with the intention of testing the constitutionality of the Virginia law, but when the case was called this afternoon he virtually allowed it to go against him by default, having taken no steps to prosecute the appeal.

### The Levees.

Correspondent Picayune.

Mr. D. Mayer reports that he completed the levee from Chotard to Magna Vista on the Mississippi side, and has moved his force of laborers to his levee work, which he will complete this week.

Final settlement was made to-day with the contractors for the Riverton Levee, in Bolivar county, the largest and most important one put up by the Government in Mississippi. The Duffin Break Levee in Arkansas, is also completed.

Capt. Marshall states that all the levee work in Mississippi is assured and safe except that on Longwood and Skipwith; at these points it is not progressing so rapidly as desired.

SOMETHING has been gained in the passage of the shipping bill. Burdens of long standing and hampering restriction upon shippers have been removed. Ship-building materials are also to be admitted free of duty. The battle is not yet ended. The Holman amendment, which provided that fifty per cent of the subsidy to be paid to shipbuilders should go directly into the hands of working-men was voted down by the nearly solid Republican strength in the House.