

COLUMBIA, S. C.

Tuesday Morning, February 11, 1873.

The Advantages of a Change in the Fence Law.

We sincerely trust that the Legislature will not adjourn before making some modification or change in the fence law. It is oppressive as it stands. It imposes a burden upon the productive industry of the country as weighty as it is unnecessary and unjust. It permits any one to turn his stock upon crops, whether cultivated or natural in forests and fallow lands, when they are not thoroughly enclosed and guarded. Damages for injuries done to crops cannot be recovered, except where a plaintiff can show that he had what is known as a lawful fence. This fence must be of a certain height and closeness, and be strong and sound. Any defect or decay, whether by wind, fire or floods, or even the malevolence of third parties, is fatal. And in thus requiring the owner to guard and protect his crops, and holding the aggressor as justifiable and blameless, our law of enclosures has been properly characterized as based on a principle adverse to all laws, as well as justice and the rights of property. Law, according to Blackstone, is a rule of society, authorizing what is right and forbidding what is wrong. The fence law cannot stand the test of this principle. It is a manifest injustice.

There are certain expenses in this life which men appear loth to find out. How many families—helpless wives and delicate children—in almost every square mile of all this country, could be made vastly more comfortable than they are, if the money that the husband consumes in drinking, smoking and gambling were only appropriated to their use! The money thus wasted by many young men, from sixteen to twenty-one years of age, if carefully hoarded, would support them one, and, in some instances, no doubt, two years, at a good school or college. It is surprising that our planters and farmers do not count the cost of fences. We cannot account for their indifference, except upon the supposition of ignorance, or that they had a sort of luxury in them, like the liquor drinker in his dram, and dislikes to think of the expense, or from reluctance to stir themselves and get out the rats of old custom. It is time they should wake up and look about them, and realize the fact that it is no "Castle of Indolence" in which they are placed. Do they think that \$20,000,000 expended in fences in South Carolina is a good paying investment? We know that they generally desire a change in the fence law, but they have not spoken with sufficient earnestness upon it—hardly loud enough, in fact, to be heard. From an article in the February number of the *Rural Carolinian*, by General Hagood, we collect some authentic statistics, which we recommend to the consideration both of the farmers and the Legislature:

"Mr. Hammond estimates the cost of fencing the improved lands of South Carolina at \$1 per acre. Gen. Chesnut's estimate, in a report to the South Carolina State Agricultural Society, in 1859, is \$4.25. The duration of the ordinary rail fence of the country is known to be about ten years; and this gives an annual assessment upon the planter, for fencing his crops, of forty cents per acre. There are about 4,000,000 acres of improved land in the State; and we thus arrive at the enormous amount of \$1,600,000 as the annual cost to our impoverished people of fencing their crops—a sum four times what sufficed for the entire administration of the State Government before the late civil war. The United States Agricultural Report for 1871, in discussing the statistics of fences in the United States, places these figures still higher. South Carolina is credited with \$21,136,896 invested in fences, upon which the annual depreciation would be \$2,113,689. The estimates of Messrs. Hammond and Chesnut are only for boundary fences; that of the department includes cross-fences, and is corroborative."

We would think, that with such facts before their eyes, no one could hesitate. It is at least four times as costly to fence stock out as to fence them in. But there are many other points, some of which we will briefly state, besides that of money outlay in building and keeping up fences, which deserve consideration. The waste of timber is no small item. Its destruction diminishes the value of land, and tends to keep away settlers. When they come and look over the country, and find the timber, already scarce, subject to be cut down to keep up miles and miles of fencing, and look on the statute books and find this old law still there, they will conclude that we are closely related to Rip Van Winkle, and pass by on the other side. There is a bill before the Legislature to provide for the appointment of a Commissioner of Immigration. He is to be a salaried officer, with a fund of \$15,000 at his command, for publications, agencies, traveling expenses, offices, and the like. He can do it, if he

have the will, and be capable, earnest and honest. But there's the rub. He may do some good, and he may not. When we remember the Land Commission, the Sinking Fund Commission, the Commission on the Code, we become apprehensive that we may have another job in this scheme of promoting immigration. But we are willing to risk it; it is in the right direction. Pass, however, a new and sensible fence law, exempt manufacturing capital for a few years, open your schools and have them well managed, and you will do more to introduce population and capital into the State than you could by idly talking about it, and passing bills in favor of it, from now till Christmas. Men understand and appreciate facts, while they are distrustful of mere words and promises. Again, not only is the immigrant discouraged by viewing things as they are, but many poor men, already here, who could buy a tract of land and become producers, cannot incur the further enormous cost of fencing. And it is matter of some moment with such small farmers, that a considerable per centage of land is taken away from cultivation by the crooked fence—as much, it is said, as five acres in a hundred. Crops will be safer, too, when no longer liable to be run over and destroyed by animals going at large, and the peace of neighborhoods would unquestionably be promoted by the change we advocate. Law suits, wrangling and contentions, so unseemly amongst neighbors, would measurably cease. We might go further, and show that travel on railroads would be rendered safer, that stock would be improved in quality and be better kept, that destructive summer droughts would be prevented by protection of forest growth, &c., &c. But we have said enough. Those who have abandoned the old expensive system show no desire to return to it. Our neighbors of Virginia and Georgia are well-pleased with the change. Let us not linger in the path of progress. Whoever matures and secures the passage of a good fence law, instead of the present one, will do good service to the country, and be entitled to its thanks.

The bill to aid and encourage manufactures passed its second reading in the Senate, Saturday, after an animated debate. The clause exempting new railroad enterprises was stricken out, but a strong effort was made by Senator Nash to include the car-shops of railroads. He stated that "we must do something to enable manufacturers in this State to compete with Georgia, and especially with Augusta, where they were not only not taxed, but were paid a bonus of three per cent. for ten years. If we would only hold out a liberal inducement, the principal work-shops of the Charlotte, Columbia and Augusta and the Wilmington, Columbia and Augusta Railroads, which were owned by the same company, would continue their principal shops here in Columbia."

Immense amounts of real estate are being offered for sale in all parts of Pennsylvania, particularly farming lands, the present owners of which intend going West. And as a result of farming in the West, they will realize twelve to fifteen cents per bushel for corn, and encounter winters the rigors of which are now being realized by the unfortunate residents of the Western country. It would be far better for these Pennsylvanians to settle in the South, where lands are cheap, the climate general, and the leading markets in easy reach.

When the franking privilege was abolished, people thought that we should save the cost of that expensive luxury. It seems that we were mistaken; the House Judiciary Committee's bill provides that the generous sum of \$1,713,827.72, alleged to have been saved by the discontinuance of the franking privilege, shall be absorbed in an increase of official salaries. Is not this keeping the word of promise to the ear and breaking it to the hope?

THE WAY TO WEALTH.—If there is anything needed to convince the sceptical that cotton manufacturing in the South is a gold mine for those engaged in it, the report of the Eagle and Phoenix Company, of Columbus, at the annual meeting of stockholders, will be sufficient. The report states that the net earnings or profit of the company for the past year amount to \$181,406.01. The undivided profits of the company amount to \$297,766.92, or twenty-four per cent. of the capital stock. According to this statement the stockholders, when the profits are finally divided, will have received back almost their entire investment. It is a wonderful record, and ought to stimulate the rapid growth of similar enterprises everywhere in the South.

Fifteen New York actresses have recently joined the church.

STATE LEGISLATURE.

MONDAY, February 10, 1873.

SENATE.

The Senate met at 12 M. President pro tem. Senator S. A. Swails in the Chair. Prayer by Rev. B. B. Babbitt. The following papers were received from the House: Bill to amend Sections 98, 99 and 100, Chapter 17, of the revised statutes, amended, which struck out the words "market value," and inserted so as that the same shall be published in one newspaper in each of the cities of Charleston and Columbia. The Senate concurred in the amendments, which allows United States bonds as well as State bonds to be deposited by insurance companies.

The President took the chair and announced that the Senate would inform the House that it insisted upon the amendments fixing the salary of certain officers. A committee of conference was appointed consisting of Senators Whittemore and J. M. Smith. Mr. Swails offered the petition of citizens of Greenville, Williamsburg County, asking an act of incorporation. Notice of bill of incorporation given.

Mr. Whittemore offered a resolution, which was adopted, that our Senators in the United States Senate are hereby instructed, and our Representatives in the House of Representatives at Washington are requested, to use their influence against the withdrawal of the United States troops from this State, and to represent to his Excellency the President of the United States that the withdrawal of the same would be at the present time detrimental to the permanent establishment and maintaining of law and order in the State; and that his Excellency the Governor is hereby requested to forward to each of them certified copies of this resolution.

Mr. Whittemore and Mr. Swails advocated the resolution, upon a request from Senator McIntyre asking a reason for the resolution. Mr. Whittemore stated, in the course of his remarks, that he judged what might be from what had been. He believed that the gentleman who asked the question now, should the troops be withdrawn, would be compelled to ask for their return within sixty days. He believed that it was necessary to keep the strong arm of the government here longer, for the moral effect it had and the advancement as well as protection of law and order. He placed it upon higher ground even than that. The troops did no harm, and left their money here for pecuniary benefit; remove the troops at this time and another step towards anarchy would be taken. Senator Swails coincided with what Senator Whittemore had stated, and favored in strong remarks, the request that the troops be kept here, considering their ordering away at this time entirely premature. Senator McIntyre said it made no difference to him whether the same passed or not, but he thought it would be damaging to business prospects. Senator Jones advocated the adoption of the same as necessarily expedient at the present time. Instances of the present organization of the Ku-Klux were cited. Mr. Hope believed he should vote for it; there was never any use for them in old Lexington; they were a law-abiding people over there; he wished they were so all over the State. Senator Jones wanted to know if the Senator did not remember, once upon a time, of one hundred armed men putting in an appearance at the polls. Mr. Hope thought the keeping of the United States troops here conveyed the idea that the people were unruly. Mr. Swails asked Mr. Hope if he did not know that military posts were established in other States North. Mr. Hope only spoke, he said, to dampen the ideas that had got abroad about Ku Klux, &c. The concurrent resolution was then unanimously adopted.

The same resolution was also introduced in the House.

Mr. Whittemore introduced a resolution, to allow Mrs. Francis Quirk to redeem certain forfeited lands in Darlington County.

Mr. Jervey introduced a resolution, authorizing the Clerk of the Senate to return to the County Commissioners of Charleston County all books, papers and vouchers ordered in 1870 and 1871. Adopted.

Mr. Whittemore, from the Committee to which it was referred, reported favorably a joint resolution to allow B. Johnson, of Kershaw, to redeem certain forfeited lands. Also, bills to incorporate the Georgetown Cypress Company; to incorporate the Greenville Agricultural and Mechanical Association, (amendments sent to the House); to incorporate the Aiken Real Estate and Building Association; to incorporate the Refrugal Society, of Columbia; to incorporate the Randolph Enterprise Association; to amend the charter of the town of Chester; to incorporate the Grand Lodge of Abstinence of the State of South Carolina; to revise and amend an Act to reduce all Acts and parts of Acts to determine and perpetuate the homestead into one Act, and to amend the same; joint resolution to authorize the County Commissioners of Richland to levy and collect taxes to build a Court House within and for said County. This last bill was ordered to be enrolled.

The report of the Judiciary Committee on a bill to regulate the fees of Probate Judges, Clerks of Courts, Trial Justices and other officers, was debated at length on the second reading. The principal objection seemed to be to cutting down Probate Judges' fees. Mr. Jeter favored the reducing of the fees, but desired the bill returned to the Judiciary Committee, so that attorneys' fees could be included and cut down. It was decided that it would require a separate bill to do this. It was finally concluded to take the bill up at once for consideration, and the attention of the Senate was engaged for an hour or more upon a large number of amendments. The main amendments placed the fees back where they were in the law of 1839. The Speaker of the House of Repre-

sentatives was announced, when the following Acts were ratified, viz: To incorporate the Second Coosawhatchie Baptist Church; to incorporate the village of Fort Mills, in York County; to incorporate the Charleston Coastwise Transportation Company; to amend Section 279, of Chapter 1, Title 8, Part 2, of the Code of Procedure; to incorporate the Harmony Circle of the city of Charleston; to incorporate the town of Hodges, in Abbeville County; to incorporate the Mariners' Chapel of Charleston; to incorporate the Union Assembly Society of Charleston; to incorporate the Florence Educational Association of Florence; to incorporate the Phoenix Hook and Ladder Company of Camden; to incorporate the Grant and Wilson National Guards of Greenville; to amend the Act incorporating certain fire engine companies of Charleston; to amend the Act to amend, grant, renew and extend the charters of certain towns and villages therein mentioned, and an Act to incorporate the Draymen's Association of Charleston.

HOUSE OF REPRESENTATIVES.

The House met at 12 M. Speaker Lee in the Chair. Prayer by Rev. Mr. Hays. A bill to provide for the registration of bonds, stocks and coupons of the State, and to investigate the financial condition of the State, caused a long debate, many amendments being offered calculated to kill the measure, &c. Mr. Robertson held that it was very detrimental to contemplate the sending out of the State any of the executive officers. He held it was the duty to first find out who held the bonds, and that one person could perform the registry, then our investigation would be possibly practicable. He did not believe in legislating one year and undoing it the next.

Mr. Cochran supported the bill, on the ground that it was the only measure that would faithfully carry out the party pledge. A concurrent resolution, offered by Mr. R. W. Turner, of Charleston, for the appointment of a committee to make certain investigations relative to the South Carolina Railroad, was passed and ordered to be sent to the Senate. The resolution provides that the committee shall investigate the amount of property owned by the South Carolina Railroad Company exempted from taxation under their charter, and, also, the amount of property exempted by their charter; said committee to have power to send for persons and papers, to make their report to the General Assembly within ten days after its next meeting, such committee to receive no pay for such services.

Mr. Crews presented the account of J. C. Cook, for teaching school in Laurens County.

Report of Superintendent of Education.

I have examined with much interest the fourth annual report of the Superintendent of Education of South Carolina. I have in my possession the previous reports, and the purpose of this brief notice is to call attention to them. I think that no one can read them without coming to the conclusion that Mr. Jilleon is eminently fitted to discharge the onerous and responsible duties of his office, and that he is doing a good work for the State. The report is full of most interesting information. He gives us the scholastic population, the school attendance, the number of pupils studying each of the branches taught, the teachers employed and their pay, the school districts, school houses, and many other particulars. I cannot forbear saying that he makes honorable mention of the University, and commends it to the support of the General Assembly and of the people. One of the most interesting items in the report is the notice of the institution for the education of the deaf and dumb and blind, and the State Orphan Asylum. But the report contains many other valuable particulars which I will not give. I content myself with this brief notice, referring your readers to it, who, I am sure, will agree with me, after examination, that whatever may be the doubts in respect to others, the State is fortunate in having as the head of this most important of all the departments of the government, a man of real ability, who is working at his task with most praiseworthy zeal and industry. L.

THE TAX LEVY.—The correspondent of the *Charleston Courier* says:

Under instructions of the House of Representatives, the Ways and Means Committee are engaged in the preparation of a tax levy for the fiscal year commencing October 31, 1873. The plan adopted by the government officers had been to defer this levy until the next session, and the committee had so recommended, but the Legislature is almost unanimously pledged to pass the levy before the adjournment of the present session. The report of this Committee has not yet been put in the shape of a Bill, but it is said the following figures have been agreed upon: Tax for expenses for carrying on the Government, six mills; free schools, three mills; payment of interest on the public debt, four mills; county tax, two mills; deficiencies for the year 1873, three mills—total, eighteen mills. The introduction of this bill will render an adjournment impossible until about the 25th of the present month, or the 1st of March next.

The new Texas Legislature, the first really representative body that has met in the State for six years, assembled on the 14th ult., and organized easily by electing M. D. K. Taylor Speaker of the House. There is a Democratic majority in both houses, and the Radicals no longer have their own way. The meeting of a Legislature of their own choice has had a happy effect on the people; universal good feeling prevails throughout the State, and the Radical Governor, Davis, is learning the habit of confining himself to the laws.

Local Items.

CITY MATTERS.—The price of single copies of the *Phoenix* is five cents.

The fair to be given by the ladies of the Catholic Church, comes off on Wednesday, Thursday and Friday evenings, February 12, 13 and 14, in Mrs. Hinrichson's building, nearly opposite *Phoenix* office.

The latest styles wedding and visiting cards and envelopes, tastily printed, can be obtained at the *Phoenix* office.

The decision of the Supreme Court on Saturday last, in the bond scrip case, leaves the matter just where it stood before the application for a writ of mandamus was made. The court refuses the motion, and the Comptroller-General is not compelled to levy the tax.

Accounts due the *Phoenix* office must be settled promptly, as further indulgence cannot be given. We must have money to carry on business.

"Bread-and-Cheese and Kisses," is the somewhat singular title of an illustrated novel, by E. L. Farjeon, a copy of which we have received from Mr. W. J. Duffie. It is published by Harper & Brothers—price thirty-five cents. An English contemporary thus speaks of the author: "We rejoice to think that the mantle of Dickens has fallen upon Mr. Farjeon, and the inspiration of the former has, with it, descended upon the latter; for the spirit, style and surroundings of his stories are in every way worthy of the late resident of Gads-hill."

Friday next is Valentine's Day, and Mr. Duffie has laid in a supply of various styles Valentines.

Mr. James S. Campbell, our former grocery neighbor, is now connected with the establishment of Messrs. Hope & Gyles, where he will be pleased to see all his old friends.

Grand preparations are making in New Orleans for the celebration of the great American carnival, which annually takes place in that city. The Mystic Crew of Comus, which proceeds with such secrecy that not even the point from which it starts on the night of the festival is known the day before, will, doubtless, have fully as splendid an exhibition this as they had last year. The tableaux, costumes, &c., cost the Crew, at the last carnival, over \$50,000.

By a card in another column, it will be seen that Mrs. Anna McCormick, who, for several years, has carried on a millinery establishment in this city, has determined to remove to Atlanta, Ga. She is deserving of patronage, and we wish her (as do hosts of friends throughout the State) abundant success in her new home.

The delightful weather and the beautiful music furnished by Prof. Buchar, draw numbers of our citizens to the garison grounds. The following is the programme for this afternoon:

- Habt Acht March—Gungl.
- Selection (24) Crazy Musicians—Samuels.
- Waltz—Downing.
- Salute a la France—Baldieu.
- Adelaide Polka—Faust.
- Fort Dodge Galop—Smith.
- Sheriff McGukin, of Anderson, and Thomas B. Crews, Esq., of the Laurensville Herald, are in Columbia.
- Sheriff Dent has no intention of removing his office from the Court House at present, as some of our contemporaries have announced.
- The Wheeler House has a news stand, where all the principal newspapers and magazines can be found.
- It is said that a Mr. Pepon, a resident of this city, received word yesterday, that in the recent storm in Iowa and Minnesota, his wife's brother, sister and sister-in-law perished.
- The resignation of C. Smith, as Trial Justice for Marion, has been accepted by the Governor.
- Stephen D. Lane, of Marion, Wm. T. Turner, of Charleston, and Y. J. Pope, of Newbury, have been appointed Notaries Public; W. G. Smith, of Anderson, County Surveyor.
- Elias Simmons, convicted at Spartanburg, before Judge Orr, March term, 1870, of mule stealing, and sentenced to five years imprisonment, was pardoned yesterday, by Gov. Moses, upon the recommendation of the Solicitor who prosecuted the case.
- The money subscribed and paid by the citizens for the purpose of erecting a synagogue in Columbia is being returned by Hardy Solomon, Esq.
- The peach trees are beginning to blossom.

A faithful brother in one of our churches prayed Sunday for the absent members "who were prostrated on beds of sickness and chairs of wellness." A good prayer, that.

President Cronshaw, of the Southern and Atlantic Telegraph Company, advertises for subscriptions to the stock of that company until the 3d proximo. The attention of capitalists is called to the matter.

PHOENIXIANA.—Dying for love—

Coloring your moustache to please a woman.

A dandy at a hotel table who wanted the milk passed to him, thus asked for it: "Please send your cow this way." To whom the landlady retorted as follows: "Waiter, take the cow to where the calf is bleating."

A man that hoards riches and enjoys them not, is like an ass that carries gold and eats thistles.

Men often blush to hear what they are not ashamed to do.

A learned doctor, referring to tight lacing, avers that it is a public benefit, inasmuch as it kills all the foolish girls and leaves all the wise ones to grow up to be women.

A journal asks what is the difference between a soldier and a fashionable young lady? One faces the powder and the other powders the face.

A tender and touching allusion was made by a speaker in the Kansas House of Representatives to a recently deceased member of the State Legislature. "Brother Riggs," he remarked, "will not feel the cold where he has gone."

Upon the marriage of Mrs. Wheat, of Virginia, an editor hopes that her path may be flowery, and that she may never be thrashed by her husband.

Speaking of a venerable octogenarian, an exchange says: "The snows of eighty winters rest upon his head." The snows of one such winter as they have had in Minnesota ought to have been enough for the head of any ordinary man.

If you lose a watch, a dog or a child, or if you desire people not to trust your wife, you rush to your local paper, knowing that every one will read the advertisement. But you will plod along in business, year after year, without calculating how much you are losing by not advertising it.

"Floating island" is a very nice thing at dessert, but it isn't so nice when it gets away from the dessert and floats about so as to obstruct navigation, as is the case in Flagstaff Pond, in Maine, where a well wooded island, several acres in size, drifts around in so capricious a manner that the lumbermen are obliged to tow it out of the way by means of oxen, in order to send their logs through the outlet of the pond into Dead River.

The wicked but witty Jim Nye proposes that Senator Patterson, of New Hampshire, as soon as the Poland Committee is through with him, shall be carted over to the Patent Office, and deposited as a "model of a d | d fool."

COURT OF COMMON PLEAS—FEBRUARY TERM—COLUMBIA, S. C., MONDAY, February 2, 1873.—The court met at 10 A. M., Judge R. B. Carpenter presiding.

The jurors for this court having been illegally drawn, were, upon motion, paid off and discharged for the remainder of the term.

The following order was granted: It appearing to the satisfaction of the court that a large number of important cases, in which the Hon. S. W. Melton was engaged as counsel, and his having been elected to a Judgeship, has precluded him from acting as such counsel; and his recent resignation as Judge entitling to hear said cases; it is ordered, that all of said causes which were transferred to a special calendar be transferred to their original places on their respective calendars.

The various calendars were called over; after which the court adjourned until Tuesday, the 18th inst.

LIST OF NEW ADVERTISEMENTS.

- Wood Wanted.
- Thomas Steen—Cheese, &c.
- Jan. S. Campbell—Store to Rent.
- W. McAllister—Building to Rent.
- Mrs. A. McCormick—A Card.
- Wm. Roy—Burns Club.
- Jan. R. Crenshaw—Telegraph Stock.
- J. S. Chambers—Removal.
- H. W. Purvis—Official.
- Horse to Raffle.
- W. J. Duffie—Valentines.

HOTEL ARRIVALS, February 10, 1873.—

- Columbia Hotel—Miss Thompson, S. C.; O M Sadler, S. C.; J T Orendoff, Baltimore; W Dudley, Charleston; T J Williams, New York; S T Payne, Baltimore; Harry King, Portland; E M Cusker, Chester; G W Thames, Wilmington; W D Kennedy, S. C.; G P Kirkland, Wallballa; Mrs Dr F J Moses, child and servant, Augusta; F W Brooks, New York; Augusta Lenneth, Miss M A Lenneth, M J Smith, Brooklyn; W J Crosswell, S. C.; O L B Marsh, Wilmington; W T Burge, New York; H L P McCormack, Charleston; T D Gillespie and wife, S. C.; A M Tolepe, Charleston; W B Bullock, W. & C R R; W H Evans, S. C.; M C Blanchard, G C Douglas, Atlanta; J S White, New York; J C Massengale, Augusta.
- Wheeler House—James Homphill, J J McLuere, Chester; E A Todd, Michigan; J Rodgers and wife, Washington; W M Dwight, T W Woodward, Winoosboro; A E Hutchison and wife, Miss A White, Miss A Caldwell, Rock Hill; J Canton, J L Little, city; O P Paul, U S A; W H Girardeau, Sumter; H Solomons, H Wilard, S. C.; H Easler, Charleston; F E Harrison, J Harrison, Anderson; B H Hodgson, U S A; J Hollinshead, Abbeville.
- Hendrix House—E R Meurs, R Fronberger, Charleston; O F Waters, Greenville; H King, Pa; Wm B McDaniel, Aiken; J L Black, Ridgeway; Mrs Lucy Hood, Doko; S M Seely, Ky; H O Dukes, Fairfield; J C Massengale, Ga.