

AUGUSTUS B. KNOWLTON, EDITOR.

GEORGE BOLIVER, FINANCIAL AND BUSINESS MANAGER.

Official Paper of the State and of Orangeburg County.

THE ORANGEBURG NEWS HAS A LARGER CIRCULATION THAN ANY OTHER PAPER IN THE COUNTY.

SATURDAY, MAY 26, 1874.

CARDOZA ON THE WATERSIDE.

Cardozo is mad. Ye Gods! what shall we do? Hide ourselves? No. That would look like he had the best of us. Our friends say he has not. So here goes our second chapter on the spoilt State Treasurer of South Carolina.

Had we known that he was so thin-skinned, however, we should have touched the whining baby more delicately, and applied soft soap and Mrs. Winslow's Soothing Syrup, where we piled on the lash.

He refuses to answer our questions except by abuse of ourselves. That is his high privilege. He is a man of no account. He is a man of no account.

Before proceeding with our reply to Mr. Cardozo, let us notice hurriedly his manner of reply. We simply made the statement that there were thirty two defaulting County Treasurers in this State, and that they owed the State nearly four hundred thousand dollars.

This we got from Cardozo's own report, and it there is a libel contained therein, he is the guilty culprit, and not the man who gave it as he found it. His baldheadedness does not affect us. As journalists it is our province to give the news to the people, and if Mr. Cardozo intended his report only for the Legislature, to be read by the members in their rooms and no other place, and for the purpose of helping through the appropriation bill, then he should have so instructed the clerk of the House.

Mr. Cardozo's figures as official. It has never been our practice to embark in a war of billingsgate, although we do not deny our capacity to make a proper use of the terms, whenever a pressing opportunity shall be offered, or a fat subject presented as a sacrifice. Our philosophy teaches us to argue questions calmly and dispassionately, especially when they affect the weal or woe of the State, and he who refuses to do so, is a bigot, a fool or a slave. That he has treated the attacks made upon him with contempt, is no credit to himself or the position he occupies. It would have been better for him had he explained away all the bad rumors that have obtained circulation since his induction into office.

Mr. Cardozo is pleased to characterize our editorial as a "singular compound of ignorance and malice." Shall we say that he is a single compound of stupidity? He may clamp the bit, foam and sweat the role of injured innocence, but the people of South Carolina will regard him as the same F. J. Cardozo who unadvisedly took the Seal of the State of New York for the purpose of sealing bonds which he himself acknowledged to be fraudulent. Shall we say we will on him for this? Certainly the times must come when he will have to answer for his sins, and bow, along with others, before the chastening hand of justice. It is a fact that his popularity wanes in proportion as the history of his life becomes known to the people, and that the placidity of his demeanor is a mere waxen image which he has ridden successfully through and over, of several gradations of office, but the hand of an avenging Nemesis must sooner or later "imp" our bald-headed Treasurer in an inevitable cloud of dark obscurity, and sweep him forever from the lofty pinnacle where he has been perched so long. This will be the infinite benefit of the State, and the great-sin which delights to perform its duty within her own borders.

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possessed a temper akin to that of his satanic majesty, we should have been exceedingly amiable in our attitude towards him. Perhaps though, he imagines that his position is awe inspiring, and that those who have never had any private conversations with him will not dare to measure arms with the monied Mogul of the ring. Here he is mistaken. To be State Treasurer is not to have Aladdin's lamp.

Hereafter when Mr. Cardozo rushes into print let him confine himself to the question at issue, and not, in rambling outside, indulge his taste for billingsgate. The people want no harm to befall F. J. Cardozo more than he deserves. Calligula wished that the Romans had but one head that he might sever it. No one wishes that of Cardozo and his confederates, although the union of crime and debauchery at Columbia is enough to sicken the devil. Mr. Cardozo's frequent use of the words, "absurd contemptible and falshood" only furnish an index to the tenor of his mind. But let us say that it will take more than his jaecal whinnings to disturb the equanimity of our editorial balance, and his pen dipped in the poison of a tarantula will not deter us from pursuing the right course. He had better quietly attend to the duties of his office, and strive to redeem his lost reputation, which, in our opinion, he will find a Carthage, not so soon rebuilt.

So much for Mr. C's billingsgate. Let us now examine his facts. Mr. Cardozo charges Judge Andrews with having got Humbert to cash the six thousand dollar order which brought him out a defaulter. In our opinion the State Treasurer would be reflecting his own interest by having as little to say about the order in question as possible. We charge that he is as guilty as any one connected with the transaction. Judge Andrews and Humbert acted in good faith; the former in receiving the money and the latter in drawing upon State funds and Cardozo accepted it, endorsed it as State Treasurer, with the promise to pay it as soon as the appropriation bill passed. Upon his endorsement Humbert cashed it. Who is to blame in this? Cardozo for issuing the second, or duplicate order or Humbert who paid the original with the acceptance of the Treasurer?

Mr. Cardozo says he never reported thirty-two County Treasurers. The devil he didn't! His report is plain, and upon receiving it a resolution was passed by the House instructing the Attorney General to proceed against defaulters at once. This shows in what light that body regarded the parties whom Mr. Cardozo is now pleased to call debtors. A defaulter means one who fails to perform a public duty; particularly one who fails to account for public money entrusted to his care. Debtor means a person who owes another either money, goods or services. Now, how in the name of common sense can a Treasurer become a debtor without becoming at the same time a defaulter to the State? Will the astute Cardozo inform us. We believe that the term debtor is more significant in its meaning, and when applied to a County Treasurer and his public relation to the State, leaves no room for any one to doubt the fact of his defalcation. Therefore we repeat that those whom Cardozo reported to the General Assembly as debtors are defaulters, and that the matter was so understood by a majority of the members of the Legislature. But to make our side stronger let us quote from his reply. Speaking of these defaulters (debtors as he terms them) he says: "They are County Treasurers who have not settled for the years previous to the induction into office of the present Treasurer and Comptroller General." On this point it is useless to say more. Mr. Cardozo admits what we charged last week.

Mr. Cardozo, in concluding his random epistle quotes a piece of Latin which we presume means that a shoe-maker should not go beyond his last, thereby insinuating that as journalists we should not intrude the sacred precincts of the Treasury Office. It is our province to put our nose into every public man's business, and we intend to do so whenever occasion suits. Mr. C's maxim then, does not apply to us.

besides we think it more applicable to him, inasmuch as it is universally believed that he was more harmless as a minister than a Treasurer. It is thought that he has gone beyond his last.

Further Proceedings in the Trial of Governor Moses—New Counsel in the Case—Motion to Strike the Case from the Docket—Solicitor Buttz in Earnest.

The Columbia down train of yesterday brought the Hon. R. B. Elliott, E. W. Moise Counsel for Governor Moses. Mr. Chamberlain arrived here Friday night, and was busily engaged all the morning in getting up affidavits to show that the Governor could not get a fair trial here. The Town was crowded to see Governor Moses, but he did not appear. At a quarter to 12 M. they entered the Court room. Judge Graham then ordered the Sheriff to adjourn the Court of Common Pleas and call the Court of Sessions.

Sol. Buttz said thereupon that it was the day fixed for the trial of Moses, and asked the Judge to enter number 2 on the criminal docket. Mr. Elliott asked that Mr. Moise be entered as one of the Counsel for the defendant. Here Solicitor Buttz ordered the Sheriff to call for F. J. Moses, Jr., three times. No answer being returned the following order was asked for.

STATE OF SOUTH CAROLINA, ORANGEBURG COUNTY, IN THE GENERAL SESSIONS. May Term 1874.

The State vs. John L. Humbert and Franklin J. Moses, Jr. Indictment for Breach of Trust with Fraudulent Intent and Grand Larceny.

It appearing to the Court, That F. J. Moses, Jr., one of the above defendants is not under recognizance to appear for trial in the above stated case, and failed to answer when called on motion of C. W. Buttz, Solicitor, it is ordered that a Bench Warrant be forthwith issued and executed to compel the attendance of the said Franklin J. Moses, Jr., and that he be held in custody until he enter into bond with good sufficient security in the sum of six thousand dollars conditioned for the appearance of the said F. J. Moses, Jr., at this term of this Court for trial and to abide the further order of this Court.

Judge Graham desired to hear Counsel for defendant first, Mr. Chamberlain requested this. Solicitor Buttz objected, His Honor had already signed a similar order, upon which a bench warrant was issued. At the request of Moses he was allowed to give bail before the Clerk of the Court of Richland County. Moses had not done this, and even resisted an arrest by the Sheriff by calling out the Militia to protect him. The defendant has no rights in Court until he obeys the order issued from it. His Counsel had pledged that he would be here for trial, upon which he had acted and presumed the Court had also. He is not in Court, sets at defiance its authority, and yet asks to be heard by Counsel. Should he not be arrested, he may abscond before the next term. His Honor was bound to protect the dignity of his office, and show the defendant that he must not defy the law.

Judge Graham remarked that he would have to let the law take its course, and inasmuch as Moses had failed to appear, that a bench warrant would issue under the general order at the close of the term, and cause his appearance at the next term of Court.

To this Solicitor Buttz dissented, and desired to make the following objection, to the counsel for Moses being heard, before taking his seat:

STATE OF SOUTH CAROLINA, ORANGEBURG COUNTY, The State vs. John L. Humbert and Franklin J. Moses, Jr. Breach of Trust with Fraudulent Intent and Grand Larceny.

Charles W. Buttz, Solicitor 1st Judicial Circuit, appearing for the State in the above entitled case, hereby presents to the Court the following objections in writing to the Court's entering any preliminary motion in behalf of the defendant Franklin J. Moses, Jr., with a view of changing the place of trial until such time as the said defendant shall be arrested and comply with the former order of this Court.

1st. That the Grand Jury having found a True Bill, and a Bench Warrant having been issued by the Court, the said defendant, F. J. Moses, Jr., did resist an officer of this Court by calling out the Militia of the State to prevent the execution of said warrant, and does still defy the authority of the Court to arrest and try him for the said offence, thereby treating the Court with contempt.

2d. That the said defendant since the issuing of the said Bench Warrant did telegraph to one William Gurney at

Charleston, South Carolina, to the effect that he had not been arrested and would not allow himself to be arrested under or by virtue of any authority of this Court, thereby publishing to the law-abiding citizens of the State, his utter disregard of law and good order, and placing himself in contempt of this Court.

3d. The defendant having denied the jurisdiction of this Court to either arrest or try him, should not be heard by the Court through his attorneys, until he is taken into custody, or appear in person and purges himself of said contempt.

That on the 19th inst., the Hon. D. H. Chamberlain and Hon. R. B. Elliott appeared in open Court and represented themselves as the attorneys of the defendant F. J. Moses, Jr., and moved this Court for two orders, which fixed this 20th day of May as the time, and Orangeburg as the place of trial for the said defendant, the other was for an order for the severance of the defendants on their trial. The State objected to the Court granting either of the above mentioned orders on the following grounds: That the defendant Moses was not in custody and had not been arrested and that the Court should not fix the day of trial until after the State was in a position to produce the accused, and further that preliminary motion of this kind should not be entertained until after the arraignment of the prisoner. In urging the Court to grant the said motions, the said attorneys represented to your Honor that they were authorized by their client Moses to assure the Court that he Moses recognized the full jurisdiction of this Court to arrest and try him for the said offence, and that further assured the Court that the defendant Moses would be this day present for the trial, and upon these assurances the Court granted said motions and suspended further proceedings to cause the arrest of the said Moses, since which time the said defendant in utter disregard of law and of the assurances made to this Court by the said attorneys, has called out the Militia of the State for the purpose of preventing the execution of the process of this Court, thereby disregarding the oath of his office which had been duly administered by the Chief Justice of the State to the effect that he would execute the laws and not violate or obstruct their enforcement.

5th. That in addition to the offence for which the said defendant has been indicted he has added the offence described in Section 4, Chapter 132 of the Revised Statutes of the State which imposes a punishment of both fine and imprisonment upon any one (including Moses and the Militia) for hindering or obstructing an officer executing the warrant of this Court. This law also makes it the duty of the Sheriff to prosecute said offenders for such obstructions.

These he wanted to spend upon the journal of the Court, because he wanted to be right in this matter. The people throughout the country were watching its progress with breathless anxiety, and he wanted to be properly understood. Moses was in contempt, grossly, of the Court, and he could not see why the Court should hesitate so to decide.

Mr. Moise of Sumter followed on the side of the Governor. He was here to say that no true bill had been found against Moses, and therefore no bench warrant had been issued, and could not be issued. He had a great respect for law. He could not live without it. His speech was high sounding, but did not contain much law.

The Court here took a recess for dinner. At 3 o'clock P. M. it again convened. General Elliott who stated that Mr. Chamberlain would not speak, desired to know at this stage of the proceedings who had the reply. He said that until the Court decided as to the question of jurisdiction raised, a motion to continue could not be heard.

Solicitor Buttz could not understand the position of counsel. They were only allowed to be heard through courtesy, as friends to the Court, and could not understand how the Court could regard them as properly representing a right to speak in defense of Moses. The Judge had said that he would hear Moise because he desired to gain all the information on the subject he could get, as to his jurisdiction, but did not say that he would hear him as counsel for Moses.

Judge—Mr Buttz, the speech of Mr. Moise has impressed me. What I want to know is whether this Court has jurisdiction or not.

Solicitor Buttz: That's not the question at issue. He can't raise any such objection under the present circumstances. If he had submitted to an arrest, appeared in Court, then his counsel would have had a right to raise the plea of jurisdiction. But if the Court had formed an opinion then it would be useless for him to go further.

Court—Had not formed an opinion, and thought it to be the duty of Court to hear the opinion of others in so grave a matter.

Sol. Buttz—The defendant's counsel have only a right to plead to the juris-

diction of this Court after the arraignment of Moses. Moise assumed that Moses was Governor, and the court was bound to take cognizance of the fact. That the Solicitor contended the court could not do with any proper respect for itself. To show that the defendant is Governor, the counsel would have to prove it. That they could not do, until they were properly before Court. The records didn't show that the defendant was Governor of the State; there is not one line of proof to that effect. He is indicted as a private citizen and should stand his trial.

If he is above the power of the law then he can do what he pleases, and no one dare to molest him. Didn't see how his Honor could hear any argument on this point until after the arraignment of Moses; certainly he could not hear testimony unless it was proved that he was Governor.

Court—I do know that Moses is Governor. I know this judicially because the law tells me so.

Sol. Buttz—Don't see how your Honor can know that, for if the truth was known, there may turn out to be one thousand Franklin J. Moses, Jr., in this State. He did not think that the person named in the indictment could be Franklin J. Moses Jr., Governor of the State, because it is unreasonable to suppose that the chief Executive of the State could so far forget himself as to commit grand larceny. It would take a bold man to say that the Governor would steal \$6,000.

Court—I have sufficient knowledge of the fact that the F. J. Moses mentioned in the indictment is the Governor of the State and therefore ask again whether he can be arrested or not.

Solicitor Buttz—They claim that this Court has no jurisdiction. Moise claimed that the wheels of Government would stop if Moses were arrested. Such would not be the case. As a Democrat, of course he, Moise, would advise a Republican to set at defiance the laws of a Republican Government. Such was wrong. He said in open Court, that in answer to a telegram he advised the defendant to resist the warrant of arrest. That he did so as a sworn Attorney, after careful labor and study. If Moses were to take the advice of Democrats, he would not only resist the law, but go and voluntarily lock himself up in the Penitentiary. As Solicitor he had taken his oath of office in earnest, and meant to prosecute every man who did wrong who was at a stage of discretion. If Moses' friends desired to make political capital out of the matter, he had no stock in it. He was simply doing his duty. His imprisonment in jail would not incapacitate him from performing the duties of Governor. His ability to act as such would be the same. Inability only follows incapacity, therefore the argument of Moses Counsel must fall to the ground. We have an officer that is almost above the Governor. He is the peace officer in every county. He can call a posse whenever he deems it proper. That officer is the Sheriff. The executive is limited in his power. Here Solicitor Buttz read a paper which was full of law and good sound reasoning, showing that the executive can be arrested. The court had issued all the papers in the case, and it would look rather strange to refuse to enforce an order, after delivering it to the Sheriff.

Court—Since hearing Solicitor Buttz was impressed much more so than when Mr. Moise quit.

Sol. Buttz—On which side your Honor?

Here General Elliott arose. He said that he felt timid in approaching so grave a constitutional question, but as he was here to represent the Executive of a sovereign people, he would endeavor to do the subject justice. The question is, can Gov. Moses be arrested before impeachment? The constitution says that he shall not be until after removal from office. General Elliott's speech was very strong and lasted about two hours. Sol. Buttz:—Listened to argument with a great deal of patience. In one sense his speech was a tirade against the attorney for the State, and nothing more. He had not supposed it to be an unpardonable sin to give out a bill of indictment against the Governor. He did it in discharge of his duty. Mr. Elliott's speech was pleasing to eupho-

ny but contained no law to negative the charge that Moses could not be arrested. Where the constitution says that the Governor shall be amenable to the law, for a wrong done during his incumbency in office, after impeachment, the meaning is that the plea of impeachment shall not operate as a bar to a trial before a jury. That is that the Governor cannot say that I have been already tried and convicted, and you cannot try me the second time. Solicitor Buttz concluded by saying that he had no animosity in the matter, no personal spite to gratify, and only wanted the sanction of his conscience. That assured him that he had done his duty. Counsel for defendant had charged improper motives to him. Perhaps in their zeal for their client, they forgot the high duty he owed to the people. Whenever a man does wrong, his friends always say that the prosecuting Attorney is heartless. They do this in many instances through ignorance; the counsel for the defendant are intelligent, and know as well as I do, that in this case I have done my duty and no more. If there was any haste in the matter, it did not come from me. I simply gave out a bill upon the papers handed to me.

Here his Honor decided to reserve his decision as to his jurisdiction, and to continue the case till next court.

In justice again to Solicitor Buttz and Judge Graham, we have to repeat that they have acted throughout, in the case, in a manner which shows their high appreciation of the responsibility resting upon them.

The Civil Rights Bill.

The following is the full text of this bill, as amended and passed by the Senate early on Saturday morning:

SECTION 1. That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theatres and other places of public amusement, and also of common schools and public institutions of learning or benevolence, supported in whole or in part by general taxation, and of cemeteries so supported, and also the institutions known as agricultural colleges, endowed by the United States, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Sec. 2. That any person who shall violate the foregoing section by denying to any person entitled to its benefits, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or inciting such denial, such person for every such offence shall forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action on the case with full costs, and shall also for every such offence be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or shall be imprisoned not more than one year; provided that the party aggrieved shall not recover more than one penalty, and when the offence is the result of burial, the penalty may be recovered by the process at law of the persons who had been refused burial; and provided further, that all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law, and by State statute, and have so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings either under this act or the criminal law of any State.

SECTION 3. That the District and Circuit Courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offences against and violations of the provisions of this act, and actions for the penalty given by the preceding section may be prosecuted in the Territorial, District or Circuit Courts of the United States wherever the defendants may be found without regard to the other party, and the districts attorneys, marshals and deputy marshals of the United States, and commissioners appointed by the Circuit and Territorial Courts of the United States, with powers of arresting and imprisoning, or causing offenders against the law of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act and cause him to be arrested and im-

prisoned or bailed, as the case may be, for trial before such court of the United States or Territorial Courts as by law has cognizance of the offence, except in respect of the right of action occurring to the person aggrieved, and such district attorney shall cause proceedings to be prosecuted to their determination as in other cases. Provided, that nothing contained in this section shall be construed to deny or defeat any right of civil action occurring to any person, whether by reason of this act or otherwise.

SECTION 4. That no citizen possessing all other qualifications which are or may be provided by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of misdemeanor, and be fined not more than \$1,000.

SECTION 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said courts.

Greenville.

A student writing us from the above place, under date the 5th inst., says: Greenville is building up very fast. There are five new stores just about finished, and another large one started to-day; besides these a cotton factory which will be run by the natives of Kedy River, is nearly finished. The factory is situated just below the Falls. Those who have never visited Greenville should do so at once, and there will be no better time than about the 15th of June, as the commencement exercises of Furman University, the Female College and the High School will take place on the 16th 17th. We have some friends in Orangeburg we hope to see upon that occasion. We will promise them a hearty reception and a pleasant time in general.

Lost.

Lost at St. Georges Station S. C. R. R., or St. Georges Church a HARR BRACKET with a MINUTIA in the GOLD LOCKET. The finder of which will be suitably rewarded if left at this office. May 30 1874

LOST ONE DARK RED COW WITH A Red and white calf. Any information will be thankfully received by J. S. ALBERGOTTI, Corner Hutwell St., and R. R. May 30 1874

Administrators Sale.

By virtue of an order of the Probate Court, I will sell at Orangeburg S. C. on Thursday the Eleventh day of June A. D. 1874, all the perishable property of Dr. F. S. FENNER deceased, consisting Household and Kitchen furniture, Dental Tools, Dental Chairs, Buggy and Harness &c. &c. Terms, Cash. May 25th 1874. JOSEPH FENNER, Qualified Administrator.

Sheriff's Sales.

ORANGEBURG COUNTY IN THE COURT OF PROBATE. Estate of LAWRENCE D. CLARE. By order of Probate Court of Orangeburg County, I will sell at public outcry at Orangeburg Court House on the first Monday in June 1874, during legal hours of sale. All the NOTES, ACCOUNTS and other CHOSES in Action of said Estate. Terms cash. Sheriff's Office, Orangeburg S. C. B. I. Cain, May 21st, 1874.

State Scholarships.

OFFICE OF SCHOOL COMMISSIONER. Orangeburg County, S. C. NOTICE is hereby given in accordance with Act of Assembly approved February 1874, entitled "An Act to establish certain State Scholarships in the University of South Carolina a Free public competitive examination will be held at this office on Monday July 6th 1874. The regulations are that but one student shall be admitted from each County for the first year of all the applicants for admission the three exhibiting the greatest proficiency in all the branches of study required for the admission of students into the