Charleston Daily News.

State-Mandamus.

The facts stated in the return boing admit-

ted by the relator, and issue being taken on

the conclusions of law, Mr. Hayne said that

the rule should be discharged-1. Because the

act to close the operations of the Bank of the

and profits of the Bank, is unconstitutional

and void.

CHARLESTON, S.C., TUESDAY MORNING. NOVEMBER 3, 1868.

VOLUME VI.-NUMBER 992.]

BY TELEGRAPH.

EUROPE.

DISSOLUTION OF PARLIAMENT-EARTHQUAKES-PRINCE ALFRED MAKES A VOYAGE ROUND THE WORLD.

LONDON, November 2 .- The formal dissolution of Parliament will take place November 11th.

Several distinct carthquakes have been felt in the Western countries of England and Wales. Prince Alfred has departed in the Galatea for a voyage round the world.

WASHINGTON.

LYNCH LAW-CAUSE OF MURDER OF HINDS-

NEW TORK AFFAIRS. WASHINGTON, November 2 .- Warrants for coin, for the amount of \$23,735,000 were issued from the Treasury to-day to pay the interest on five-twenties.

Rousseau telegraphs to Schofield that all is quiet in New Orleans, and that there are no apprehensions for to-morrow.

Reports from the agents of the Freedmen's Bureau have been received, including one from General Hatch, in Louisiana, who says that it is mainly owing to the inefficiency and misconduct of the civilian employees of the Eureau that it has become so unpopular, and that the freedmen have suffered so much in many of the parishes. The failure of the crops the last two years has prevented many of the planters from paving their hands, but the negroes seem not to be discouraged. Working for shares has proved a failure, and wages are being generally paid. The crops this year have been excellent, the failure of cotton the two previous years having caused planters to turn their attention to grain growing. This year the cotton crop has not been a failure. The health of the negroes has been good. There were 480,000 blacks in the State. General Hatch sums up his criminal circular, and shows that 166 murders have been committed and 225 other outrages during the past year. In common with the rest, he urges the continuance of the Bureau, on the ground that it is necessary to the welfare of the negroes.

The Indians have removed the rails on the Omaha Railroad, near Sidney, destroying a freight train and killing a fireman.

Five desperadoes were hung near Gilmore, Neb. aska, on Friday, by a vigilance committee. The St. Louis Republican has a dispatch from Arkansas stating that the death of Hinds, the Radical member of Congress recently murdered, was the result of a difficulty about a female.

In New York, Superintendent Kennedy has directed the police to take persons arrested for illegal voting before the United States Commissioner, and not before the city or State courts. The Police Commissioners have given contrary orders.

The case of C. B. Samson vs. Chas. A. Dana, for \$100,000 for damages for illegal imprisonment during the war, came up to-day in the Supreme Court of New York. A motion was made to set aside the order removing the case to the Supreme Court. The decision was reserved.

Naturalization

PHILADELPHIA, November 2 .- Judge Read, in court of Nisi Prius, delivered, this morning, in a naturalization case, an opinion, closing as follows: "Under this state of facts I can come to but one conclusion, that the whole issue of naturalization certificates by a Nisi Prius branch of the Supreme Court is contrary to the act of Congress and the act of the Assembly, and should be rejected at the polls. and I make the following order, that no more

naturalized in this court."

In pursnance of the resolutions adopted by the Democratic Central Club on Friday night, and agreed to by the delegates from the various Wards, citizens' meetings were held in all the Wards last night, and five delegates chosen from each to attend a convention to nominate suitable candidates for Mayor and Aldermen. The convention will meet to night at Masonic Hall at seven o'clock, when it is to be hoped

The Citizens' Party.

that a ticket will be nominated which will recommend itself to every man who has the welfare of Charleston at heart. It is understood that the delegates to the Central Executive Committee will meet at the same time and place.

WARD NO. I.

and void. The bank in 1812 was chartered by the State, and made a body corporate, capable of suing and being sued, of contracting and being con-tracted with, and it continues its corporato existence to the present time, shorn, it is true, since 1865, of some of its powers; but still a corporate body with these capabilities unim-paired. Until 1865, it was, by its charter, a bank of issue, discount and deposit, differing from the other banking institutions of the State only in the fact that the State was the sole stockholder. As a bank of issue, from time to time its notes were thrown i.to circu-lation, for which the corporation became a debtor, deposits were received for which the corporations b came liable, and in the course of basiness various other contracts were en-tered into, binding upon the corporation. A The meeting of the citizens of this ward, held last night at the Carolina Hall, was well attended, the hall being crowded and many persons standing outside. T. B. King, Esq. was called to the chair, and Mr. Samson re quested to act as secretary. The chairman stated the object of the meeting to be to elect a committee of five delegates to attend a convention to nominate suitable candidates for Mayor and Aldermen. On motion of Mr. T. Street, the meeting then went into a ballot for of business various other contracts were en-tered intc, binding upon the corporation. A large amount of this indebtedness remains un-pand. Among the largest of the debts incurred by the bank was that contracted in obedience to the command of the Legislature, under the provisions of the act of 1838. "for rebuilding the City of Charleston." By this act the bank was directed to take charge of a fond proposed to be reject by the sale of certain the election of the committee. The following delegates were declared duly chosen, as having received the highest number of votes : Messrs. B. McGinnis, T. B. King, David Briggs, W. L. Daggett, and T. Street. After the result of the ballot had been announced, Mr. King be-ing called on made a short but spirited address, encouraging the citizens of the ward to do their duty both at the Presidential and munici-pal elections, but especially at the latter. The meeting then adjourned. WARD NO. H. There was a large meeting of the residents of Ward No. 2, at tho Hibernian Hall, last night. Mr. E. N, Thurston was called to the chair, and Mr. T. P. Lowndes requested to act. the ballot had been announced, Mr. King be-

chair, and Mr. T. P. Lowndes requested to act as secretary. After some discussion, a num-president of the bank, in the name of said in-as secretary. After some discussion, a number of gentlemen were placed in nomination as delegates to the Nominating Convention, and the following were elected: Messrs. J. M. Mulvancy, W. T. Burge, W. C. Courtney, G. H. Moffett, and E. McCrady, Jr. The meeting then adjourned.
 WARD NO. HI.
 The meeting cf citizens in this Ward was organized by calling W. J. Gayer, Esq., to the chair, and requesting Mr. W. A. Holmes to act as secretary.
 The following delegates to the Nominating Convention were elected: Messrs. James Armet State, the construct on the part of the bank, the guarantee is certainly a contract, was not only directed and approved, at the time, by the lengislature, but during all this time, year by year, it has been sanctoned by that body. The independence of the bond, has failed to pay, and the bank, the guaranter, has strong. Jr. Jas. Cosgrove, Garret Burnes, F.

strong, Jr., Jas. Cosgrove, Garret Byrnes, F. L. O'Neill and Wm. Kuox. WARD NO. IV.

The citizens of this ward met last night at the Masonic Hall. The room was crowded to suffocation.

Mr. H. G. Cart was called to the chair, and Mr. W. M. Muckenfuss requested to act as secretary.

The meeting then proceeded to ballot for delegates to the Nominating Convention, the following being elected: Messrs. R. D. White, H. Gerdts, Henry Cobia, R. S. R. Chreitzberg,

H. Gerdis, Henry Cobia, R. S. R. Chreitzberg, and R. S. Bruns.
The chair appointed the following as the delegates to the Central Executive Committee:
Messrs. F. Richards, J. F. O'Neill, I. S. K. Bennet, James Silcox, and Captain Wm. Aiken Kelly.
The meeting then adjourned.
WARD NO. V.
The meeting of the citizens of this Ward, held last night at Arnold's Hall, was well and respectably attonded.
Mr. S. Y. Tupper was called to the chair, and
Chronica Inationally the legal title vests in them. They disclam, however, all personal interest.
The description of the contract of the second the second the contract of the second the secon

Mr. S. Y. Tupper was called to the chair, and Mr. J. Archer requested to act as secretary. The meeting then proceeded to elect dele-

gates to the Nominating Convention for Mayor and Aldermen, when the following were cl

THE BANK OF THE STATE CASE. Notes of Argument by Hon. Isaac W. Hayne, Counsel for Respondents. The State ez rel. Attorney-General vs. Bank of the

State is itself the sole stockholder, it may with-draw its capital while any of it remains. But from the very nature of things it cannot with-draw capital from an insolvent bank, because it has none of their cupital remaining. When insolvent its assets belong soLELY to its oredi-tors. (15 How., 315.) "The result is that so much of each of the said laws" * * "as authorized and required the withdrawal of any part of the specie or other property of that bauk, and the appro-priation thereof to thouse of the State, " * * "impaired the obligation of contracts made with the complainant as the lawful holder and bearer of bills of the bank, and so were in-operative and invalid." (15 How., 321.) "These nassages alone are conclusive of the inconstitutionality of the act, according to the first construction. As to the construction that the State, or the Governor as such, was a trus-tee for creditors of the bank, Mr. Hayne rehed particularly on the following passage, to wit: "'If this law had contained only the first see tion, vesting the real property of the bank in the State and providing no remedy by which the State and providing passage, to wit: "'If this law had contained only the first see

State, under which Governor Scott made his demand for the delivery to himself of the assets

"If this law had contained only the first sc-tion, vesting the real property of the bank in the State, and providing no remedy by which this complainant, as a creditor of the bank, could reach it, we think it would have impaired the obligation of his contracts. True, it does not touch the right of acti m against the bank; it only withdraws the real property from the reach of legal process, and thus affects the remedy. But it by no means follows, because a law affects only the remedy, that it does not impair the obligation of the constract. The obligation of a contract, in the sense in which those words are used in the constituiion, is that duty of performing it, which is recognized and enforced by the laws. And if the law is and enforced by the laws. And if the law is so changed that the means of legally enforcing this duty are *materially modired*, the obliga-tion of contract no longer remains the same."

this duty are materially inputted, the only attin of contract no longer remains the same." (15 How., 319.) * * "The law now in questi: n withdraws the real property of the bank altogether from the reach of legal process, provides no substi-tuted remedy, and leaves the creditor, as is truly said by the Supreme Court of Arkansas, in a condition in which his rights live but in grace, and his remedies in entreaty only." (15 How., 32.) In the case of the Bank of the State of South Carolina, as matters stood before the in-stitution of any of the pending suits, on the pas-sage of the act of 1868, the creditors of the bank might have sued at law the said corpora-tion, and, upon obtaining judgment, have is-sued execution which could take effect upon any of the tangible property of the said bank, and, by proceedings in emity, could have subjected all the assets to the payment of debts; but under the act of 1868, if Governor Scott takes proceedings in emity, of the bank and its proceedings they to be reached by legal under the act of 1808, in Governor Scott takes possession of the property of the bank and its assets, how are they to be reached by legal process? A judgment against Robert K. Scott as an individual would be ineffectal, and as Gaugement and be been being been being been being as an individual would be ineffectal, and as Governor no judgment could be obtained, or if obtained would be equally ineffectual; for the the act requires him to sell the property and assets of the bank and place the proceeds of sale in the "Treasury of the State, subject to the order of the Governor." If once withdrawn from the treasury by him, and subsequently mixed with the general funds of the State, or expended by him, it could not be reached by any proceedings either in law or equity. This any proceedings either in law or equity. This surely "affects the remedy and impairs the ob-ligation of the contract in the sense in which these words are used in the constitution." I shall not insist at length on the effect of

holders, then, who hold bonds endorsed and guaranteed by the bank, and the fire loan stockholders, whose scrip is countersigned by the President of the bank, are among the larg-est of the creditors of the bank. I do not speak now of any lien either upon cantator profits, or the effect of such a lien. I simply call atten-tion to the fact that the fire loan bondholders and fire loan stockholders are creditors of the corporation, the former having at this mo-ment a good cause of action against said cor-poration for the whole amount of the debt. The bank, as a result of the disasters of the war, became insolvent. It has been notoriously I shall hold mission the act of 1865 to raise sup-plies, which directs the bank to hold the assets of the bank for the benefit, first, of the fire loan benchloiders in Europe, and, second, for the fire loan stockholders in America, and, third, lot the billholders. It is, as I conceive, not necessary for the supresses of this case. thing, for the billionters. It is, is reducerve, not necessary for the purposes of this case. But this act once acled upon by the bauk and accepted by the proferred creditors, was, in my opinion, a "contract." The President and Directors did accept it, and they so informed the Barings; the Barings approved, and large amounts of money have been paid in conform-ity with the said act. And it is submitted that this act accuries a the instruction of the war, became insolvent. It has been notoriously incolvent since May, 1865, but is possessed of assets to a considerable amount. The President and Directors of the Bank of the State of South this act, considered as the instruction of the sole stockholder, and having been adopted and Carolina hold these assets in possession, and unquestionably the legal title vests in them. acted upon by the President and directors of the bank, and accepted and acted on by the Barings and others, is a contract, incapable of

parings and others, is a contract, non-model as signment is a contract, and a bank has a right to make an assignment and to prefer ereditors. (See Burrill, on Assignments.) This act, therefore, whether called a statutory asact, therefore, whether called a statutory as-signment, or by any other name, has created a contract which cannot now be impaired by any State legislation. Whether such assignment, instituted by the sole stockholder and carried out by the corporation, was in all respects equitable, is not now in question. The law instituted by the sole stockholder and carried out by the corporation, was in all respects equitable, is not now in question. The law then sanctioned such an assignment. It was legal and binding as a contract, and cannot, either by the Bankrupt Act (which is not retro-spective as to this point) or by the Legislature of 1868, be abrogated or "impaired." The act of the Legisliture of 1868 in re-quiring the seizure of the assets, "for and in behalt of the State," impairs the obligation of whom there are some), on account of work and labor done and material furnished, &c., and, "last, though not least," boucholders, claiming under the contract of guaranteee. The act under which Gov. Scott makes his

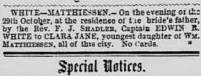
case pending in the Court of Equity of this State, styled "Dabney, Morgan & Co., vs. the Bank of the State of South Carolina and others." Jurisdiction of the Court is undoubtothers." Jurisdiction of the Court is undoubi-ed, and all parties in interest are represented, including the Attorney-General of South Caro-lina. This case arises on a bill filed by a hold-er of the bills or notes of the bank, praying that the assets now proposed to be taken by the Governor should be appropriated to the billholders. The praver is alternative that the assets shuld go either to the billholders in professate and there cations or to the billpreference to all other creditors, or to the bill-holders pro rala with other creditors. The President and Directors answer that they are stakeholders, but that under the act of 1865 stakeholders, but that under the act of 1365 they are ordered to pay, first, the fire loan bondholders in Europe; second, the fire loan stockholders in the United States; and third, the billholders; and defend this act as in con-formity with the duty of the bank, as imposed by the act of 1838, and the equities of the par-ties interested. The Barings were afterwards made defendants by consent, who claimed not only that good faith required that the act of 1855 should be carried ont, but that the act of 18:5 should be carried out, but that the act of 18:55 should be carried out, but that the act of 1838 gave them a lien on the assels of the bank, and that the act of 18:5 was but a con-firmation of the act of 1838. Whether the pledge be of "profits" only, or of the wholefire loan "fund" is immaterial, as I conceive. A pledge of "profits" until a debt is paid is a pledge, until that event, of the fund itself. Besides, in this case, it can be shown that the bank has returned to the State the outing could be with seven por cent, interest cutice capital, with seven per own, interest thereon, and that the whole of the assets con-sist of "profits." These "profits" were directed to be made a "sinking fund," to be held for the ultimate redemption of the fire loan debt. It can be shown that all of the loan debt. It can be shown that all of the most valuable of these assets were in fact purchased by the money arising from these "profits," and invested in the assets now held by the bank. But all this, I have supposed, was only material in the case in equity, which is intended to determine the order of priority among creditors. It is sufficient, on this occasion, to show that the funds sought to be taken are subject to the Court of Equity for distribution among creditors to whom, (the

taken are subject to the Court of Equity for distribution among creditors to whom, (the creditors.) as is decided by the Supreme Court of the United States, they "solely belong." In addition to the return of *lis pendens* thus arising, it is urged that the *decredat* orders of Chancellor Carroll give a vested right to the parties in all the benefits to be derived there-thom. The jurisdiction of the court was confirmed by the Convention, has never been taken away by the Legislature, and it is un-heard of legislation that a particular case heard of legislation that a particular case should be taken out of the courts and the subject matter disposed of by the Legislature. It is an interference with vested rights, and an "impairing of the obligations of cou-tracts," in the sense in which contracts are protected by the Constitution of the United States.

These points Mr. H. thought so conclusive that he only briefly touched on those that fol-

Mandamus should not be granted when it will subject those executing it to legal liability. Tapp. Man. 69; Rex vs. Dayroll, 8 Eng. C. L. R. 139; Queen vs. Pirt, 37, Eng. C. L. R. 107.

President and Directors would be liable to a suing crolitor. And cashier would be liable on his bond if he oboyed an order palpably iltor the bond if he obviou an order paparoly li-legal. They are liable in the suit pending, Certainly are liable should they disregard the decretal orders of Chancellor Carroll; and hav-ing been notified of the motion of Baring Bros. & Co. for injunction, are bound to await the decision.



SOCONSIGNEES PER STEAMSHIP SEA

Married.

GULL, from Baltimore, are hereby notified that she is This Day discharging cargo at Pier No. 1 Union Wharves. All goods not taken away at sunset will remain on wharf at consignees' risk. MORDECAI & CO., Agents.

November 3 CONSIGNEES NOFICE-DISPATCH

LINE .- Brig CYCLONE, from Boston, will dis charge cargo This Day at ADGER'S NORTH WHARF. Goods rot called for at sunset will be stored at risk and expense consignces.

WILLIAM BOACH. November 3 AF CONSIGNEES' NOTICE-MERCHANTS LINE Brig JAMES BAKER will discharge cargo This

Day, at Adger's North Wharf. Goods not called for at sunset will be stored at ris't and expense of con-WILLIAM ROACH. signee. November 3

ME CONSIGNEES PER STEAMSHIP CHAMPION, from New York, are notified that she is discharging cargo at Adger's Wharf. Goods remain ing on the Whari at sunset will be stored at expense and risk of owners. JAMES ADGER & CO.,

November 3 Agents. AF MESSRS. EDITORS : YOU WILL blease announce Mr. G. W. CLARK as the People's Candidate for Mayor of the city, and oblige

MANY CITIZENS. October 19 AT NOTICE .- APPLICATION WILL BE made at the next meeting of the Legislature for a re newal of the Charter of the Charleston Bible Society

J. N. ROBSON. October 26 m4 D40 Secretary.

ATTHE GREAT MEDICAL MISTAKE OF former days was an utter neglect of sanitary precautions. No efficient means were adopted for the prevention of sickness. Sewerage was unknown in cities; drainage was rarely attempted in the country Heaps of offal were left to rot in the public street and domestic cleanliness, the great antidote to febrile diseases, was sadly neglected. It is not so now Wise laws, philanthropic institutions, and a vigilan sanilary police, have, to a great extent, remedied the evil. Nor is this all. Preventive medication has helped materially to lesson the rates of mortality. It s not too much to say that tens of thousands escape sickness in unhealthy seasons in consequence of hav ing invigorate I their systems in advance by a course of HOSTETFER'S STOMACH BITTERS. This pur-

and powerful vegetable tonic and alterative comprises the extracts and essences of a variety of roots and herbs renowned for their strengthening, soothing vitalizing and purifying properties. These medici nal agents are incorporated with a spirit absolutely free from the acrid poison which defiles, more or less, all the liquors of commerce, and their effect is diffused through the whole frame by this active, yet harmless stimulant. The result is such a condition of the system as renders it all but impervious to the exterior causes of disease, such as damp, fog, sudden itemailions of temperture, &c. Strength, and the perfect regularity of all the functions of the body, are the best safeguards against atmospheric poison and the effects of unwholesome water, and HOSTET-TER'S BITTERS are the best strengthening and reg-

ulating medicine at present known. For dyspepsia and biliousness they are a specific absolute. November 2 SECURE FOR ASTHMA._THOSE WHO

are suffering from this complaint, and cannot be re leved by the doctor, can find immediat relief by calling on Mr. J. D. ZANOGA, at No. 316 King-street,

October 29 corner of Society. Mo FLOUR, CORN, HAY, &c .- MESSRS.

delphia, Pa. 3mos

told to recommend it as a remedy.

Sole Proprietors.

GOODS!

AF WHAT IS THE MATTER WITH YOU ?

the nan or woman who makes this reply, and you will generally find that the eyes are dull and lustre-

less, the complexion sallow, the checks flace'd, and

the whole expression of the face dejected. Interro-

gate the invalid more closely, and you will discover

that constipation, the result of a disordered stomach

SELTZER APERIENT in such cases, need not to be

Sold by all Druggists. 3mos 22 July 6

Dry Goods, Etc.

4371

CHEAP DRY GOODS! CHEAP DRY

AT THE

WE, THE UNDERSIGNED, HAVE RECEIVED

and are receiving, by every steamer, large invoices of the CHEAPEST FALL GOODS which have ever bee

to \$4 Ladics' English Hose, without scams, from 37 to 50

Ladies Black Broadchold, Holn \$2,05,05 A variety of Shaws, at \$2,8250,53,5350,54, and \$5 Brown and White shirting, at 10, 12/4 and 15 cents Also, fine branches of White Shirting at very low

prices Ladies' aud Gort's Underwear at different prices

September 22

Saling every Saturday and every alternate Monday, at 1 P.M., from Pier No. 45 North River, New York -RATES OF PASSAGE, | Payable in Currency. BE BRIDE AND BRIDEGROOM .- ESSAYS FOR YOUNG MEN on the interesting relation of Bridegroom to Bride in the Institution of Marriassomen &c., at moderate rates. a guide to matrimonial felicity and true happiness. Steerage passage from Liverpool and Queenstown, 40 currency. Ticke's can be bought here by per-ions sending for their friends. Sent by mail in sealed letter envelopes free of charge. Address HOWARD ASSOCIATION, Box P., Phila-

EIGHTEEN CENTS A WEEK

FJR LIVERPOOL. THE FINE FAST SAILING AMERICAN hip OWEGO, R. I. Post Master. For Freight Engagements, suppy to W. B. SMITH & CO., November 3 FOR LIVERPOOL. THE A1 AMERICAN BARE HELEN. SANDS, F. E. OTIS, Master, having a large part of her cargo on board, and being o-small capacity, will sail with dispatch. For balance of freght room, apply to October 29 STREET, BROTHERS & CO.

Shipping.

YACHT MAGGIE MITCHELL. THIS FAVORITE FACHT, HAVING April 7 tuths6mos Agents.

NEW YORK AND CHARLESTON

STEAMSHIP LINE.

FOR NEW YORK.

THE SPLENDID SIDE WHEEL STEAMSHIP JAMES ADGER, LOCK-wood, Commander, will leave Adg-er's Whart on Tuesday, the 3d nst., at — o'clock. The Steamers of this Line insure at three-quarters

per cent. For Freight or Passage, having splendid Cabin ac-commodations, apply to

Corner Adger's Wharf and East Bay (Up Stairs). The steamship CHAMPION will follow on Satur-day, the 7th November, at - o'clock.

FOR NEW YORK.

REGULAR LINE EVERY THURSDAY PASSAGE REDUCED TO \$15.

THE STEAMSHIP MONTEREY, Captain Ryper, will leave Van-derhorst's Wharf, on Thur.day, November 5, at Eight o'clock A. M. Bil's Lading, accompanied by Tax Receipts or Certificates, must positively be handed in at our Office by Six o'clock on Wednesday Evening. October 30 RAVENEL & CO., Agents,

TRAVELLERS PASSING THROUGH CHARLESTON EN ROUTE TO FLOBIDA, AIKE N

Ald other places, should not fai to lay in their supplies of PROVIS-IONS, CLARETS, CHAMPAGNES, CORDIALS, BRANDIES, WHIS-RIES, WINES, CANNED MEATS, SOUPS, &c. Pates of Wild Game and Devilled Haw for Sand-wiches and Lunchens.

Pates of White Constructions. riches and Luncheons. MF-Send for a catalogue. WM. S. CORWIN & CO., No. 275 King-treet, Between Wentworth and Beaufain, Charleston, S., Charleston, S.,

Charleston, S. C. Branch of No. 900 Broadway, corner 20th stree t New York. October28

PACIFIC MAIL STEAMSHIP COMPY'S

THROUGH LINE TO CALLFORNIA, CHINA AND JAPAN.

FREIGHT AND PASSAGE AT GREATLY RE DUCED RATES !

DUCED RATES! SIEAMERS OF THE ABO? 3 Sieamers of the law Pier No. 42, North Rivar, foot of Canal-street, New York, a and 4th of every month (except when these dates fall on Sunday, then the Saturday preceding). Departure of 1st and 24th connect at Panama with Steamers for South Pacific and Central American ports. Those of 1st buch at Manzanillo. Departure of 9th of each month connects with

Departure of 9th of each month connects with the new steam line from Panama to Australia a. New Zealand, New Zealand, Steamship JAPAN, leaves San Francisco, for Ohira and Japan, November 2. No California steamers touch at Havana, tur ge direct from New York to Aspiravall. One hundred pounds baggage free to each aduly. Medicine and aitendance free. For Passage Tickets or further information apply-at the COMPANY'S TICKET OFFICE, on the wha? foot of Canal-street, North River, New York. March 14 157 F. R. BABY, Agent,

STEAM TO LIVERPOOL.

CALLING AT QUEENSTOWN.

CITY OF PARIS, CITY OF BALTIMORE, CITY OF WASHINGTON, CITY OF WASHINGTON, CITY OF WASHINGTON, CITY OF WASHINGTON,

THE INMAN LINE, SAILING SEMI-WEEKLX, carryin: the U, S. Mais, consisting of the following steamers:

Condensed News by Telegraph. Five men were discoverd while robbing a bank at Alton, New York, but they killed the

watchman and escaped. Serious riots have occurred at Rotterdam, and the soldiers were compelled to fire on the citizens, wounding many. Numerous arrests have been made.

The Spanish Provisional Government intends reinforcing Cuba. The City of Havana is authorized to borrow ten million crowns for the completion of the Isabel Canal.

The American bark Bounding Billow, from Barcelona for New York, lost her main foretop and mizzen mast off the coast of Portugal on the 13th of October.

Both parties in Savannah claim that they will have the majority in to-day's election, although the canvassing is progressing quietly. It was cold with a slight frost and a high wind on Sunday night.

The total registration of New York City is 169 000.

The Legislature met at Montgomery, Ala. yesterday, but no quorum was present, and they adjourned until to-day. The streets are crowded with country negroes, many of whom are minors, but the election laws of Alabama forbid any challenging of voters.

A circular has been issued in New Orleans that is evidently tended to bring on a collision It is signed by the council of seven, and its bombastic tone alone proves it a humbug. The Republican treats it as a genuine document.

THREATENED EBUPTION OF VESUVIUS.—If, as is apprehended, another eruption of Vesuvius takes place, the London Daily News says the circumstance will indicate a condition of the volcano differing wholly from anything that has been observed for the past eighteen centu-ries. The sruptions in the course of a year are altogether unprecedented. The history of the mountain since the destruction of Pompei are altogether unprecedented. The history of the mountain since the destruction of Pompeii shows a gradual increase in the rapidity with which one period of activity has followed another. At the commencement of the Chris-tian era, Vesurius had been so long inactive that it had come to be regarded as an extinct crater. Several eruptions took place before the date of the first catastrophe; but from 1306 to 1621 the volcano was at rest, the interior of the crater was overgrown with brushwood, and at the bottom there was an extensive plain, on at the bottom there was an extensive plain, on which the cattle grazed. In December, 1631, all these roads and pastures were blown away by a terrible explosion. A rest of thirty-five years then ensued; but since 1666 Vesuvius has never been quict ten years together. This increase in the number of cruptions has not been accompanied by any decrease in their in-tensity. The outbreak of last winter was remarkably violent and persistent. Since then the mountain can hardly be said to have rested.

A PRINTER "SETS UP" HIS OWN OBITUARY .-and he did his last type-setting on a notice of his own death, containing his history, &c. The Union finishes the notice with a high compument to the deceased as a printer and a man.

WHAT MR. CLARK HEARD .- Mr. R. R. Clark, what MR. CLARK HEARD.—M. 16, K. Clark, of Chicego, gives the history of his adventure in the purchase of a sewing machine thus: "I examined all kinds, took lessons for a week on the '___,' heard the Willcox & Gibbs de-nounced as 'worthless,' in nearly all the other sewing machine offices; nevertheless, I order-ed a Willcox & Gibbs—took no instructions— em delighted." am delighted.

Messrs. J. H. Oppenheim, Wm. Byrne, H. H. Bolger, W. P. Russell and Patrick Brady. The meeting then adjourned. WARD NO. VI.

WARD NO. VI. The hall of the Washington Engine House was crowded last night with the citizens of this Ward. The greatest unanimity and harmoay prevailed throughout. On motion B.C. Gilchrist Eag was called

On motion, R. C. Gilchrist, Esq., was called to the chair, and Mr. Jennings was requested to act as secretary.

The meeting then proceeded to ballot for delegates to the Nominating Convention for Mayor and Aldermen, and the following were elected : Messrs. C. E. Kunapiux, J. Hargraves, J. G. Martin, - Octjen and Wm. Letby.

The meeting then elected the following delegates to the Central Executive Committee of the Citizens' Party : Messre, E. Lafitte, J. C. Campbell and J. Hutson Lee.

On motion, the Working Committee of Ward No. 6 Democratic Club were requested to give their invaluable services to the Citizens' Party in the municipal election.

The Chairman of the Working Committee pledged his committee to do all that in thom lay to make the party successful. The meeting then adjourned.

WARD VIJ.

Over two hundred persons were present at between the whites and blacks at the election. the meeting of this Club. The resolutions adopted by the Central Club were read by Mr. W. G. Vardell, and unanimously adopted. On motion, the Club then adjourned and resolved itself into a meeting of citizens. Mr. James M. Eason was called to the chair, and Dr. T. S. Grimke requested to act as secretary. The meeting then proceeded to ballot for five delegates to the Nominating Convention, and the following gentlemen were elected : M. J. Tobin, W. G. Vardell, I. V. Purse, P. Buchbeit, Sr., and Robert Hunter.

WARD NO. VIII.

At the meeting of the citizens of this Ward, held last night, W. S. Henerey, Esq., was called to the chair, and Mr. F. M. Hacker requested to act as secretary. The following committee of five delegates was elected to the Nominating Convention : Messrs. M. P. Halsey, W. S. Henerey, Jos. E. Bowers, John Hanckel and Geo. Nunan.

THE ATLANTIC CABLE .- An official statement

The ATLANTIC CABLE.—An efficial statement has been recently published, giving the aver-age number of messages sent every day over the Atlantic Cable and the average daily re-ceipts during the existence of the different rates of charges. When the communication was first opened between Ireland and New-foundland £20 was charged for a message of twenty words of fire letters, but this rate has now been reduced to £5, and in future the re-striction as to the length of the words will be removed. Under the original tariff, twentyremoved. Under the original tariff, twenty-nino mossages, paying £505, were on an aver-age transmitted every day, and under the pre-sent tariff, one hundred and sixty-eight messages paying £501. Although the proportion between the reduction of the rate and the increase of the business is not exactly the same, yet there is sufficient encouragement to still further diminish the cost of transmitting mesthe price should be decreased until the point is reached when both cables will be fully empoint

ployed.

-Young Cavaignac, whose friend Genest w expelled from the Lycee for applauding at the recent scene of which the former was the hero, has taken his own name off the books of the school in a haff.

of the possession of the President and Di-rectors who hold said assets "for and on behalf" of creditors into his own possession, he to hold "for and on behalf of the State." The assets are by said act directed to be sold, and the proceeds placed in the "treasury

State payable in twenty years. The act then cannot intend that the Governor should hold the assets for this class of creditors. As to the assets for this class of creditors. As to every other class of creditors, whether de-positors, general contractors, or those contract-ing under guarantee, they are neither named or all ided to in the act. To infor a trust for ereditors, in such a transfer, is not only wholly gratuitous, but does violence to the obvious intent and meaning of the act, when construct as a whole. Governor Scott, un-der the act, is, in one sense, a trustee, but he is a trustee not for the creditors of the corhe is a trustee not for the reducts of the co-poration, but for the State, file corporator, the sole stockholder, in this case the co-debtor with the corporation. The act says that in its to take possession "for and in behalt of the State." The assets are here by the president and directors "for and in cond" of the president tors, and these are required to be taken by the Common when and in behalt of the State."

Governor "for and in behalf of the State." Governor "for and in behalf of the State." They are to be taken "for the State." to be pleced in the "treasury of the State," and to be subject to "the order of the Governor of the State." If it can be called "impleation" of the State." If it can be check individual at all, rather than an express provision, the proceeds of the sale of the bank's assets taken "for and in behalf of the State," and to be deposited in the "treasury of the State," subject "to the order of the Governor of the State," by it evitable implication, are to be held for the new of the State.

e of the State If this be the true construction of the act, it manifestly impairs the obligation of the bank's contracts with its creditors by taking away the contracts of an insolvent basis, which belong solely to the creditors. Judge Huger, in pro-nouncing the opinion of the Court of Appeals in this State, in regard to this very bank, says: "The capital of the bank is vested in the

"The capital of the bank is trustees, and can-not, legally or morally, be diverted to any other purpose than payment of the debts of the bank, not even by the State." Billis ads, the State; 2 McCord's L. R. 19 and 20. But does it vary the case, if the act be con-

strued as constituting Governor Scott, as Gov strued as constituting Governor scote, as div-ernor, or the State of South Carolina, instead of the "President and Directors of the Bank," trustee for the creditors? The act still would impair the obligation of the contracts of the bank with its creditors. "The Bank of the State of Arkansas" was a banking institution, formed on the model of the Bank of the State of South Carolina. For the most part, the of South Carolina. For the most part, th charters are the same. They are identical in the matter of the State being the sole stock-holder in both. The case of Curran vs. the State of Arkansas and the Bank of the State of

Arkansas, 15th Howard, 305, decides this case No ingenuity can suggest a fair, reasonable and honest difference between the two cases. I accordingly adopt, said Mr. H., as my argument to prove the unconstitutionality of the act to close the operations of the bank, the opinion of the Supreme Court of the United States in the case of Curran vs. the State of

Arkansas, as pronounced by Judge Curtis. Among other passages read by Mr. Hayno were the following, to wit: "What this bank became insolvent, and its assets were insufficient to perform its engage-ments, it is manifest that every part of these assets slood bound by the contracts which had been made with the bank upon the faith of

the funds thus set apart by the charter; and it is equally clear that the bank no longer had in its possession any capital stock belong-ing to the State. Whatever losses a bank sustains are losses of the capital paid in by its stockholders; that is the only fund it has to lose. When it has been in molvent it has

ost all that fund, and has nothing belonging nay be said to be indebted to its stockholders for the capital they have paid in. With the leave of the State they have a right to with-draw it atter all debts are paid, and if the

behalf of the State," impairs the obligation of the contracts made under and by virtue of three preceeding acts—the act of charter in 1812, the fire loan act of 1838, and the act of 1862, the first out art of 1995, and the set of 1863, violating the faith pledged in all the three. The cases of Curran vs. the State of Arkansas, and of Billis ads, the State of South Carolina, are sufficient for this head. No other au-

 are sufficient for this field. No other are thoritos need bo cited.
 2. The rule should be discharged, because the subject matter here is controversy, to wit: the validity of the act under the provisions of which Governor Scott demands the assets of the bank, and the duty and obligation of the president and directors to deliver said assots. the bank, and the directly and obligation of the president and directors to deliver said assois, is "Lis pendens" in the Circuit Court of the United States, in the cass of Baring Brothers & Co. vs. the President and Directors of the Bank of the State of South Carolina, Robert K. Scott, Governor, et al. The said suit is a bill filed on the equity side of said court, pray-ing that the said Roberl K. Scott, whether as Governor or "in any other capacity," and "al other persons," be restained and enjoined cating that portion of the act for

There persons, be restanded and expendent from executing that periods and expendent of South Carolina, which requires that posses-sion can be taken of these assets "for and in behalf of the State of South Carolina," and that the said Presidentand Directors, and C. M. Furman, and Thomas R. Waring, be re-strained and enjoined from delivering the same, under said act, and that such portion of said act should be pronounc-ed unconstitutional, void, and no law, inasmuch as it "impairs the obligation of con-tracts" already made. This is the very subject in controversy here. This bill was filed on the 12th of October inst. Subpena ad responden-dum was immediately served, with a copy of the bill, on the President and Directors of the Baak bill, on the President and Directors of the Bauk of the State of South Carolina, on Chas. M. Fur-

man, Thomas R. Waring and Arnoldus V. Daw son; a subpona ad respondendum issued to lobert K. Scott, and was served on him with a cony of the bill ou the 14th day of October, and copy of the bill of the served on the Attorney-General the same day. The Governor was, im-mediately on the tiling of the bill, notified by letter that a motion for a writ of injunction would be made at such time as would suit his convenience. Governor Sout declined to name a time, and made application for the manda-nus. Formal notices of the time and place ciple of law, of good faith and honor, to protect them, although they may "gain nothing" in the contest but the consciousness of duty

The time interview of the time and piace that the motion for the writ of injunction would be made were thet served on all the de-fendants. Tapping's Mandamus, page 23, lays it down that "it is a principal of law that where a matter is in controvers? before a competent jurisdiction the Court of B. R. will not inter-fere by mandamus." See also bid 38 and 278, page the Mar 4 Barrows 2295. Rex vs. Bettes-Rex vs. Hay, 4 Burrows 2295, Rex vs. Bettes-worth, 2 Strange 1111, 1 Term Reports, 403. It would seem that it oilyremains to inquire whether the Circuit Coart has jurisdiction. Baring Brothers & Co. are alsons; Maria Sim-ons and Jane V. Bowley are eitizens of New York; the corporation having the funds in cus-tody is a corporation of the State of South Carolina. C. M. Furman, Thomas R. Waring and A. V. Dawson, are citizens of South Caro-lina. So far as these patties are concerned, the court clearly has jurisdiction. The subject mation of the Sait is not included in a suit Hav, 4 Burrows 2295, Rex vs. Bettes the court clearly has jurisdiction. The subject matter of this suit is not included in a suit hereafter to be considered, in the Court of Equity of this State, insmuch as the matter submitted to the United States Court has arised subsequently, and all the questions submitted to the State Court are still before it for adjudi-

Whether Governor Scott can be held to an whether doverade better that be subjected to swer as a party defendant, and be subjected to the order of the court, is controverted, but the case has a status in the court without him, and case has a status in the control that, and the matter is equally lis pendens without him, and I submit, however, that under this act Gov-ernor Scott is required to perform a mere min-isterial act, separate and apart from his "high functions" as Chief Magistrate of the State. The duty might have been imposed on any other officer as well, or on any special agent wet an efficient The act of taking possession not an officer. The act of taking possession has no official discretion attached to it, and i consider the Governor a proper party upon de-

In conclusion, it is submitted that nothing could be more ungenerous and unjust than to charge the Directors of the bank with contumacy as standing out improperly against the authority of the State. As stakeholders, they have duties to perform and obligations of honor, as well as legal. They are trustees, and as as well as legal. They are trustees, and as such they surely are not to shrink from the duties which the law, as well as good faith and personal honor requires, simply because they have "nothing to gain." Are duty and good faith the less sacred because there is "nothing to gain" by observing them? The directors have no "salaries," however "paltry the sum." They have none at all, nor have they emole-ments of any kind or incidental advantages. They have none at all, nor have they emplay ments of any kind, or incidental advantages, all of which is set forth in their return. They have, however, as trustees, legal responsibili-ties, and as men of honor and probity, they feel that these are not the less obligations be-cause their performance gives no "gain." And in regard to the suit in the Main 20

And in regard to the suit in the United States Court, can it, with any propriety, be said that Baring Brothers & Co. are "presumptions in-termeddlers?" They are creditors of the bank, with bonds past due and unpaid. Is it presumptuous in a debtor to intermed lle when the assets of his debtor are the subject of controassets of his debtor are the subject of config-versy? Is it "presumptions" for a creditor to protest against the act of the co-debtor, who has failed to meet his engagements, when he attempts to possess himself of these assets? The Barings, besides this, claim a specific lion in preference to all other creditors—a lion, as they believe, created by the act of 1989 attempted to be enforced and confirmed 1838, attempiod to be enforced and confirmed by the act of 1865, and constantly acknowledg-ed and confirmed by the bank, which, for thirty years, has been the debtor with whom they have dealt. But they submit this as they do their entire claim against the bank to the adjudication of the courts, and ask. on the present occasion, only that the funds which belong certainly to the creditors should not be placed beyond the reach of the courts and the proceedings already instituted. Are they to be preferred or not, they leave to future ad-1838, attempted to be enforced and confirm be preferred or not, they leave to tuture ad-judication; but that they are creditors cannot be doubted, and as such the president and directors of the bank are bound by every prim-

performed.

BRAZILIAN COTTON .- Messrs. Roberts & Tillman, factors of this city, have sent us a speci-men of this beautiful cotton, grown on the plantation of Robert S. Andersen, in Pulaski

County. It is a dark cream color, resembling a light shade of nankeen; while in length and fineness of stable it is about equal to middle Fiorida sca islands. Mr. Anderson is only ex-perimenting with it this year, but expects to conts conts Satisets, from 30 to 75 cents A large quantity of the latest style of Cassimeres, from \$1 to \$1.59 Ladies' Black Broadcloth, from \$2 to \$3.50 Ladies' Black Broadcloth, from \$3.50 Ladies' Black Broadclot perimenting with it this year, one expects to plant from twenty-five to thirty aeres the com-ing season. It grows to great perfection on our uplands, and is a good bearer. We are informed that the article will probably com-mand fifty cents in the market at this time, a price which should induce others to embark in its cultivation.—Sacannah Republican.

The steamer Eagle, from Havana, brings a copy of a proclamation issued by the Republi-can Revolutionary Committee, full of fire. It eathes the most intense revolutionary spirit breathes the most intense revolutionary spirit. The document recites acts of despotism of the Government of Queen Isabella, and concludes with a strong appeal to Cubans to pronounce for a foderal republic. "We pronounce for liberty, equality and fraternity, Cubans and Spaniards. We domind popular suffrage with-out coercion, a dissolution of the permanent army establishment of a national militia, jus-tice for all classes, municipal inde, endence, liberty of the press, liberty of discussion, free-dom to congrato, and aboliton of the monopo-ly of abserve. Let us defend our inberty with ly of slavery. Let us defend our liberty with dignity, and respect all opinions. Let us em-

September 21

ns sending for their intens. For further information apply at the Company" JOHNG, DALE, Agent, flices. No. 15 Broadway, New York. offices. June 4

This is the familiar question put to every invalid. FUR GEORGETOWN, CHERAW. In many cases the answer is, "I don't know exactly, but I don't feel well." Look at the countenance o AND ALL LANDINGS ON THE PEEDEF RIVER

THE STEAMER FLANFER, CAPT. C. C. WHITE, is now receiving Freight at Accommodation Wharf, and will leave Thursday Morning, the 5th instant, at Seven o'clock.

For Freight or Passage, apply to November 3 2 JOHN FERGUSON. November 3

FOR GEORGETOWN, S. C. TOUCHING AT SOUTH ISLAND, KEITHFIELD,

and a torpid liver, is at the bottom of the mischief. WAVERLY AND BROOK GREEN MILLS.

"That's what's the matter." Whoever has expe-THE FINE STEAMER EMILIC, This Day, at Commercial Wharf, and leave as above To-Morrow (Wednesday) Morning, 4th inst., at Six tienced th. effects of TARRANT'S EFFERVESCENT TARRANT & CO., Wholesale Druggists, No. 278 clock.

rning, will leave Georgetown on Friday Morn-Greenwich and No. 100 Warren streets, New York, 6th inst

ag, 6th inst. All Freight prepaid. SHACKELFORD & KELLY, Agen's, No. 1 Boyce's What No. 1 Boyce's Wharf. Novemt er 3

FOR PALATKA, FLORIDA,

FOR PALATKA, FLORIDA, VIA SAVANNAH, FI'RNANDINA, JACKSONVILLE, AND ALL LANDINGS ON THE ST. JOBN RIVER. THE STEAMEB CITY POINT (1100 tons burthen), Captain W. T. MCNELTY, will leave South Atlantic Wharf every Juesday Night at 9 o'click, and Savainah every Wednesday Afternoon, at 3 o'clock, for the above claces.

CORNER OF CALHOUN AND KING STREETS. Returning, will leave Savannah for Charleston every

anday Morning, at 8 o'clock. All freight p yable on the wharf. Goods left on the wharf after sunset will be stored

Goods icit of owners. it expense and risk of owners. J. D. AIKEN & CO., Agents, October 8 South Atlantic Wharf.

[ONE TRIP A WEEK.]

CHARLESTON AND SAVANNAH STEAM PACKET LINK, VIA BEAUFOR F, HILTON HEAD AND BLUFFTON

the CHEAPEST FALL GOODS which have ever been offered in this market. City is well as country buy-ers can save from fifteen to twenty-five per cent. by buying their Goods from the above firm. A lot of Dress Goods, from 20 to 25 cents per yard Best Iri-h Poplins, from 30 to 50 cents per yard Calicoes, at 10, 1215 and 15 cents per yard (best) Balmoral Skirts, from 51 25 up 8-4 White Table Damask, only 51 per yard Brewn Linen Damask, only 51 per yard Worsled Table Cloths, from \$1 25 up A large assortment of White and Colored Flannels at targe name how brief

ONE OF THE ABOVE STEAMERS ONE OF THE ABOVE STEAMERS Will leave Charleston every Tassday Morning, at 7 o'clock, and Savaunah ever Thursday Morning, at 7 o'clock. For Freine Very low prices soo pair of Blankets, bought twenty-five per cent. be-low cost, will be sold from \$3 up Colored Gailis, from \$1 75 to \$2 White Marssilles Quilts, 10-4, 11-4, 12-4, from \$2 50

Worning, at 7 o'clock. For Freight or passage, apply to J HN FERGUSON, Accommoduliou June 29

TOWAGE SERVICE.

TOWAGE SERVICE. THE FIRST-CLASS TOWBOAT SAMSON, Capt Thos PAYSE, is now tonnage to and from Charleston Bar. The propeller RELIES, Capt. J. FLYN, in com-plete order, will take Towage encagements within the Harbor, or to places on Ashiey and Cooper Rivers, at reasonable rates. JOH'S FERGUSON, October 27 tuf.mo Accomm dat on Wharf.

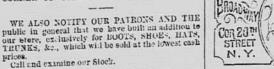
Gent's Socks, from 10 up to 50 cents The best French Cersets, from 15 cents to \$1 The latest style of Felt a id straw Hats Trimmings, Buttons, Ribbons, &c., at the lowest cash

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TEAS, WINES, BRANDIES, &c., And Dealers in

CHOICE FAMILY GROCERIES.

Prirots, purfore, intools, etc., at the low prirots. Choice colors E upress Cloth, only 85c Shepherd's Paid from 20 to 25c Micrinos from 50c up A lot of Ladies' Black Cloaks from \$5.00 up Ladies and Men's Kid Gloves only \$1.00 \$20 Remember the CHEAP STORE, at the



No. 437 KING-STREET.

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