COLUMBIA.

THE MILITARY HALL TO BE MADE AN ARMORY.

New Rail Projects-Charleston and Columbia to have a more Direct Connection-The Circuit Judge Contest-Probable Removal of Judge Thomas, &c.

> [SPECIAL TELEGRAM TO THE NEWS.] COLUMBIA, February 10.

In the House, the Judiciary Committee reported favorably on a bill to amend an act to incorporate the Charleston Board of Trade. It was read for the first time.

A bill was introduced by Purvis to authorize and empower D. Jacobs to carry on the business of loan office in this State; by Wooley, to authorize the Governor to place lightning rods on the State capitol and Governor's residence; by Brodie, to authorize the adjutant-general to appropriate the Military Hall, of Charleston,

as a State armory. Only seventeen sections of the new Code remains to be read.

Crews gave notice of the following bills: To repeal the charter of the Town of Laurens; to charter a railroad from Columbia to Charleston by the shortest and most practicable route.

The bill to authorize the extension of the Charlotte, Columbia and Augusta Railroad to connect with the Greenville and Columbia Railroad, was passed and ordered to be en-

The Senate, in executive session to-day, confirmed T. K. Sasportas as treasurer of Orangeburg County, vice John D. Mount, removed; David Sanders, as treasurer of Oconce County, vice S. J. Herndon, removed; Edward Livington, as treasurer of Chester County, vice J. A.

A caucus will be held to-night in the Statehouse to hear speeches from candidates for judge of the Fifth Circuit. Melton has the best

The following bills received their second reading: Bill (by Committee on Railroads) to provide a remedy against charges for transportation conveyance, or to an excess of limits prescribed by statutes, and to declare the proper construction thereof; joint resolution (by Committee on Finance) to authorize the State Treasurer to reissue to Alexander Robertson, J. F. Bleaklock and E. B. Coachman, or their assignees, agents or attorneys, a certain certificate of stock; bill (House) to amend the charter of the Graniteville Manufacturing Company; bill (House) to alter and amend an act entitled "An act to alter and amend the charter of the City of Greenville;" bill (House) to incorporate the Wide Awake Fire Engine Company, of Sumter, S. C.; bill (House) to incorporate the Grove Station Bridge Company; bill (by the Committee on Finance) to amend an act entitled "An act to fix the salary and regulate the pay of certain officers."

The following were adopted: Joint resolution (by Committee on Railroads) to anthorize the Attorney-General to institute proceedings against the South Carolina Railroad Company for violation of its charter; report of joint committee, appointed at the regular session of the General Assembly by virtue of a concurrent resolution, agreed to March 12, 1869, and in accordance with section 5 of an act entitled "An act to regulate the manner of keeping and disbursing funds by certain offi-

The Judiciary Committee have reported unfavorably upon a bill to exempt manufactures from taxation for five years.

Wimbush introduced a resolution instructing the Judiciary Committee to inquire whether the judge of the Sixth Circuit (Thomas) lived it. An attempt will be made to remove him.

Cain introduced a bill to incorporate the Ply mouth Congregational Church, of Charleston

A VERY QUIET DAY.

The Labor Bill-Railroud Guarantees

The South Carolina Railroad.

[FEOM OUR OWN CORRESPONDENT] COLUMBIA, February 8.

The special order for to-day, in the House, was a bill (and a substitute) to amen an act entitled "An act to provide for the appointment of a land commissioner, and to define his powers and duties." Without much discussion it was made the special order for next Saturday. What will be the fate of the bill cannot be stated with any degree of certainty. Leslie is very much interested in it, and yesterday was circulating freely about the House -evidently lobbying a little. If the bill pass, and he fail to get his friends on the advisory board, he will have to retire from the commission. There is a strong desire on the part of the members to remove the erratic senator; and unless he exert himself, his commission and commissions will know him no more-

In the House, to-day, the resolving clause of the joint resolution authorizing the Governor "to appoint contract agents or supervisors for each county of the State, whose duty it shall be to furnish all persons wishing to contract with proper forms, showing clearly the obligations of employer and employee," was stricken out—and thus the resolution falls to the STATE LIABILITY.

In the House, to-day, Tomlinson introduced a bill to authorize a certificate of the discharge of the State from its liability, by reason of the guarantee of certain bonds, on the cancellation of the same. The preamble recites that as "the ate hath, under several acts of the General Assembly, authorized the guarantee of bonds of several railroad companies incorporated by the State, some of which bonds so guaranteed have fallen due, and it is important to said companies, as well as beneficial to the State, to facilitate the withdrawal of said bonds and the release of the State from such guarantees, therefore, be it enacted, that whenever any railroad company of this State whose bonds have been guaranteed by the State under any act of the Legislature, shal present to the Comptroller-General any of the bonds which have been so guaranteed duly cancelled, he shall give such company a certificate or acknowledgment on the part of the State as he may deem necessary and sufficient to show that such company has been discharged from the liability by reason of such guaran-tee, and that the lien held by the State on the property of such company as a security against such guarantee has been released and dis-charged to the extent of the bond or bonds which have been cancelled as aforesaid.'

THE SOUTH CAROLINA RAILROAD.

To-day the Committee on Railroads made To-day the Committee on Railroads made the following report:

The Committee on Railroads, to whom was referred the letter of George Aiden, merchant, of Camden, together with the accompanying documents, beg leave to report that they have submitted the same to the attorney-general for his opinion and advice. The committee herewith present the reply of the attorney-general, together with a bill prepared by the attorney-general, with a view to declare the law more unequivocally, and to facilitate the recovery of unlawful charges collected by railroad companies.

The committee also beg leave to report the following joint resolution, and recommend its pas-

lowing joint resolution, and recommend its pas-

10 NT RESOLUTION TO AUTHORIZE THE ATTORNEY GENERAL TO INSTITUTE PROCEEDINGS AGAINST and Send THE SOUTH CAROLINA RAILEOAD COMPANY FOR DUSINESS IN PROCEEDINGS OF THE CHARTER. FESCHER, by the Senate and House of Representations of the Senate a

fatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same. That the Attorney-General be, and he is hereby required, with the least prac-ticable delay, to institute such proceedings in the courts of this State, as in his judgment, may be necessary to enforce the provisions of Section 20 of "An act to incorporate the Cincinnati and Charleston Railroad Company," passed December 19, 1825.

COMMUNICATION FROM THE ATTORNEY-GENERAL. OFFICE OF THE ATTORNEY-GENERAL, COLUMBIA, S. C., February 4, 1870.} To Hon. C. P. Leslie, Chairman Senate Commit-tee on Railroads:

Sin-I have been for several days in receipt of Sin-1 have been for several mays in recovery open official note referring to me for my advice and opinion certain papers connected with the charges made by George Alden, merchant of Camden, of unlawful and oppressive collections for freights by the South Carolina Railread Com-

for freights by the South Caronina Rainread Conpany.

I have now the honor, at the earliest practicable moment, to reply to your note, and especially
to your inquiry whether the General Assembly can
properly take action, and if so, what action in
relief of alleged grievance?

The act of 1835, section 20, provides "That the
said company shall have the exclusive right of
transportation, conveyance of persons, goods,
merchandise and produce over the said railroad
and its branches, by them constructed: Provided, the charge of transportation or conveyance
shall not exceed thirty-five cents per handred
pounds on heavy articles, and ten cents per cable
foot on articles of measurement for every hundred miles, and the cents a mile for every passengy."

This a proposition is in full force as far as relates

dred miles, and five cents a mile for every passenger."

This proposition is in full force as far as relates to the Canaden branch, though otherwise somewhat changed. If the facts set forth in Mr. Alden's statement are correct, the freight paid by him to the South Caroline Railroad Company for transportation of goods from Kingville to Canaden, a distance of about thirty-seven miles, are greatly beyond the limits fixed by the act; and it seems, from a careful examination of the facts furnished, that these charges, in violation of the above restraining proviso, are not accidental or occasional, but are measurably uniform and form part of a system. Thus, the rate paid by Mr. Alden, per hundred pounds, per hundred miles, seems to have varied from about sixty-eight cents to two dollars, (instead of thirty-five cents.) yet the most general rate will be found, upon revising the calculations, to be about ninety-five in lieu of thirty-five cents, the maximum prescribed by charter. Indee', the charges shown by this statement are invariably greatly in excess of the by charter. Indeed, the charges shown by this statement are invariably greatly in excess of the legal limit when the weight is given, and when it is not, by comparison with the charges from Baltimore to Kingville, the gross disproportion to the relative distances indicate a still overcharge. Thus, to take a few of the last items of the state-

timore to Kingville, the gross disproportion to the relative distances indicate a still overcharge. Thus, to take a few of the last items of the statement for illustration:

November 23—20 kits of the last items of the statement for illustration:

November 25—30 kits of the same articles from Kingville to Camden cost \$4

November 25—3 barrels sundries from Baltimore to Kingville cost \$9 12, while the same articles from Kingville cost \$5 25.

November 29—2 barrels sundries from Baltimore to Kingville cost \$6 06, while the same articles from Kingville to Camden cost \$5 50.

December 18—8 barrels sundries from Baltimore to Kingville cost \$24 33, while the same from Kingville cost \$24 33, while the same from Kingville to Camden cost \$25.

December 30—1 box merchandise from Baltimore to Kingville cost 33 cents, while the same from Kingville cost 33 cents, while the same from Kingville cost 30 cents.

January \$, 1879.—1 piece and bar casting from Baltimore to Kingville to Camden cost 50 cents.

In these cases, where the disproportion is greatest, in general no weights are furnished, but the conclusion that the limits are greatly exceeded may be very safely drawn from such face.

The statement is, however, but ex parte showing, and while it exhibits prima facle a state of things calling for investigation, cannot properly form the basis of any definite action by the General Assembly. Indeed, the question as to the consequences of such violations, as well as that as to their actual existence, belongs to the judicial department of the government; and the most that can be done by the General Assembly, in accordance with precedent, is by the adoption of a resolution, or in some other mode, to indicate to the Attorney General their will that proceedings be instituted in the courts on behalf of the o the Attorney General their will that proceedings be instituted in the courts on behalf of the

State.

As a measure intended to prevent the recurrence of such violations imposed by the General Assembly in the matter of freights and tolks, and similar charges, I have prepared a bill, which I take the liberty herewith to transmit to you for such use as you may determine to be proper.

I am, sir, your obedient servant, D. H. CHAMBERLAIN,

Attorney-General. ELL TO PROVIDE A REMEDY AGAINST CHARGES POR TRANSPORTATION, CONVEYANCE OR TOLL IN EXCESS OF LIMITS PRESCRIBED BY STATUTE, AND TO DECLARE THE PROPER CONSTRUCTION THEREOI TO DECLARETHE PROPER COSSINGUES TO PROPERTY TO PROPERT and received by such persons; and whereas, it may be pretended that doubts exist touching the construction of such acts in certain particulars;

therefore,
Section 1. Be it enacted by the Senate and
House of Representatives of the State of South Carolina now met and sitting in General Assembly, and by the authority of the same. That where hie rate of transportation, or conveyance or toil, is prescribed in act of Assembly by a designation or specification of a certain weight, size and distance, or either of them, the said act shall be deemed and construed in all cases to apply the proportion thus indicated to all less weights, sizes and distances, and to all parts and fractions of these so named in said acts of Assembly respectively.

respectively.
SEC. 2. That from and after the passage of this SEC. 2. That from and after the passage of this act, any sum of money paid in excess of a rate or maximum rate prescribed or limited by an act of Assembly of the said State, for the transportation, conveyance, or toil of any goods or produce, or any persons, passengers, or animals, shall be held to have been extorted, and may be recovered back by the person paying the same, together with interest thereon, at the rate of five per centum per month in an act, in for money had and received. terest thereon, at the rate of lave per centum per month, in an actil n for money had and received, and that in said action no detence of, or in the na-ture of voluntary payment, shall avail: Provided, That nothing hereing contained shall be deemed or constituted to superce e or dispense with any remedy now existing, by civil, criminal, or quasi criminal proceeding.

The bill and joint resolution were ordered to

pe printed and presented for consideration to

DEPELICT ESTATES.

The bill introduced in the Senate to-day by Hoyt "to vest in the cierks of the court all the rights, powers and duties conferred upon the late commissioners in equity, by the act of late commissioners in equity, by the act of December 21st, 1870, entitled an act to provide for the administration of derelict estates," provides that the clerks of courts be vested with the rights and powers of the late commissioner, and that the last provision of the first section of said act, to wit: That the whole value of said estate shall not exceed the value of said estate shall not exceed the value of five thousand dollars, be repealed, provided that nothing in this act shall be con provided that nothing in this act snai be construed as conflicting with an act entitled "An act to designate the officers by whom sales ordered by the Courts of Common Pleas and judges thereof, and the Courts of Probate be be made," ratified the 21st day of January,

STRAY ITEMS.

Officer S. J. Coates, of Charleston, arrived this morning, and recognized G. W. Martin. (who was arrested here

(who was arrested nere for communing carglaries in the Columbia Hotel,) as a regular
hotel thief. To-day Martin acknowledged that
he committed the burglaries.

The reception at Dr. A. G. Mackey's last
night was, it is said, the best of this season—
cellpsing those given by the Governor, Judge
Willard, and others. No colored persons present excepting butlers, &c.

AFFAIRS IN ANDERSON. Court-Sales-Day-Planting and Ferti-

lizers.

[FROM OUR OWN CORRESPONDENT.]

PENDLETON, S. C., February S. I paid a short visit to Anderson, our thriving county seat, vesterday, Saturday. His Honor Judge Orr is still holding court, run-ning into his third week. All the dockets are pretty well cleared, the equity docket only re maining. In spite of a damp, cold day, which maining. In spite of a damp, cold day, which wound up in quite a snow storm, we had a fair turnout of the citizens of the county. Several tracts of land were sold at private and sheriff's sale, bringing moderately good prices. The farmers are generally making preparation for planting for a large cotton crop, and one could hear the words Dixon, Pecler, Boyd. Etiwan, Wando, Baugh, Peruvian, &c., from nearly every squad of men he passed. The citizens of this section owe a large debt of gratitude to Mr. B. F. Crayton, chairman of the executive committee of our County Agriral tracts of land were sold at private and the executive committee of our County Agri-cultural Society, for the zeal and energy ha as displayed in introducing and experiment ing with improved implements of industry and

BUSINESS ENVELOPES .- THE NEWS Job Office s now prepared to furnish good envelopes, with business cards printed thereon, at \$4 per thousand. Send your orders. Every merchant and business man should have his card printed on his

the different artificial manures. P. H. E. S.

WASHINGTON.

THE DISABILITIES BILL.

The Supreme Court-The New Southern Line of Transatlantic Steamers,

> [FROM THE ASSOCIATED PRESS.] Washington, February 10.

The general bill for the removal of political disabilities reported by Butler from the Reconstruction Committee, provides that all persons affected by the Fourteenth amendment, except officers who have been in the army and navy, and those who have served in the Senate or House of Representatives, are relieved from their disabilities on taking an oath of future loyalty, and making application to the United States District Court. This application is to remain on file for thirty days, and then, if no valid objection be made, the judge is to issue an order relieving said applicant, by virtue of the act of Congress, of all the pains and penalties of disfranchisement. The objection must show cause, supported by evidence, why the disabilities of the party applying should not be removed, and the judge is authorized to exercise his discretion in the matter. The bill besides provides that the removal of disabilities shall not affect property lost, captured or destroyed by the army of the United States.

Terry and Sheridan are both at the White

In the Supreme Court, the point was argued to-day whether the government was responsible for the value of property when seized, or only for the amount realized and in the treasury.

In the Senate, to-day, the Appropriation bill to supply deficiencies in the Navy Bureau was amended to read three millions, was passed, and goes to the House for concurrence. A bill was introduced withholding grants

from agricultural colleges which make distinctions on account of color. The case of Mississippi was then considered, the debate being mainly devoted to personalities. The question before the Senate is on

admission, pure and simple. Adjourned with-

out action. Wilson, of Massachusetts, and several other New England senators, and three Southern senators, will vote for Bradley. His confirmation is becoming more probable. There is no

present doubt of Strong's confirmation. In the Honse, Mr. Roots, of Arkansas, introduced a bill to encourage the establishment of a line of steamers to European ports, and to the ports of India, China and Japan, and to promote emigration to the Southern States. It was referred to the special committee on the cause of the decline of American commerce and shipbuilding. The Secretary of State was interrogated why

the Spanish Government paid certain claims in legal tenders instead of gold as stipulated by the treaty of 1864. The consideration of the Appropriation bill

was resumed, after which the House adjourned.

EUROPE.

The Agitation in Paris-The Government Triumphant. Paris, February 10.

The bullion in the Bank of France has decreased one million francs during the week. The city is quiet. Flourens is reported to have fled to Belgium.

The ball in the Tuileries last night was postponed on account of the disorders. The vigilnace of the government is unabated.

The English Tobacco Duties. LONDON, February 10. The English Government declines to a reduction of the tobacco duties.

THE TROUBLES IN PARIS.

Further Details of the Arrest of Rochefort --- The Leader of the Insurgents-The Riots Discussed in the Corps Legis-

From the full cable dispatches published by the Northern papers in regard to the Paris riots, we glean the following interesting details:

Rochefort was arrested as he was on the point of entering a political meeting in Rue de Flandre, running from Belleville to La Vidette. Although there was a great crowd of people present, and mainly of his own partisans, he made no resistance and no appeals to the crowd. As soon as his arrest was made known to the crowd, the wildest scene occur-red. Gustave Flourens, who presided, rose excitedly, drew his sword, fired his revolver, and declared insurrection had begun. The meeting broke up in disorder, and the crowd, under the leadership of Flourens, proceeded to barricade the streets. This was accomplished without loss of time by the appropriation of omnibuses and other vehicles from stables in omniouses and other venicies from stables in the neighborhood. The Commissary of Police, who, accompanied by a guard, was charged with the duty of arresting Rochefort, was forced along with the crowd and badly mal-treated.

The district lying between Rue Faubourg du Temple and the fortifications at La Vidette, a distance of about two miles, was in possession of the rioters. At 11 o'clock a body of police charged the barricade in Rue de Faubourg du Temple and attempted to carry it, but was re-pulsed. One of the commissaries was danger-ously wounded and one policeman killed. In places barircades had also been erected, but they were not defended. The military are now out in force, but thus far have made no use of their firearms, although the insurgents have. The latter had pillaged armories and in that way obtained their weapons. Several policemen were wounded with these in skirmishes early were wounded with these in skirminges early in the morning. A great number of arrests have been made. At 3 o'clock this morning, over three hundred persons had been taken into custody and imprisoned in the barracks. Many of them were mere boys, all armed, and most of them under the influence of liquor. It is reported that Gustave Flourens, who is looked upon as a leader of the roters, has been ed upon as a leader of the rioters, has been arrested, but the report is not confirmed. He is said to have announced to his mother, be-fore going from home to the meeting, that if Rochefort were arrested she probably would

never see him again.
In the Corps Legislatif, Keratry, one of the Liberal deputies, demanded to know why Rochetort was not arrested before he started for the political meeting, where five thousand persons were assembled. It was not necespersons were assembled. It was not necessary that this meeting should be thus disturbed, and the people who were participating in it aroused to violence. The act of the government was the provocation to the disturbances which took place.

A member of the ministry explained that the authorities had refrained from arresting.

the authorities had refrained from arresting Rochefort at the Chambers to avoid the scan-Rochefort at the Chambers to avoid the scandal to which his arrest would have given rise. He asserted that the friends of Rochefort were prepared to make the demonstration which they had made, and upon this fact the ministry would rest the responsibility of what had taken place, and the country would judge between the ministry and the rioters. He said there need be no measures for the people. The need be no uneasiness for the people. The government was animated by the best senti-

ments towards them.

The Minister of the Interior followed with the assertion that the friends of Rochefort had letermined on a demonstration had Rochefort been arrested at the Chambers.
Ollivier praised the conduct of the police in dealing with the disorders. He said they had acted with prudence and humanity.

CHARLESTON, FRIDAY MORNING, FEBRUARY 11, 1870. THE LEGAL-TENDER QUESTION.

> Important Decision by the United States Supreme Court-Contracts Made before the Legal-Tender Law Payable in Gold-Opinion of the Court-Dis-

As has already been briefly stated in our telegraphic advices, the case of Hepburn vs. Griswold, brought from the Court of Appeals of Kentucky, involving the legal-tender law. was decided in the United States Supreme Court at Washington on Monday. Chief Justice Chase delivered the opinion of the court, sustaining the decision of the court below, and holding that a contract made before the legaltender law could not be discharged in United States notes. The opinion is very long, and discusses at great length the powers of Congress. It holds that Congress had no right to make government notes a legal-tender for preexisting private debts. It does not touch the question of contracts made since the law was passed. This opinion was concurred in by Justice Nelson, Justice Clifford and Justice Field. Mr. Justice Miller delivered the minority opinion, concurred in by Justice Swayne and Justice Davis, holding the law to be entirely constitutional, treating it principally as an incident to the war power. The following is a full abstract of

THE OPINION.

THE OPINION.

The question presented is whether or not the payee or assignee of a note made before the 25th of February, 1862, is obliged by law to accept in payment United States notes of a nominal amount to the sum due according to its terms, when tendered by the maker or other party bound to pay it. Chief Justice Chase, in delivering the opinion, said that the question required in the first place a construction of that clause of the first section of the act of Congress, passed on that day, which declares Congress, passed on that day, which declares the United States notes, the issue of which was authorized by the statute, to be a legal tender authorized by the statute, to be a legat tender in payment of debts. The entire clause is in these words: "And such notes herein authorized shall be receivable in payment of all taxes, internal duties, excise debts and demands of every kind due to the United States, except duties on imports, and demands against the United States of every kind whatsoever, except for integrat upon honds and notes, which United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid. 12 U. S. Statutes, 315.

This clause has already received much con-

This clause has already received much con-sideration here, and this court has held that imposed by State legislation nor demands upon contracts which stipulate in terms for the payment or delivery of coin or bullion are in-cluded by legislative intention under the de-scription of "debts, public and private." The court now had to determine whether this deation embraces debts contracted before as

weil as after the date of the act. After referring to the established rule in construing legislative enactments, the chief jus-tice continued: There appears to be a strong reason for construing the word "debts" as hav-ing reference only to debts contracted subsent to the enactment of the law, for no one will question that the United States notes, which the act makes a legal tender in payment, are essentially unlike in nature, and, being irredeemable in coin, are necessarily unlike in value to the lawful money intended by the parties to the contracts for the payment of money made before its passage. The lawful the parties to the contracts for the payment of money made before its passage. The lawful money then in use and made a legal tender in payment consisted of gold and silver coin. The currency in use under the act, and declared by its terms to be lawful money, and a legal tender, consists of notes or promises to pay impressed upon paper prepared in convenient form for circulation, and protected content of the partial of the venient form for circulation, and protected against counterfeiting by suitable devices and penulties

Contracts for the payment of money made before the act of 186, had reference to coined money, and could not be discharged, unless by consent, otherwise than by the tender of the sum due, in coin. Such contract therefore was, in legal import, a contract for the pay-

ment of coin.

After giving illustrations involving the fluc tuations in value of paper currency, and the consequent hardship of arbitrary and compulconsequent hardship of arbitrary and compul-sory enactments as applied to prior contracts, the opinion demonstrates that an act compel-ling acceptance or satisfaction of any other than stipulated payment alters arbitrarily the terms of the contract and impairs its obliga-tion, and that the practical operation of such an act is contrary to justice and equity. It follows that no construction which attributes such precised congretion to an act of Congressian such practical operation to an act of Congress is to be favored, or indeed to be a any other can be reconciled with the manifest

intent of the Legislature. The court considers at length the probable The court considers at length the probable meaning of the term "debts," as intended by Congress, and concludes that it is not at liberty to say that Congress did not intend to make the notes authorized by it a legal-tender in payment of debts contracted before the passage of the act. This suggests the question whether Congress has the power to make notes issued under its authority a legal-tender in payment of debts which, when contracted, were payable by law in gold and silver coin. In ascertaining the respective rights of par-ties, continues the court, it frequently becomes necessary to consult the constitution, for there can be no law inconsistent with the funda-

mental law. No enactment not in pursuance of the authority conferred by it can create obligations or confer rights, for such is the express declaration of the constitution itself.

Not every act of Congress, then, is to be regarded as the supreme law of the land, nor is it by every act of Congress that the judges are bound—this character and this force belongs to such acts as are "made in pursuance of the constitution." The plaintiff in the court below constitution." The plaintiff in the court below sought to recover of the defendants a certain sum expressed on the face of a promissory note. The defendants Insisted on the right under the act of February 25, 1862, to acquit themselves of their obligations, by tendering in payment a sum nominally equal in United States notes, but the note had been executed before the pressers of the not and the valence. before the passage of the act, and the plaintiff insisted on his right, under the constitution, to be paid the amount due in gold and silver, and it has not been and caunot be denied that the plaintiff was entitled to judgment ecording to his claim, unless bound by as constitutional act to accept the notes as coin. As two questions were directly presented: Were the defendants relieved by the act from the obligations assumed in the contract? Could the plaintiff, by a judgment of the court, receive in payment a currency of different natures and value from that which was in the contemplation of the parties when the contract was made? he contract was made? the Court of Appeals decided both questions in the negative, and the defendant seeks the reversal of that Judgment by writ of error. It becomes our duty, therefore, to determine whether the act of February 25, 1852, so far as it makes United tates notes a legal tender in payments of debts contracted prier to its passitutional and valid or otherwise.

The powers of Congress, though are limited by the constitution which grants them. The extension of them by implication is delicate, and may be dangerous. All powis delicate, and may be dangerous. All powers implied, but not expressly granted by that instrument, are included in the clause which confers "power to make all laws necessary and proper for carrying into execution the powers expressly granted to Congress or vested by the constitution in the government, or in any of its departments or officers." And these are limited by the reservation to the States or to the people of all powers not conferred on Congress or problems to the States. gress nor prohibited to the States.

There is no express grant of power to make paper a legal-tender. Can it be done under an implied power? The rule laid down by Chief Justice Marshall (4 Wheaton, 421,) is nquestioned.
"'Let the end be legitimate, let it be within

the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional.' And again, in the same opinion: 'Should Congress, in the execution of its powers, adopt measures which are prohibited by the constitution; or should gress, under the pretext of executing its powers pass laws for the accomplishment of objects not intrusted to the government, it would be the painful duty of this tribunal, should a case weighter the control of the painful duty of the tribunal, should a case requiring such a decision come before it, to say that such an act was not the

law of the land; but where the law is not pro-hibited, and is really calculated to effect any of the objects intrusted to the government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and

circumscribes the judicial department and tread on legislative ground.'" (Ibid, 423.)

The power to establish a standard of money, as of weights and measures, is unquestionably neidental to government; but the power to change the legal tender is clearly not the same as the power to coin money. Nor is it the same as the power to issue bills of credit, which Congress has been held by this court to possess. They are issued on the credit of the United States, and may be issued effectually without making them a legal tender. The difference in power is shown by the fact that even the States may authorize banks of issue, but cannot make their notes a legal tender. It is urged that the Legal-Tender act is authorized, as incidental to the war power, by

the constitution, when it grants all powers nethorized, as incidental to the war power, cessary and proper to carry its general powers into execution. But how is the right to make a new legal-tender necessary and proper to that of carrying on war? Such an argument proves too much; for every other power of Congress involves the use of money, and the power to issue legal-tenders might as reasona-bly be derived from that of opening post roads or building postoffices, as from the war power. Nor can it be said that this is a question solely for Congress, and not for the courts, with saying that Congress has exclusive jurisdiction o define its own powers.

The court then reviewed the history of the

aper currency; and said "no one questions the general constitutionality, and not very many, perhaps, the general expediency, of the legislation by which a note currency has been authorized in recent years. The doubt is as to the power to declare a particular class of these notes to be a legal-tender in payment of preexisting debts. The only ground upon which this power is asserted is not that the issue of notes was an appropriate and plainly adapted means for carrying on the war, for that is ad-mitted; but that the making of them a legaltender to the extent mentioned was such a means. Now, we have seen that of all the notes issued, those not declared a legal tender at all constituted a very large proportion, and that they circulated freely and without dis-count. It may be said that their equality in circulation and credit was due to the proviscirculation and creat was one to the provision made by law for the redemption of this paper in legal-tender notes, but this provision, if at all useful in this respect, was of trifling importance compared with that which made them receivable for government dues." The court cannot, therefore, believe that the legal-tender claim is justified by the power to declare and maintain war, as an appropriate and plainly adapted means of enforcing this power. Besides, the constitution is ordained to establish justice. The famous ordinance for the government of the Northwest Territory has

This passage:
"And in the just preservation of rights and property it is understood and declared that no law ought ever to be made, or to have force in the state of the property when the state of the property was not properly that the state of the property was not properly that the property was not properly the state of the property was not properly the properly t naw ought ever to be made, or to nave force in the said territory, that shall in any manner whatever interfere with or affect private con-tracts or engagements, bona fide, and without fraud, previously formed." The same princi-ple found more condensed averaged to the ple found more condensed expression in that most valuable provision of the Constitution o the United States, ever recognized as an effi-cient safeguard against intrigue, that no State shall pass any law impairing the obligation of contracts. It is true that this prohibition is iled in terms to the government of the

not applied in terms to the government of the United States.

But the prohibition, in its spirit, was clearly applied by the prohibition of the pr designed to cover the whole body of legisla-tion in the nation. An act made in violation of it, without any express grant of power, can not be maintained.

again, the Fifth amendment advises that again, the Fifth amendment advises that private property cannot be taken for public use without compensation; and that no person shall be deprived of life, liberty or property without process of law. This applies to the general government, and is clearly inconsistent with making a new legal-tender for existing debts. The injury done to the holders of such contracts is direct and inevitable. "No one probably could be found to contend that an act enforcing the acceptance of fifty or seventy-five acres of land in satisfaction of contract to convey a hundred, would not come within the prohibition against arbitrary privation of property. We confess ourselves unable to perceive any solid distinction between such an act and an act compelling all citizens to accept in satisfaction of all contracts for money half or three-quarters of any

racts for money half or three-quarters of any other proportion less than the whole of the value actually due according to their terms. It is difficult to conceive what act would take private property without process of law, if such act would not."

Judgment was, therefore, given, affirming the decision of the Kentucky Court of Anthe decision of the Kentucky Court of Ap-peals: "That the defendant in error was not bound to receive from the plaintiffs the cur-rency tendered to him in payment of their note made before the passage of the act of ebruary 25, 1862."

THE DRIFT OF POLITICS.

The Extravagance of the Administration-Effect of the Dawes De lopments-Butler as a Claim Agent-Ar Enormous Demand Defeated-The Seat of Judge Wayne on the Supreme Bench

The watchful Washington correspondent of

the Bultimore Gazette writes: Those who underrate the importance of the movement of Mr. Dawes must be oblivious of the fact that the cohesive power of public plunder is the only ligament that now binds the Radical party together. Ben Butler came to the relief of the administration. It is known that he never acts without an object. He has had several jobs with gigantic prospective fees. Mr. Dawes has had his eye upon him. It is a great point gained to have a watch dog, at the point, competent to smell out and ready to expose wholesale depredations upon the treasury. The administration is utterly powerless except through the corrupt influ-ence which the public money can purchase. Butler's defence of Grant and Boutwell was known to be referable to the claims he has been prosecuting before the treasury. Mr. Dawes has effectually frightened the officials, and they dare not succumb to the enormor demands of their champion. A pet "claim" of his has just been rejected by the treasury in obedience to an opinion of Attorney-General Hoar. Butler modestly requested the Secretary of the Treasury to have turned over to him, as chairman of a bogus concern called "The Board of Directors of the National Asyum for Disabled Soldlers and Sailors," the bounty forfeited by deserters during the war, amounting to the enormous sum of four mil-lions of dollars! Of course this money was lue to no one. What Mr. Butler's share in this metarious transaction would have been, had he succeeded, no man can tell. It is enough hat the bold stand assumed by the present "Chancellor of the Exchequer," nipped the another of its most talented advocates. no one familiar with the proclivities of the doughty Massachusetts general would for a moment suppose that he will ever again be found detending an administration that refuses to "shell out" for whatever cause. It has to "shell out" for whatever cause. It has shown the white feather upon an all-important financial measure, of the most vital conse hereafter be classed with Boutwell's most bit ter opponents. No wonder Hoar was rejected.

The carpet-baggers at the South have generally agreed to recommend Drake for the seat on the supreme bench, made vacant by the death of Judge Wayne. He will not be appointed. This I get from a direct and trustworthy source. The recommendation of no senator who voted against Hoar's confirmation will be a purch as considered. The Attorney. will be so much as considered. The Attorney-General himself will designate the new judge. So infamous have been the decisions in what are called "contested election cases" House, that many members have been shame. into an attempt to correct the evil. The Cominto an attempt to correct the evil. The Committee on Elections, on Friday, adopted a ressolution to present a bill, prepared by General Paine, their chairman, to the House, providing for a new mode of conducting contested election cases in the committee. The bill, which will be offered on Monday, contains substantially the points as govern contested election cases adopted by the Legislature of Pennsylvania and assigns each individual contested. cases adopted by the Legisland vania, and assigns each individual contested case to a special committee to be chosen by lot.

The Sunday Herald of this city appeared the case to a special committee to be chosen by lot.

this morning under new auspices. It is much improved, and promises to be guided by con-

servative principles. Its contents to-day are, politically, as unexceptionable as could be ex-

pected from its cilitors, who have hitherto been classed as "Republicans." This is but another sign of the tumbling to pieces of the

Radical organization.

THE QUEEN'S SPEECH.

Her Majesty's Address on the Reassen bling of Parlinment-The Finances-

The cable brings us the following extended report of the Queen's speech, as delivered by commission on the 8th instant. Lords and Gentlemen-We have it in com-

Lords and Gentlemen.—We have it in com-mand from her Majesty again to invite you to resume your arduous duties, and to express the regret of her Majesty that her recent indis-position has provented her from meeting you in person, as it had been her intention to do-You reassemble at a period of remarkable pub lic interest. Friendly sentiments are entertained in all quarters towards this country, and these feelings her Majesty cordially reciprocates. There is a growing dispostion among nations to resort to the good offices of their allies in cases of international difference. The conciliatory spirit in which several such cases have recently been treated and determined encourage her Majesty's confidence in the maintenance of general tranquillity. Papers will be laid before you with reference to the recent occurrences in New Zealand. Gentlemen of the House of Commons, estimates for the approaching financial year are in a forward state of preparation; they are framed with a view, in the first place, to the effective maintenance of the public establishments, and will impose a diminished charge upon her Majesty's subjects. The condition of the revenue has answered the expectations formed in the past session. Her Majesty trusts you will be disposed to carry into completion the inquiry you last year instituted into the mode of conducting Parliamentary and municipal elections, and thus prepare materials useful for early betiefted. have recently been treated and determine and thus prepare materials useful for early legislation. Lords and gentlemen, it will be proposed to amend the laws respecting the oc-cupation and acquisition of land in Ireland, in a manner adapted to the peculiar circumstan-ces of that country, and calculated, as her Majesty believes, to bring about improved relations between the several classes concerned in Irish agriculture, who collectively constitute the great bulk of the people. These provisions, matured by your impartiality and wisdom, as her Majesty trusts, will tend to inspire among persons with whom such senti-ments may still be wanting that steady con-findence in the law, and desire to render asintended in the law, and desire to tende as-sistance in its effective administration, which mark her Majesty's subjects in general. This will aid in consolidating the fabric of the empire. We are further directed by her Majesty to state that many other subjects of public im-portance appear to demand your care, and among them especially to inform you a bill has been prepared for the enlargement, on a com-prehensive scale, of the means of national edu-cation. In fulfilment of an engagement to the Government of the United States, a bill will be proposed to you for the purpose of defining the status of subjects who are citizens of foreign countries, and who may desire natural-ization, and of alding them in the attainment

of that object.
You will be invited to consider bills pro posed in compliance with the report of the Commission on Courts of Judicature, for the improvement of the constitution and procedure of the superior tribunal of the original appellate jurisdiction. The question of religious penate introduction. The question of reignost tests in the universities and colleges of Oxford and Cambridge has been under discussion for many years, and her Majesty recommends such legislative settlement of the questions as may contribute to extend the usefulness of these great institutions, and heighten the respect with which they are instit regarded. these great institutions, and neighter the respect with which they are justly regarded.

Bills have been prepared for extending the incidence of rating, and for placing the collection of large sums, locally raised for various purposes, on a simple and uniform rating. Her Majesty-likewise recommends you to undertake an amendment to the laws which regulate and grant licenses for the sale of fermented and spirituous liquors.

and spirituous liquors.

Measures will be brought under your consid-Measures will be brought under your consideration facilitating the transfer of land in cases in testary, amending the laws as to disabilities of members of trade combinations, and for censolidating and improving the body of the statute which relates to merchant shipping. statute which relates to merchant shipping. While commending to you these weighty matters for legislation, her Majesty commands us to add that the recent extension of agrarian crime in several parts of Ireland, with its train of accompanying evils, has filled her Majesty with painful concern. The executive has employed freely the means at her command for the prevention of outrage, and partial improvement may be observed. Although the number of offences within this class of crime has been by no means so great as at for number of offences within this class of crime has been by no means so great as at former periods, the indisposition to give evidence in aid of the administration of justice has been alike remarkable and injurious. For the removal of such evils, her Majesty places main reliance on the permanent operation of a wise and necessary change in the laws. She will not hesitate to recommend the adoption of special provisions, should such a policy appear during the session, to be required by the paramount interest of peace and order. Upon these and all other subjects, her Majesty prays that your labors may be constantly attended by the blessing of God. by the blessing of God.

BLOODY OUTRAGE IN HAVANA.

What Blue Neckties Cost Four Americans-Prompt Action of the Authori-

A Cuban telegram published in the Northern

Sunday morning, about eleven o'clock, four Americans, Isaac Greenwall, Henry K. Foster, Hugh Johnson and Gardner Wells, all of New York, were on their way to visit a photograph gallery in Havana. They intended to have their pictures taken, and all wore blue neckties, and when near the Tacon theatre they were stopped by a man who pointed to their necktles and addressed the men in an excited manner in Spanish. None of the party understanding the language, no answer was returned. The unknown man then took out his revolver papers says : The unknewn man then took out his revolver and fired upon them. Greenwall was killed and Foster and Johnson were severely wounded and are in a precarious condition. of people followed and raised a cry of "stop him," but he escaped. The wounded men were badly treated by the crowd which gath-ered around them. The man who fired the ered around them. The man who fired the shots disappeared immediately after, and it is not known whether he was a volunteer or not. The declarations of parties and witnesses to the affair are now being taken by the legal authorities in the presence of the United States consul. The indignation of the Captain-General at the outrage is very great. He dailed on the chief justice and other leading officers of the law to use every means to discover the perpetrators and abettors. The people and all parties denounce the act, and the officers and volunteers are uniting and hunting for the exercise and by decompliers, and the forernor assassin and his accomplices, and the Governor police force in motion. reward of \$1000 for the DeRodas has offered a arrest of the culpable parties, who, if found will be tried by a drum-head court-martial and executed within two hours after sentence is

ALL ABOUT THE STATE.

Sales-day in Newberry. The Newberry Herald says of sales-day: 'About the most disagreeable day experienced ately was Monday, cold, gloomy and rainy, and yet the crowd in town was immense, not-withstanding all the weather difficulties. There were several sales of land, and the most of it brought very high prices, a very evident indi-cation of a prosperous condition of affairs in our district. One tract of 400 acres with a mill brought over \$10,000."

Distressing Accident.

The Sumter News says: "An accident occurred on one of our streets on Monday last, resulting in severe bodily injuries to Miss Kate Jones and Mr. H. C. Moses. The parties named were enjoying a pleasure ride, when, in an un-guarded moment, the horse ran and dashed the buggy against a tree, throwing Mr. Moses out, the buggy passing over his body and bruis-ing him severely in several places. The ani-mal continuing to run, Miss Jones was soon thrown out, suffering the fracture of a leg and some painful bruises upon other parts of her person. The buggy was much broken, and the escape even thus seems almost miracu-

The Greenville and Columbia Railroad The Newberry Herald says: "A year or two ago it was said that the Greenville and Colum-pia kaliroad Company was in a hopeless condi-

tion. But after a time the patient was pronounced convalencent, and then strong and
vigorous. But all of a sudden we hear that the
estate of said company is being partitioned in
a most summary way, and turned over to a set
of strange capitalists, whose agents are among
us, purchasing up the stock before the shareholders are aware of what is going on. It is a
remarkable fact that this is all being done, as
it is said, without the knowledge of the president and directors, who have been constituted dent and directors, who have been constituted trustees for the stockholders, generally. And yet no public notice has in any way, that we have heard, been given of this very singular proceeding. Whose duty was it to call a meeting of the stockholders, and put them in possession of all that was about to be attempted session of all that was about to be attempted against their interests? Can it be possible that the officers of the company or any of them have acted a treacherous part in this matten? They will afford the stockholders some satisfaction if they will let them know what the scheme is, and what part they have acted in the programme ?"

Shipping.

TO SAIL SATURDAY, 12TH INSTANT. FOR NEW YORK-MERCHANTS' LINE.

The regular Packet Schooner LILLY, Tughes, Master, wants 50 to 75 bales to fill Hughes, Master, wants 50 to 75 bales to fill with and leave as above.

[6b10 2 WILLIAM ROACH & CO.

BOSTON AND CHARLESTON LINE. FOR BOSTON.

The Schooner ANNIE E. GLOVER, having a large portion of her cargo engaged, will load with dispatch. ad with dispatch.
For Freight, apply to
MOSES GOLDSMITH & SON.

FOR LIVERPOOL.

The fine British Ship "GORILLA," Wm.
Say, Master, wants 500 bales Cotton to
complete cargo for the above port.
For Freight engagements, apply to
ROBERT MURE & CO.,
feb1 Boyce's Wharf. FORLIVERPOOL

The fine American Ship Missouri, L. T. Blackburn, Master, having a large portion of her cargo aboard. For further Proight engagements, apply to W. B. SMITH & CO.. Napley's Reco.

TESSELS WANTED. To freight corn from North Carolina; ca. pacity from 2000 to 5000 bushels; araft of water not over 7% feet. High rates and dispate guaranteed. Apply to SHACKELFORD & KELLY, jan28 fmw Boyce's Wuarf

FOR NEW YORK.

The First Class Side wheel steamship MANHATI'AN, M. S. Woodhull, Commander, of the New York and Charleston Steamship Company's Line, will leave Aiger's South Wharf on SATURDAY, the 12th instant, at 2:30

And Marine Insurance half per cent by this Line.

And Through Bills of Lading given on Cotton to
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And Superior Accompositions for Passengers.

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The JAMES ADGER follows on Tuesday, 14th
instant, at 4 o'clock P. M. feblo 3 TRAVELLERS PASSING THROUGH CHARLESTON EN ROUTE TO FLORIDA

And other places, should lay in their supplies of Clarets, Champagnes, Cordulated Garets, Champagnes, Corned Soups and Meats, American and English Biscuits, Devilled Ham, Tongue, Lobster, Durham Smoking Tobacco and Imported Segars.

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AND AIKEN,

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going on board.

For Freight engagements apply to
feb9 ROBERT MURE & CO. TESSELS SUPPLIED WITH CABIN AND

MESS STORES ON SHORT NOTICE. Captains and Stewards are respectfully invited to call and examine the quality and prices of our GODS. Full weight guaranteed. Delivered free of expense.

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The Commodious Stern-wheel Steamer GENERAL HOWARD, Formerly plying between Wilming-

ton and River Side (Cape Fear River) as nassenger and freight boat. Length over all......166 feet. Breadth of beam ..... 29 % feet. Depth of hold...... 5 feet. Draft ...... 3½ feet. Tonnage ......144 63-100

Two Engines in good order. Cylinder 16 inches diameter; 6 foot stroke. Upper deck saloon and passenger accommodations are spacious and comfortable. Lower deck and hold for freight. If not previously disposed of at private sale, will be sold at public auction, on WEDNESDAY, March 2,

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TNLAND ROUTE—FOR SAVANNAH VIA BEAUFORT AND SEABROOK'S LANDING,

HILTON HEAD, TWICE A WEEK. The steamer PILOT BOY, Captain C. Carroll White, will sail for Savan-nah via Beaufort every Sunday and Thursday ORNING. at 8 o'clock. MONNING, at 8 o'clock.
On the Sunday's trip she will touch at Chisolm's
and Turner's Landings, going and returning, and
turner's Landings, going and returning, serry
alternate Thursday. Returning will leave Savan-

nah every Monday and Friday Appro For Freight or Passage, apply to
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