onted states in the qualifications for such a voter? Wherein has the Constitution of the United States or Congress attempted to vest in citizens of States the right to vote and to fix the qualifications? The gentleman perhaps will be able to show me. None of my researches

have enabled me to find any such authority in the constitution or in any act of Congress.

Now, the third count, and this is a very im-

the United States, with intent to prevent a

ed States, to wit, the right of suffcage, con-trary, &c.," and the jurors, &c., "do turther

present that said Allen Crosby, &c., "ao inther present that said Allen Crosby, &c., in the act of committing the offence aforeraid, &c., a dwelling house of the said Amzi Rainey, &c., burglariously did break and enter, with Intent to commit a felony, and that the said Allen Crosby, &c., in the said dwelling house being to and upon the said Alazi Rainey un-

being. In and upon the said Anzi Bainey, unlawfully, maliciously and feloniously did make an assault; and the said Allen Crosby, &c., in and upon the head, shoulders and back of the

said Amzi Rainey, then and there unlawfully, maliclously and feloniously did strike, cut and wound, with intent to do unto the

said Amzi Bainey some serious bodily harm, contrary to the form of the statute in such cases made and provided, and against the peace and dignity —of what? Of the State of South Carolina? This last, if the court please,

is a material averment in all indictments. If the gentlemen wish it I can certainly produce

the gentlemen wish it I can certainly produce authority, but when I speak in this way to the court, and state questions of law, I do not state them unless I am certain that I am supported by the authorities. In England as well as in this country this conclusion to an indictment is material and can never be omitted. In England, it is the older forms, if your Honors recoilect, contra passim, I. e., it is

Honors recoilect, contra passim, i. e., it is against the peace and dignity of the United States, when it is an offence against the United States, and of the State of South Carolina, when it is an offence against the State of South Carolina, and to omit it in any indict-

ment violates that indictment.

This third count, as I have said in the first

place, goes on to allege that the conspiracy was to oppress, threaten and inimidate Amzi Briney, a citizen of the United States, with

intent to prevent and hinder his free exercise and enjoyment of a right and privileg grant-ed and secured to him by the constitution and laws of the United States as in the second

count, and all my objections made to the

equally well to this. What I now want to call the attention of the court to is an addendum which br ngs us under this juris liction of the

m he murdered. It happened to be bur-

States or that it is allowed to protect? Will it be contended that your honors have any jurisdiction to try or pudish a man for any such offence? for you must try him first and find him guilty first, before you can apply the punishment.

This is one of those great questions that arise and deserve the most mature considerations.

## THE GENERAL ASSEMBLY.

WHAT THE SOLONS IN COLUMBIA WERE DOING YESTERDAY.

Heavy Batch of Bills-Forbidding the Officials to Leave the State-Handling the Governor's Message Without

> [SPECIAL TELEGRAM TO THE NEWS ] COLUMBIA, December 5.

In the Senate bills were introduced to amend the assessment laws; to regulate the fees of solicitors; to prohibit State officials from leaving the State, except with the consent of the Legislature; to increase the jurisdiction of the City Court of Charleston; to secure possession of the Bine Ridge bonds guaranteed by the State; to repeal the aid to the Blue Ridge Railroad; to secure the payment of the expenses of the Legislature out of the incoming taxes; to incorporate the Cheraw Fire Engine Company, and to define the jurisdiction of trial justices. The veto of the special tax law for Lancaster County was sustained.

The following were referred to the judiciary cominttee: Bill to provide for the election of justices of the peace and constables, and for other purposes; report of committee on bill to require an additional report from the county commissioners of Pickens and Oconee; bill to change the name of William Martin; bill to repeal the bill giving the Governor authority to leave the State.

The committee report on the bill to author rize certain county commissioners to subscribe to the capital stock of the South Carolina Central Railroad Company, and the report of the committee on the bill to incorporate the South Carolina Rifle Club, of Charleston, were indefinately postponed.

The bill to repeal the act providing for the appointment of a land commissioner was postponed to the second Monday in January. The following were ordered to a third read-

ing: Joint resolution for the adjustment of the boundary line between Georgia and South Car.lina; bill to authorize the Governor to employ an armed force for the maintenance of the peace; bill to repeal the resolution authorizing the purchase of two thousand stand of arms; also the bill to amend Section 279 of the Code of Procedure.

The following were dropped from the calendar: Whittemore's resolution requesting certain information from the financial agent of the State; bill to repeal Section 279 of the Code. The bill to regulate the deposit of public moneys by county treasurers, and their disbursement, was referred to the committee on

In the House, bills were introduced to reduce the salaries of county treasurers; to punish abduction under promise of marriage; to define the jurisdiction of county commi ers; to reduce certain fees of trial justices. and to incorporate various associations. The ways and means committee reported favorably on the amendments to the assessment law.

At two o'clock the House went into commit tee of the whole on the Governor's message, which was violently attacked by Whipper, Hurley, and others. PICKET.

THE WORK OF THE LEGISLATURE.

A Ouslaught Expected-The Reform Ring - New Bills Introduced - The Coming Report of the Dennis-Whittemare Committee-Governor Scott Pre paring to Flee.

[PROM OUR OWN CORRESPONDENT.]

COLUMBIA, S. C., December 4 If the temper and intentions of both Houses of the present Legislature can be predicated from the language of the host of bills that are being crowded upon them, it seems very evident that a complic rate attack is to be made upon every one of the State officials whose position makes his complicity in the stupendous frauds recently unearthed a matter of probability. Of the fifty odd bills and resolutions presented to the Legislature to-day, either by notice of introduction or first reading, about one half were almed directly at Governor Scott or Treasurer Parker, and a dozen more were offered in the House by enthusiastic were offered in the house by enthusiastic but injudicious memoers, only to be withdrawn upon the speaker's explaining that they would be wholly moperative and futile by reason of technical blunders fallen into by their hasty authors. It is the misfortune, however, of such a Legislature as the State of South Carolina now possesses that no movement within it can exist for any length of time without assuming a circular form—becoming "a Ring:" suming a circular form—becoming "a Ring;" and it has come to pass that there now exists in the Legislature an institution that can only in the Legislature an institution that can only be correctly named by an apparent contradiction of terms—a Reform Ring. The members of this Ring are now throwing red-hot shot into the gubernatorial camp, (mostly, however, in the nature of threats so far,) and the cutsiders are keeping ap an irregular, bushwhacking fire upon the common enemy, varied with spiteful side attacks upon the king. Thus the duel has become triangular, like Midshipman Easy's, but the quarrel is a very pretity one as it tands.

pretty one as it stands.

In the Senate this morning the ball was set In the Senate this morning the ball was set in motion by the appointment of Senators Nash and F. yne upon Wilkes's joint committee, noticed in Monday's Naws, to investigate as to reducing, consolidating and abolishing State offices. Another paper from the House was the resolution to require the joint special investigating committee to report next Thursday, and this provoked a lively and personal debate, principally between Messrs. Whittemore and Hayne, but participated in also by McIntyre, Smalls, Maxwell and Swalls. Whitemore declared, very much as Dennis had

more and Hayne, but participated in also by McIntyre, Smalls, Maxwell and Swalls. Whittemore declared, very much as Dennis had done in the House on Saturday, that two weeks would be required for the actual printing, and that no number of concurrent resolutions could accomplish an impossibility, and the Senate finally refused to concur and laid the resolution on the table.

Among the petitions which were next presented, in accordance with the usual order of proceedings, was one from sundry citizens of Charleston, praying an act of incorporation for the Citizens' Building and Loan Association of Charleston, which was referred to the committee on incorporations; and then came the avalanche of bills and notices of bills. Of these the most important refer to financial matters, among them being the following:

Mr. Swalls gave notice of his intention to introduce "A bill to make appropriation for the payment of the per diem and mileage of the members of the General Assembly, and other expenses incidental thereto." This bill is very similar, to Hayne's bill for the same purpose, already noticed in the House proceedings, providing for an appropriation of \$150,000 for current expenses and \$200,000 for deficiencies, and authorizing the treasurer to hold incoming taxes subject to the demand of members' pay certificates.

Mr. Owens introduced, from the committee

members' pay certificates.

Mr. Owens introduced, from the committee on finance, "a bill to amend an act entitled 'an act to authorize a State loan to pay interest on act to authorize a State loan to pay interest on the public debt," the amendment consisting in striking out the fifth section; a bill to repeal the act creating the sterling funded debt which in addition to repealing the bill directs the Governor to procure and deposit with the secretary of State all the bonds printed under this act, and "a joint resolution instructing the State treasurer to refuse payment of drafts upon the treasury, except in certain cases," the exceptions being in favor of drafts dater specific appropriations of the Legisla-ture.

Mr. Whittemore introduced a joint resolu-

Mr. Whittemore introduced a joint resolu-

them in the charge of the secretary of State. This resolution, as will be seen, is intended to cover the ground already covered by section 2 of Mr. Owen's bill, just mentioned. Mr. Whittemore also introduced a joint resolution requiring the State treasurer, within five days, to prepare a full exhibit of all stocks, bonds and securities of the State of South Carolina, issued during his administration, and present the same to the Assembly, under penalty of his removal from office, unless sufficient cause for his default be shown before the Assembly. Also, a joint resolution requir-ing the bonds and stock stated by the Gov-ernor's message to be now in the State treasury, not signed or issued, to be placed in the hands of the secretary of State, and requiring

the secretary of State to cancel the same in the presence of a joint committee of the As-Mr. Swails introduced a bill to repeal the act passed at the special session of the Legis-lature authorizing the Governor to leave the State under certain circumstances, which may be taken as an intimation that the report of the joint special investigating committee, when received, will be such a crushing than-derbolt as to cause Governor Scott it olong for the retirement of his modest Ohio home. Mr. Owens introduced a joint resolution re-

quiring the finance committee of the Senate and the ways and means committee of the House to wait upon the treasurer and ascertain what moneys are now in the treasury, and the amount paid out since October 31, 1871, and report immediately. This was at once adopted, under a suspension of the rules, and sent to the House for concurrence, but, in the House, it was killed by the adoption of the following substitute offered by Mr. Bowen: whereas, It is currently reported that the taxes which are now being collected and paid into the State treasury are being paid out by the treasurer without authority of law:

Resolved by the House of Representatives.

the Senate concurring, That a committee of three on the part of the House, and ——ou the part of the Senate, be immediately appointed to a certain the amount of money paid out by the State treasurer since the 20th day of November 18th 20th paid out by the State treasurer slace the 20th day of November last, and on what account said moneys have been paid, and that said committee report by Toursday next, at 1 P.M. Mr. Whittemore introduced a resolution, which was also carred immediately under a suspension of the rules, providing that no person holding any State or county office, elective or sppointive, shall be a clerk or subordinate attaché of the Senate, and that no clerk or other subordinate of the S-nate, or the committees, shall receive pay for more

dis committees, shall receive pay for more than the time actually served.

This completed the introduction of bills, &c., This completed the introduction of one, and, the hour of one having arrived, the anand, the hour of one having arrived, the sne and, the hour of one having arrived, the annual message, which had been made the special order for that hour, was taken up. It was summarily disposed of, however, by the adoption of a resolution, introduced by Whittemore, to refer its various subjects to appropriate committees, but in the House it will probably receive more extensive consideration, as it is there proposed to go into committee of the whole at one o'clock to-morrow for its discussion.

its discussion.

The rest of the time of the Senate was occupied with the consideration of a few of the less important general orders on the calendar, re-sulting in their reference to various commit-tees, and provoking nothing more interesting than an angry altercation between Messra. Leslie, Rose, Hayne, Nash, Swalls and Mo-

In the House of Representatives, one of the In the House of Representatives, one of the first things done was to direct, by resolution, the removal of the magnificent central chandelier provided by Upholsterer Dennis, and which is ominously falling to pieces, and threatens ultimately to come down with a crash and annihilate a few dozens of the sapient legislators whose seats are in that locality. A very large number of bills were then introduced, of which those which are of the most importance, or which relate especially to Charleston County, are named below:

Mr. Bowen gave notice of intention to introduce a bill tolincrease and define the jurisdiction of the City Court of Charleston. I have been informed that this bill provides for the establishment of two separate courts for the trial of civil and criminal cases respectively, and for the election of one additional judge.

Judge.

Mr. Hedges introduced a bill to authorize
Mesars W. C. Garity, F. W. Towics and D. H.
Towies to establish and build a wharf at Martin's Point, Wadmalaw Island, which was read
the first time and referred to the committee on commerce.

Mr. Elliott introduced a bill to incorporat the Mishaw Zouaves, of Charleston, and a bill to incorporate a certain close monopoly, to be known as the Pawabrokers' Company, which were referred respectively to the committee on military affairs and the committee on incor-

Mr. Younm introduced a bill relating to the safe keeping of public moneys; a bill to im-safe keeping of public moneys; a bill to im-pose certain duties upon the c mptroller gen-eral and State treasurer, and a bill concerning State and county treasurers; all of which have been previously described in this correspon-dence, and all of which were referred to the

wars and means committie.

Mr. Lee introduced the following concurrent resolution, which was laid over under the rules until to-morrow:

Whereas The comptroller-general has officially informed this House that the treasurer than the treasurer

cally informed this House that the treasurer of the State has neglected to make his monthly report for the month of October, 1871, as required by law; therefore, be it Resolved by the House of Representatives, the Senate concurring, That the treasurer of the State be, and he is hereby, requested to inform the General Assembly, on or before the Sta day of January, 1872, the reason why he has not made his report to the office of the comptroller-general as required by law.

Mr. Adamson gave notice of a bill "to prevent public officers from discounting or forming a collusion with others in shaving pay certificates, county orders or any claims whatever on the State or county treasurers; and Mr. White informed the House in the usual formula that he had in process of gestation a bill "for the relief of widows and orphans of such persons as have been killed by the ruthless hands of an organization known as the Ku-Klux."

Klux.' There was besides the above a host of other There was besides the above it host of the bills and resolutions, but they were either of purely local interest or so crude and incoherent in their provisions as to stand no chance of passage even in such a House of Representatives, and in either case do not demand especial notice at this time.

Outside of the Legislature the principal active of interest to the functive of the capital.

pecial notice at this time.

Outside of the Legislature the principal points of interest to the flaneurs of the capitol appear to be the exertions of the hundred and more hungry looking fellows who have swarmed to Columbia to get into clerkships and the exertions of the members of Bowley's pap committee to keep them out thereof, the log-rolling and pipe-laying preparatory to the election of circuit judges and associate justice of the Supreme Court, which, by the way, is certain to be postponed from the 18th instant, and probably until after New Year, and the forthcoming report of the joint special investigating committee. Of this report great things are predicted. It has been completed, contains four hundred pages, and is now, I believe, in the hands of the printers. The members of the committee, Messrs. Dennis, Whittemore, Hurley and Gardner are all here, and are hard at work every night at Whittemore's residence, and Bowen is a frequent guest among them. They are extremely reticent as to the contents of their report, and claim that when it appears the necessity for reticence on their part just now will be made perfectly clear; they disclaim responsibility for the pretended and partial statements of what their report contains that have appeared, and deny the accuracy of such statements, and they are keeping a vigiliant watch upon both the nurse and person of Governor Scott. The rumor is that Governor Scott is preparing for flight. It is probable, of course, that this is only a rumor, but there are men here, and plenty of them, who assert with great veluemence and apparent candor, that Lieutenant-Governor Ranster will very soon become a Governor by reversion, and it is really not impossible that ster will very soon become a Governor by re-version, and it is really not impossible that South Carolina may have the uncomfortable

## distinction of having the first colored Gover-nor in the United States. PICKET. SPARES FROM THE WIRES.

-The cold throughout the North and West ls intense.

There is heavy ice in the Potomac, and the navigation to Acquis Creek is difficult.

—Connolly's bail will probably be reduced to haif a million dollars.

—The steamship Zodiac is reported ashore

on Cape Hatteras. -Mayor Hall, of New York, declines to in angurate the newly elected aldermen and as-sistant aldermen, and refers them to the

## THE KU-KLUX TRIALS.

CHAMBERLAIN AND CORBIN REPLY TO STANBERRY.

Reverdy Johnson to Make the Closing

Argument for the Motion to Quash [SPECIAL TELEGRAM TO THE NEWS.]

COLUMBIA, December 5.

In the United States Circuit Court to-day Attorney-General Chamberlain occupied about two hours in an elaborate reply to Mr. Stanberry's argument of yesterday in support of his motion to quash the indictment. Alter a recess of fifteen minutes, District Attorney

Corbin followed on the same side. The main point of both arguments was that the indictment was drawn in the exact words of the Congressional statute, and was, therefore, potent. The Hon. Reverdy Johnson will begin the closing arguments for the defence on the motion to quash at 10 o'clock to-morrow morn-PICKET.

MR. STANBERRY'S ARGUMENT.

A Masterly Effort.

[PROM OUR OWN CORRESPONDENT.] COLUMBIA, December 4. In the United States Circuit Court to-day the great constitutional argument as to the competency of that court to assume jurisdiction over the alleged offences which are expected to principally occupy its present session; the correctness of the indictments under which the first group of the alleged offenders have been brought into court, and the valldity, in the light of the organic law of the land, of the various dragooning processes which have culminated in these trials, was made by ex-Attorney-General Stanberry, who occupied two hours in a carefully considered, logical, subtle and powerful argument addressed to the intelligence of the court, but eagerly listened to by a throng of in-terested spectators, among whom it is safe to say was every lawyer now in this city who could make it convenient to attend. The court was held in the elaborately furnished library room of the Statehouse which was well filled, floor and galleries, with a heterogeneous audience (which bleached as the argument proceeded,) the space devoted to the bar being crowded with lawyers and judges now visiting or residing in the city. The preliminary business of the court consisted of the call of jurors, the swearing in of Alderman Alva Gage, of Charleston, as an additional talesman, and the retiring of the grand jury to their room. The case of the United States vs. Allen Crosby et al (the prisoners indicted last Friday for conspiracy and burglary,) was then called, and the court stated that they were ready to hear any preliminary motion that might be made. Mr. Stanberry arose and moved to quash the indictment against Allen Crosby et al. In support

ARGUMENT OF HON. HENRY STANBERRY. May it please your Honors—We have filed a notion in behalf of certain of the detendants, that the indictment which was returned true bill to this court, on the 1st of December, shall bell to this court, on the second count thereof, for reasons set forth in the bill. I furnished at the earliest practicable moment, to my
friend the district attorney a copy of our
motion, and the reasons upon which it was
grounded, so that he might have as early an
opportunity as possible to make the preparations.

of his motion he said:

The indictment, if the court please, contains not less than eleven counts. All of these counts, except two, charge a conspiracy, and those two counts the eighth and ninth—charge the commission of an act without any silegation of a prior conspiracy. All the of-fences charged under these eleven counts re-late to suffrage and an interference with its exercise, except two-the eighth, which rges an interference with rig

charges an interference with rights secured by the constitution to exemption from unreasonable searches and seizures of persons, papers and effects; and the other charges the offence to be an effecte against the act of Congress securing to each citizen equal pratection under the law.

I think this is about the scope of the various counts. I shall proceed in detail, if the court pleases, to state our reasons why this indictment, and each and every count thereof, cannot be sustained; and i may say in the beginning, if the court please, that my friend and myself, associated in this defence, intend to make no captious objections. We do not sit here merely to contend for delay and potponement, or to contend over merely formal matters, which, whether amended or not, would make no particular difference to our defence; but to contend for matters which we deem essential to the detence, and which it is not our privilege as counsel to waive in behild the realized. not our privilege as counsel to waive in behalf of our clients.

To go on, then, with the first count, meet-

ing merely the formal parts of it. It charges these defendants, together with divers other these defendants, together with divers other evil-disposed persons, all at York County, in the state of South Carolina, on the first day of February, 1971, unlawfully did conspire together with intent to violate the first section of the act entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union and for in the several States of this Union and for other purposes," approved May 31st, 1870, by unlawfully hindering, preventing and restraining divers male clitzens of the United States, of African descent, above the age of twenty-one years, qualified to vote at any election by the people, from exercising the right and privilege of voting and by other unelection by the people, from exercising the right and privilege of voting, and by other unlawful means not allowing them to vote at an election by the people, to be held on the third Wednesday of October, 1872, within the county, district and State aforesaid, contrary to the act of Congress, in such case made and provided, against the peace and dignity of the United States.

First of all, this count refers to a particular section of a particular law, as that embraced

section of a particular law, as that embraced within this conspiracy, and which it was by this conspiracy to violate, which is to violate that first section of the enforcement act of 1870. If the court please, it is that first section; we must find the corpus delecti there; the thing prohibited there; it is an infraction of that section we are now called upon to answer. Let me read it: "An act to enferce the right of cflizens of the United States to vote in the ctizens of the United States to vote in the several States of this Union, and for other purposes, passed"—directly set forth in the indictment—"passed and approved May 31, 1870." This, then, is the section which we are charged with violating: "Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all citizens of the United States, who are or shall be otherwise qualified by law to vote at any election by the people, in any State, territory, district, county, city, parish, State, territory, district, county, city, parish, township, school-district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color or previous con-dition of servitude, any constitution, law, cus-

tom, usage, or regulation of any State or territory, or by or under its authority to the contrary notwithstanding." contrary notwithstanding."
Your honors are perhaps listening to find where is the penalty for violating that section?
Where is the prohibition in that section?
What does that section do? Simply declares a What does that section do? Simply declares a right, not a punishment for its violation. It would seem, if the court please, that that is not enough where gentlemen undertake to locate a particular section, of a particular law which we are called upon for an alleged infraction of, they must be very careful to steer very straight. It was unnecessary to do this, but, having done it, and referred us to it as the section which we are charged with violating, they must be careful to bring the offence strictly within it. The first objection, then, to this count is that the section to which they refer, and which they claim we conspired to refer, and which they claim we conspired to violate, declares no penalty; it merely confers a right, but does not guard it with any penalty, or make it a crime to violate it; but we have other objections which apply not only to

this section, but to others subsequent to it. And the first objection is that the names of the persons whose suffrage was interfered with, or intended to be interfered with, by this conspirrys are not set out; nor is it alleged that the grand jury did not know their names, and were ignorant of them; there is no excuse given. This, perhaps, is one of the most material things in this indictment. It is not done for being conspirators against all the world; it is for conspiring to violate the rights of certain individuals. What riolate the rights of certain individuals. Wha individuals? that is the first question. Who are we informed are the persons whose rights we have invaded? Not a name given, not any excuse for not giving a name. Is it pos-sible that it is necessary to argue that point? Would it be good to say we conspired to mur-der a man without giving his name or without saying the name of the person was unknown to the jury? If the grand jury do not know the names of the persons, and, from necessity, could not name them, they would be excused,

CHARLESTON, WEDNESDAY MORNING, DECEMBER 6, 1871.

from that necessity, but for no other reason. It is not necessary to refer to elementary books to sustain that point.
What next? The specific election at which they were not allowed to vote is not stated, nor does it appear whether it was an election for representatives to the Congress of the United States or for an elector of President or Vice-President of the United States, or for a State officer, Governor or any officer elected under the Constitution of the State. We are not told what was the character of this elec-tion, or when it was held, or what it was for: we are entirely abroad as to that. No notice of what election was to be held, or for whom they were to be prevented from voting. Now of what election was to be held, or for whom they were to be prevented from voting. Now, if the court please, the charge is that they conspired to violate that fifst section by unlawfully hindering, preventing and restraining divers male citizens of the United States, or African descent, above the age of twenty-one years, qualified to vote at any election by the people in said county, district and State, from exercising the right and privilege of voting, and by other unlawful theans not allowing ing, and by other unlawful means not allowing them, the said male citizeds, to vote at an elec-tion by the people, to be field on the third Wednesday of October, A. D. 1872. Now, if the court please, we also object to this date, 1872. What does the gentleman mean by a date like that? Of course a date stated in an indictment generally is not material, but it may become very material. Suppose you state as a day upon which a crime is committed the 31st day of June. There is no such day in the calendar; it is, therefore, an impossible date, and the indictment is bad. Suppose you state in your indictment a day which is after the indictment is found; that is a material averment, and that makes the indictment bad. Or suppose, as here, a future day which has never yet happened; as a matter of course, that would make the indictment bad. I really suppose the gentlemen made a mistake. Didyou mean 1872, gentlemen? Mr. Corbin (the District Attorney.) Exactly.

Mr. Stanberry. If you did not mean it we will allow you to amend it. As to the omission of the names, and the omission of stating the means resorted to, any further than this that by unlawful means, threats and intimida-tion, without stating their character on any thing of the kind, and without stating what election, whether for State, county or munic pal purposes, in all these particulars, the question arises whether it is necessary, in an indictment for conspiracy—for such an offence as this—to set them out definitely.

Now, if the court please, in the first place, what is the nature of the offence? A complete when the offence?

raoy against what? Against the exercise of the right to vote, that is the offence. The character of the offence? It is not against any right which a man is in the exercise of all th right which a man is in the exercise of at the time, as the right to enjoy his liberty, and to the protection of his person or property. It is not a right to vote all the time, but a right to vote at an election; the right can never be exercised except in voting at an election. It, therefore, cannot be infringed or impaired, except by preventing the exercise of that right at an election.

at an election.

It is not charged here (and if it were, it would be ridiculous to say,) that these defendants combined to deprive him of the right to vote generally; that they cannot do. It is impossible, for even the parties cannot divest themselves of that right by not voting for years. The right remains to vote when they choose at the repeat accident and they they choose, at the proper dection, and they can only divest themselves of that right by re-moval, &c. But the right to take away his vote, to rob him of his vote, does not reside in any combination; that can only be done in the mode pointed out by law—as, for in-stance, upon conviction of an infamous of-fence—so that the infraction of this right, in the mode pointed out by law—as, for instance, upon conviction of an infamous of fence—so that the infraction of this right, in point of law, cannot be a deprivation of the right so as to take from the party his right. It is not property or chattel that can be seized and converted to another suse or seized and transported to another place out of the reach of the owner. It is a personal right, intangible, that resides within himself, and which cannot be taken away, except in the legal mode. Therefore, a conspiracy to deprive a man of the right to voic, as a right, is a thing impossible, and the court would be at a disadvantage to sit and hear a cause which involved such a wrong principle of law as that a party being an African, and entitled to vote, his right to vote was divested by conspiracy. This power to vote is another thing; but I am now speaking of the right. It is a right, then, if the court please, that can only be interfered with in its exercise; it cannot, as I have said, be taken away; but it may be interfered with in its exercise, or he may be prevented from exercising it. Who? when? under what circumstances? The only time at which he can exercise the right of suffrage is at some election at which he is qualified to vote. Now, that being so, what must an indictment state? That this conspiracy to prevent a man from voting would interfere with the free exercise of his right to vote. Why as a matter of course it must charge that it had reference to an election; to an intended exercise of that right to vote. Therefore, the election must be stated, and it must appear to be such an one as is contemplated by law; that is, an election for public officers, not an election for bank directors or anything of that kind, but an election for some officers it to vote. Therefore, a Federal election, or what offices were to be elected; whether it was to be a special or general election, we are left entirely at large, what election they mean, or what offices were to be elected; whether it was to be a special or general

officers, that objection would not lie. Again, if the court please, it is nowhere alleged that he was qualified at this election, whatever it was, any further than is stated that he was—what? "that they were male that he was—what? "that they were male citizens of the United States above the age of twenty-one years." Those two things are qualifications. "Qualified to vote at an election by the people of said county." Qualified to vote how? Qualified to vote where? Qualified to vote how? to vote how? Qua ified to vote where? Qualified to vote, it says, "At any election by the people of said county, district and State, from exercising the right and privilege to vote." Qualified to vote, is that enough? Is the stating of that legal conclusion enough? How do we know that the grand jury understood what was necessary to qualify a man? What is their presentment? They say these parties were qualified to vote, and they go on to state two qualifications, but they are not enough. They go on by saying that they were male persons. That is all very well. Females are not allowed to vote by Federal or by your State law. Then they further proceed they were male persons. That is all very well. Females are not allowed to vote by Federal or by your State law. Then they further proceed to say that they were citizens of the United States. That is all very well; that is another qualification, but not all. Then they proceed, further, to state that they were of the age of twenty-one years and upwards; still another special qualification. Now, the grand jury are on the road to state the qualification, and to show the court, not by a legal conclusion, but by facts, that they were qualified to vote; but they stop short. Every qualification is necessary; they give us three—the sex of the party, the age of the party, the citizenship of the party. But what next? They fall to show us the residence—a material and necessary thing to go into the qualifications to vote at any election.

The allegation is that we conspired to violate that first section, which fixes no penalty

intended to injure him prior to or after the exercise of this right.

The next is the seventh. That is precisely like the one I just read and subject to the same objections. And then again comes this burglary and felony and other matters superadded, "against the peace and dignity of South Carolina."

The eighth count is a new one: "That these defendants did conspire together," with in-

the dumestic policy of the State. In some of the States most men of color have been allowed to vote, sometimes, with the property qualification. Congress did not interfere with that, any more than to say, you shall not dis-

criminate, if you have a property qualification for black men, in your constitution, to vote; it shall be there no lenger, all must/be equal.

Then, I repeat, may it please your honors, wherever they found, then, the right to vote upon the fifteenth amendment, they have looked in the wrong place; for if Amzi Rainey

and declares no crime for its violation. Undoubtedly, the other sections of that statute do, but he has chosen to place his cause upon the first section and upon that alone. The conspiracy is to violate that section—not the fifth section, nor the sixth section, nor the seventh section, but that particular section.

Now the part securit if the court in lease is near a facer, saging unreasonable search. seventh section, but that particular section.

Now, the next count, if the court please, is that these parties, together with divers evildisposed persons, conspired together, with inpers and effects against unreasonable search es and seizures, contrary to the act of Congress in such cases made and provided." That is the whole count.

There is no act of Congress to secure a man tent to injure, oppress, threaten and intimi-date Amzi Rainey. Here the gentleman seems to have understood that it is necessary to name the party injured, and, in that re-spect, this count is not liable to that objection

against searches and seigures. It is declared against searches and seizures. It is declared to be a right in the constitution; so is the right of personal liberty, and a thousand other rights that are sacred rights secured to me by the Constitution of the United States. But I cannot go to a Federal tribunal to vindicate them. On the contrary, there are very few causes that I can go to a Federal tribunal to vindicate. vindicate.

We live in the States: we are protected.

spect. this count is not liable to that objection—that the parties injured are not named.

Amzl Rainey is described as a citizen of the United States; that is all very well; that is one qualification; and his right and privilege is stated to be the right of suffrage secured to him by the Constitution of the United States. Now, pray, does the United States secure to a party the right to vote in any State? Does the United States fix the qualifications for such a voter? Wherein has the Constitution of the the States. What surrounds me, when I am at home or here, but State law? That is over me, above me, and around me. Great God! have we forgotten altogether that we are citizens of States, and that we have States to prozos of States, and that we have States to protect us? I am a Union man, in every sense of the word. I have stood by it always, and shall stand up forever for the Union. I am against certain rights called "States rights," but such rights as these, asy one that invades such rights will find me, from first to last, with his antagonist. While I would not give to the States rights that have been surrendered to the United States, I will fight, to the state ditch, against Federal usurpation, either through the legislative, executive or judicial authority. These are not political privileges; they are personal, sacred immunities, that attach to us as individuals, and are protected by the domestic Now, the third count, and this is a very important one. This, of course, brings up more distinctly the grave objectious which I said arose in this case—those which no grand jury can amend. These charges are as follows: That those defendants, &c., &c., on such a day at York, &c., "unlawfully did conspire together, with intent to injure, oppress, threaten and intimidate Amzi Rainey, a citizen of the United States with intent to prevent and to hinder his free exercise and enjoyment of a right and privilege granted and secured to him by the Constitution and laws of the Unitviduals, and are protected by the domestic law. I hope to God never to live in a country in which the laws of the country, within its proper jurisdiction, does not protect me in the

exercise of my rights and privileges. At the conclusion of Mr. Stanberry's argument, the prosecution not being prepared to reply, an adjournment was sllowed until ten o'clock to morrow, when it is understood that the duty of replying in this case will devolve upon District Attorney Corbin, with such assistance in the meantime as may probably be afforded by his colleague, Attorney-General Chamberlain.

THE LATE RISHOP DAVIS.

Resolutions of the Clergy Present at the Funeral of the Rt. Rev. Thomas Frederick Davis, D. D., Senior Bishop of the Diocese of South Carolina.

CAMDEN, December 4. Almighty God, in His most wise providence has removed our earthly head from us. Our peloved senior bishop is no more; suddenly have we been called upon to part with him He, who with all a father's love and a shepherd's watchfulness has gone in and out before us for eighteen years, loving and beloved, has laid down his staff of office and returned to the Master to give, we are humbly assured, with joy, an account of his stewardship. We, his survivors, desiring to express our profound gratitude to God for having raised up and strengthened his servant for the work

which he has accomplished in this our church and diocese, do offer the following resolutions: Resolved, That in the death of the Right Rev. Thomas Frederick Davis, D. D., our late senior bishop, the church has sustained a severe affliction; that the clergy have lost an eminent example of Christian wisdom, simplicity, plety and consecration to the service of Christ; an officer of rare merit and effi-ciency, zeal and earnestness, and whose suc-cess, under suffering, indimittes and blindness, in advancing the glory of God and the real interests of his church, are everywhere felt and acknowledged.

which br ngs us under this jurisiliction of the State laws. In the first place, your honors will find that the burgiarlous entry, charged here, into the dwelling house of Amzi Bainey is not alleged as an overt act of the conspiracy. Not at all. It is alleged altogether as an independent act; simply that, whilst in the act of violating the rights of Bainey with respect to the suffrage, they entered his house burgiariously in the night time with intent to commit a felony.

As a matter of course, to punish a man for felt and acknowledged.

Resolved, That we cherish his memory as a stimulus to exertion in the cause for which he lived and in which he died; and that we acknowledge his bright example with gratitude to God for its vouchsafement to us, during so long a period, and with continual remembrance of the obligation which it imposes upon us to be imitators of him and of all those who through taith and patience have inherited the promises. with intent to commit a felony.

As a matter of course, to punish a man for committing a burglary or a murder or an assault and battery under this section, his offence must be overt—the indictment must show it and must have a proper conclusion. It must appear what felony, crime or misdemenor has been committed. It won't do to say that, in the act of committing the previous felony or crime, he committed generally a felony, crime or misdemenor. It might be a murder, and the man would have no notice of whom he murdered. It happened to be burtance of the obligation which it imposes upon the total the promises.

Resolved, That we recognize the hand of God in so arranging the affairs of the diocese as not to leave us, in our bereavement, with succepted by our late diocesan, and to whose whom he murdered. It happened to be burtance of the obligation which it imposes upon the total through faith and patience have inherited the promises.

Resolved, That we recognize the hand of God in so arranging the affairs of the diocese as not to leave us, in our bereavement, with a successor, whose assistance was cordial to see the committed generally a green that the man would have no notice of the obligation which it imposes upon the total through faith and patience have inherited the promises.

Resolved, That we recognize the hand of God in so arranging the affairs of the diocese as not to leave us, in our bereavement, with a successor, whose assistance was cordial to a successor, whose assistance was cordial to the committed generally a successor whose assistance was cordial to the committed generally as not to leave us, in our bereavement, with a successor whose assistance was cordial to the committed generally as not to leave us, in our bereavement, with a successor whose assistance was cordial to the committed generally as not to leave us, in our bereavement as not to leave us, in our bereavement as not to leave us and the committed generally as not to leave us and the committed generally as not to leave us and the committed

administration we now look forward with hor

whom he murdered. It happened to be burglary here, and the gentleman has very properly drawn a very good indictment. I take no exception to it. He had a form for that, and he has followed the form very accurately. That is, in fact, the only good offence set forth in this whole count.

Now, as I said, what authority have your honors to try these men? Not burglary of the postoffice? Not a burglary committed in a place where the United States has exclusive jurisdiction. Net burglary of a postoffice or of a public building of any sort? Not at all. Not a burglary, connected in any sense with any function of the Government of the United States or that it is allowed to protect? Will it be contended that your honors have any jurisand confidence.

Resolved, That a copy of these resolutions be sent to his bereaved family, with the assur-ance of our heartfelt sympathy, and our pray-ers on their behalf to the God of the fatherless and the widow—the God of all comfort and

Resolved, That these resolutions be published in the Camden and Charleston papers, and in the Monthly Record.

WHAT CONGRESS IS DOING.

WASHINGTON, December 5. Blair's resolution of inquiry, covering a detailed report of executive action under the Ku-Klux bill, was defeated in the Senate by a

strict party vote except Tipton.

In the House a sharp discussion took place between Fernando Wood and Dawes regarding the continuance of the committee on the lesurrectionary States, which Wood maintained was a trick to continue the reconstruction committee.

The administration sustains its first defeat of the reason on the subject of the postal teles.

This is one of those great questions that arise and deserve the most mature consideration. Your honors may healtate—may, perhaps, prefer to refer this question to the Supreme Court of the United States. Undoubtedly it will go there. It may happen that in the course of any administration of this law, the point, perhaps, not being made, or the defendant being without counsel, the court may run into the difficulty, into the great error, of trying a man for a domestic murder in a court of the United States and hang him. I therefore object to this count, first, because it concludes against the peace and dignity of South Carolina. Besides this objection, if the court please, and the further objection that I have stated that the charge is particuof the season on the subject of the postal tele-graph. Dawes moved to refer to a select com-mittee so much of the President's message as-recommended the absorption of the telegraph system in the postal service of the country. This was opposed by Randall, Farnsworth. Niblack, Beck and Banks, who contended that the subject should not be taken from a standing committee and referred to a select one, which would, necessarily, under the parliamentary rule, have a majority in favor of the mentary rule, have a majority in layou of the project. After an animated discussion, in which the scheme was denounced as one that would bleed the treasury to the amount of seventy millions, and add twenty thousand that I have stated that the charge is particu-larly against the State, not against the United States, and that this court has no jurisdiction States, and that this court has no jurisdiction to try that offence.

Now, the fourth count, if the court please, is one that does not charge any conspiracy, but charges a direct act—that at York, on the 1st day of February, 1871, "unlawfully did attempt," not conspire, but "did attempt to control Amzi Rainey in exercising the right of suffrage, to whom the right of suffrage is guaranteed by the fifteenth amendment to the Constitution of the United States.

The qualifications of voters Congress leaves to the domestic policy of the State. In some or seventy minous, and that the treaty incomes and employees to the civil service of the government, the motion for a select committee was defeated, and the whole subject referred to the committee on appropriations, which is considered tantamount to a rejection of the project,

## THE WEATHER THIS DAY.

WASHINGTON, December 5. WASHINGTON, December 5.
The barometer will probably rise on Wednesday in the Middle and Eastern States, and to a less extent in the south Atlantic States. A falling barometerthroughout the Mississippl Valley, with increasing southerly winds, threatening weather and possibly rain on the Louisiana and Texas coasts. Cloudy weather from Arkansas to Lake Michigan and westward. Northwest winds back to southwest with right temperature on the lower lakes. with rising temperature on the lower lakes with cloudy and clearing weather. Yesterday's Weather Reports of the

looked in the wrong place; for it Amzi Rainey can vote, simply because of the right secured to him by the fifteenth amendment, according to the construction given by the gentleman.	Yesterday's Weather Reports of the Signal Service, U. S. A4.47 P. M. Local Time.					
he can voic, whether he is twenty-one or not— whether he has resided in York County or not, or whether he is an inhabitant of this State or not.  The fifth count: It also does not charge a conspiracy. It charges, first, an interference with his exercise of the right of suffrage, just as the fourth count does, and then superadds	Place of Observation.	Height of Baro-	Thermometer	Wind	Force of Wind	State of the Weather
the charge of burglary.  The sixth count is very much like this, except in this: That the allegation is, "unlaw-fully did conspire together, with intent to injure, oppress, threaten and intimidate Amzi Rainey, a citizen of the United States, because of his free exercise of a right and privilege granted and secured to him by the Constitution and laws of the United States, to wit: the right of suffrage." When? how prevented? Betore an election, or after an election? before he voted, or after he voted? All left uncertain! It is impossible to tell whether they intended to injure him prior to or after the exercise of this right.  The next is the seventh. That is precisely like the one I just read and subject to the	Key West, Fis Knoxville, Tenn Memphils, Tenn Mt. Washington. New Orleans New York Korfolk Portland, Me Savannah Savannah St. Louis Washington, D.C. Washington, D.C.	30.17 29.73 30.83 30.43 30.36 30.15 30.42 28.96 30.42 29.98 30.21 30.09 29.59 30.31 50.36 30.18	19 9 18 55 63 19 27 -18 45 18 28 17 16 37 23	SE SE W NE NW NW NW NW NW	Gentle. Gentle. Brisk. Fresh. Fresh. Gentle. Fressh. Gentle. Fressh. Gentle. High. Fresh. Gentle. Brisk. Brisk. Gentle. Brisk. Fresh.	Fair. Clear. Fair. Clear. Fair. Clear. Fair. Clear. Cloudy Cloudy Fair. Clear.

together with the weather chart, may (by the courtesy of the Chamber) be examined by shipmasters at any time during the day.

WHAT IS THOUGHT OF THE MESSAGE.

NEW YORK, December 5 The Times editorially announces that Fish withdraws soon from the State Department. It applies the message, but considers the report of the Secretary of the Treasury a disappointment. The Herald characterizes Boutwell's suggestions for reducing the taxes as those of a small peddler. The Tribune approves Grant's policy of postal telegraph, and proves Grant's policy of postal telegraph, and finds more to commend that to oppose in the message. The World reviews the message as an electioneering document. The Sun thinks the message bungling and boggling, and more unworthy of respect than any former President's message.

AN ANGIENT CLAIMANT BAFFLED

Maw Obligation December 5.

The Second District Court decides that Mrs Gaines was not the legitimate child of David Clark nor his universal legates, and revokes the probate of Clark's will of 1813, probate in 1855, as invalid. Mrs. Gaines will a mainly on the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to the colorest mainly of the will be substituted to on this will to substantiate her claims.

THE AGRICULTURAL CONGRESS

The Agricultural Congress met in this city to-day. There were delegates from Kennucky, South Carolina, North Carolina, Georgia, Tennessee and Alabama. Delegates were still arriving. An important session is anticipated. The hospitality of our city has been extended. General Lawton, of South Carolina, addresses the Congress at 11 o'clock to-morrow. THE OLD WORLD'S NEWS.

SHLMA, Decembe

LONDON, December 6. The acquisition of the African diamond fields by England has been completed by contract. The recent findings are rich.

Wales's symptoms show a slow but steady ent, and the public apprehesion tie

Paris, December 5.

A bill authorizing an increased circulation A bill suthorizing an increased circulation with the Bauk of France is pending.

It is believed that the Duke d'Aumaie and Prince Joinville have intimated to Theirs their intention of taking their seats in the Chamber of Deputies to which they were elected.

Juneral Motices.

TAYLOR.—Died on the night of the 4th December, 1871, of aneurism of the heart, Mrs. James M TAYLOR, daughter of John S. Sird, Sr., aged 4

New York Herald and New York World THE FRIENDS AND ACQUAINT-ANCES of Mrs. JAMES M. TAYLOR and family and John S. Bird, Sr., and family, are invited t attend the Funeral of the former at the Seb Presbyterian Church, TRIS AFFERMOON, at half past 3 o'clock.

LEE.—Departed this life, on the 4th of December, 1871, Mrs. Ann B. Les, reliet of the late was be Lee, aged 83 years, a native of London, Ragland, but for the last 55 years a resident of this

THE FRIENDS AND ACQUAINT ANCES of Mrs. ANN B. LEE, and of her son, late Wm. T. Lee, and of Mrs. M. M. Attle and family, are respectfully invited to attend the Funeral Services of the former, from St. Ph forther invitation. THE RELATIVES, FRIENDS AND

equaintances of Mr. and Mrs. LOUIS FORA, and of Captain and Mrs. John Torrent and family; and Mr. and Mrs. Joseph Truall, are T. spectfully invited to attend the Funeral Services of the former at St. Patrick's Church, THIS MOSSING, at 10 clock, without further invitation. ... decer THE FRIENDS AND ACQUAINT-

ANCES of Mrs. CATHERINE STEELE are requested to attend her Funeral Services, THIS AP-BRNOON, at the Morris street Baptist Church, at half-past 3 o'clock, without further invitation.

THE FRIENDS AND ACQUAINT-NOES of WASH, and John Oramer are respec fully invited to attend the Funeral of the forme from No. 53 Beaufain street, opposite Co THIS APTEROON, at 3 e'clock.

DAVIS—Died, at Shelton, Union County, S. C., on the 24th November, 1871, or pneumonts, William Kincato Davis, late of Charleston, S. C., in the sixty-third year of his age.

Special Notices. CONSIGNEES PER STEAMSHIP

CHAMPION, from New York, are notified that she is This Day discharging cargo at Adger's South Wharf. Goods not called for at supper will remain on the wharf at owners' risk. Agents CONSIGNEES PER STEAMSHIP SEA GULL, from Baltimore, are hereby notified

away at sunset will remain on the wharf at con ignees' risk. MORDEOAI & OO., dec8-1 DANCING SCHOOL .-- MONS. BER-GER informs the public that he has reopened his Dancing School. Apply at No. 332 King street.

that she is THIS DAY discharging cargo at

Pier No. 1, Union Wharves. All goods not taken

OFFICE OF COUNTY TREASURER. FIRE-PROOF BUILDING, CHARLESTON, S. C., NOVEMBER 6TH, 1871.—The Books of the Treasurer of Charleston County will be opened on the

20th day of November, 1871, for the receipt of TAXES due the State and County for the year 1871. The penalty of twenty per cent. provided by aw will be added to all Taxes remaining unpaid

on the 15th day of January, 1872. The rate of taxation for the year 1871 is as follows, viz: State Tax per centum...... mills. County Tax per centum...... 8 mills. Poll Tax per capita...... 1 00

WM. GURNEY. nov8-1mo Treasurer Charles THE CHARLESTON CHARITA-BLE ASSOCIATION, FOR THE BENEFIT OF THE FREE SCHOOL FUND .- OFFICAL RAFFLEB NUMBERS.

CLASS No. 230-MORNING. 60-45-8-14-1-28-75-71-37-11-63-69 CLASS No. 281-EVENING.

46-62-17-78-31-42-38-76-8-16-66-76 As witness our hand at Charleston this 5th day of December, 1871. FENN PECK, JAMES GILLILAND.

Sworn Commiss oct3 BATCHELOR'S HAIR DYE .- THIS SUPERB HAIR DYE is the best in the world-perfectly harmless, reliable and instantaneous. No disappointment. No ridiculous tints or unpleasant odor. The genuine W. A. BATCHELOR'S HAIR DYE produces IMMEDIATELY a splendid Elackor Natural Brown. Does not stain the skin, but leaves the hair clean, soft and beautiful. The only Safe and Perfect Dye. Sold by all Druggists. Factory No. 16 Bond street, New York.

ON MARRIAGE. Happy relief for Young Men from the effects of Errors and Abuses in early life. Manhood restored. Nervous debility cured. Impediments to Marriage removed. New method of treatment. New and remarkable remedies. Books and Circulars sent free, in scaled envelopes. Address HOWARD ASSOCIATION, No. 2 South Ninth street, Philadelphia, Pa.

MARK Your CLOTHING!-Order your Stenoil Plates at the Hasel street Bazaar and East Bay

mr. Whitemore introduced a joint result tion authorizing the attordey-general to se-cure the possession of the sterling load bonds now said to be in the hands of the American Bank-Note Company of New York, and place