

Justice and Intolerance—A Contrast.

Senator Sumner, of Massachusetts, has in his day been foremost among extremists in opposition to the social system of the South. At the outset of his career, he set himself keenly to the business of abolishing slavery; and when this was accomplished as the result of the civil war, he was just as stern and exacting in his efforts to secure, by appropriate legislation, the newly-enfranchised black race in their civil and political rights.

Senator Sumner has lately stirred another hornet's nest of indignant remonstrance and vituperation from some small heroes and unappreciated warriors, because he has proposed, on the floor of the Senate, to erase from the flags of the republic and the register of the army all inscriptions, mementoes and tokens of the battles and victories of the Union army in the late war. He has been called quickly to account for this attempt to remove from the view of officers and troops, who are henceforth to be selected from all sections of the country alike, the boasts and trophies which marked the unhappy contest between them.

As we write, despatches inform us that the resolution of Mr. Hoyt has been adopted by a decisive vote in both branches of the General Assembly of Massachusetts. But vote they never so fiercely, they cannot find the good name or hurt the clear conscience of their Senator. His purpose will be approved and admired, when they are all dust and forgotten. So shines a good deed in a naughty world. Mr. Hoyt and the Legislature at his back appear to decided disadvantage, in the light of Sumner's good sense and magnanimity, outside of the bounds of Massachusetts, at least.

A genuine sensation occurred in the House on Wednesday last, in which war taunts were exchanged between Republicans and Democrats. Two Pennsylvania Senators were the belligerents. The rumpus was caused by the discussion of the Soldiers' Homestead bill—"liar" and "copperhead" were bandied about like shuttle-cocks, but all in Pickwickian sense. Looking through the glasses of the opposition, the whole affair, to our vision, seems darker than the squabbles of our Knights D'Afrigue in the adjustment of their heated debates in the halls of Southern legislation.

There are about 700 prisoners at Albany from different States.

The General Assembly takes a recess from to-day until the 7th of January. This a good long breathing spell, within which the members may recollect themselves from their arduous legislative labors by Christmas dinners and New Year festivities. We trust that they may be sufficiently renewed in strength to take vigorous hold of the work which remains for them to do. The election of Senator was very exhausting to many members. The canvass lasted nearly the whole of the session, and the consequences are apparent in the fatigued and *blaise* appearance of the most active participants. They are entitled to rest from their toils, and to have an opportunity to enjoy themselves at home in the bosom of their families, after this signal service to their country.

The business, so far, has been of unimportant character, except the tax bill. That has been examined and discussed with considerable care. It was the one measure without which the others could not be set in motion. It was the great wheel which turns all the rest. It was necessary, therefore, to set it going first. This was done in haste, and before proper examinations of the items of deficiencies could be made. The levy, as amended by the Senate, calls for seventeen mills. This is enough, in all conscience; and yet, large as it is, we have no doubt that it will fall short of the demands, whose name is legion. And, behind all this, looms up, threatening to break in storm over the heads of the people, the dark cloud of bonded debt and interest.

As we have said, there are some good measures before the Legislature, to which we hope they will give serious attention upon their return. There are some excellent members, too, in the body, intelligent, hard-working, discreet and experienced. We trust that their good influence will be felt and seen more conspicuously after the recess. The committees have done a fair amount of work. We have noticed particularly that those of Ways and Means, Agriculture and the Judiciary have been creditably industrious and judicious in their recommendations.

THE LEE MEMORIAL AT LEXINGTON.—The Lee Memorial Association, incorporated by the Legislature of Virginia, and organized for the purpose of placing a suitable memorial over the remains of Gen. Lee, at Lexington, Virginia, has made an appeal through its chairman, Rev. W. N. Pendleton, (formerly an officer of the United States army, and chief of artillery under Gen. Lee,) for aid in completing the plan selected by the distinguished sculptor, Valentine, of Richmond, with whom the association made a contract for the preparation and erection of the memorial. The cast of the work in plaster has been completed by Mr. Valentine, and is spoken of in the circular just issued by the association as admirable in its "very impressive likeness, and the entire work, as a specimen of art, is in every way worthy of its great subject." The design is a sarcophagus, with a full-sized recumbent figure of Gen. Lee, to be cut from the purest marble. The total cost of the work will be \$20,000, of which \$5,000 have been already contributed. At a recent meeting of the survivors of the Army of Northern Virginia it was determined to appeal to the ladies of the South to hold memorial meetings on the next anniversary of the birth of Gen. Lee, 20th January, 1873, and take such measures as they may deem best for collecting money on that day, to be especially appropriated to that object.

THE POLITICAL ORGANIZATION OF THE FRENCH ASSEMBLY.—There are 700 members in the National Assembly (legislative body) of France, now in session at Versailles, the condition of Paris, politically and socially, being such that it is considered unsafe for these representatives of the people to assemble in the Chamber of Deputies on the bank of the Seine. Various attempts have been made to analyze the party organization in the Assembly. The latest, which is believed to approximate the truth more nearly than any other, is based upon classification of the various newspapers. It has been done as follows: The Orleanist (Right Centre), represented by the *Journal de Paris*, consists of 30 members; the Conservative-Republican (Left Centre), by the *Bien Public*, *Le Soir*, &c., 140 members; the Radical, by *La Republique Francaise*, 130 members; extreme Radical, by *Le Rappel*, 40 members; the Ultramontane, by the *Union* and the *Gazette de France*, 70 members; the Ultramontane, by the *Univers*, 30 members; Ultramontane Legitimist, by the *Monde*, 30 members; the Donbail Monarchical, by the *Journal des Debats*, 30 members; and the avowed Bonapartists, without any declared organ, 20 members. These sum up a total of 610 out of the 750 members of the Assembly.

A HORRIBLE CRIME.—It is stated that Terance Dolan, a laborer, of Manhattanville, New York, went home drunk on Monday night and roasted his infant son, three years old, to death on a red-hot stove.

THE RECENT BURNING DISASTER.—We have been furnished with the following particulars of this affair: "On Tuesday night, about half-past 10 o'clock, as the Southern bound passenger train over the Wilmington, Columbia and August Railroad, was within two miles of Fair Bluff, N. C., the train was thrown from the track by coming in contact with a broken rail, the shock sending a thrill of horror through the unsuspecting passengers. Apprehensions of being crushed to death, however, soon gave place to a new terror, when fire broke out among the wrecked cars, the flames rapidly spreading from one to another. The fire raged until the first and second class passenger coaches and two Pullman sleeping cars were totally consumed. The engine and express and baggage car were saved. None of the passengers are reported hurt, and they were most hospitably cared for at Fair Bluff by Mrs. Brothers. Some of the passengers succeeded in saving their baggage, while others lost all. The train conductor and Pullman's conductor were untiring in their efforts to make the passengers comfortable, and Mr. O. M. Sadler, of the Southern Express Company, rendered great assistance to the ladies. At the time of the accident, it was raining, and the passengers were all compelled to stand shivering in the swamp for about an hour, when the train hands succeeded in getting the locomotive and baggage car in order again. The train is a total wreck. \$50,000 will not cover the loss of rolling stock."

PUNISHING OFFICIAL THEIEVRY.—The extent of the leaks in the public Treasury, arising from official dishonesty, has become a matter of such concern that Secretary Boutwell proposes a law to prevent a certain class of official stealing. He would make it a penal offence for all disbursing officers and all clerks and agents to convert to their own use or lend, with or without interest, the public moneys, and also for bankers and brokers to receive loans of public moneys from such persons. The Act of 1866, of which this is an amendment, does not meet the case of all officers, but only special grades. While the law ought to be made general and stringent, we agree with the *New York Journal of Commerce*, that however strong Mr. Boutwell may make the law, it will not be of much use, if defaulters and embezzlers are to be treated with mistaken leniency in the future as in the past. Whilst the Government has persisted in enforcing penalties on political prisoners, as in most of the so-called Ku Klux cases, with an unrelenting hand, it has either not prosecuted with rigor and promptitude official thieves who plunder the Treasury of the hard-earned contributions of the people, or pardoned them from prison soon after they were sent there. The proposed amendment to the law of 1866 will not be effectual, unless there can be less of misplaced clemency to the culprits and more of justice to the people, and unless public sentiment affixes the same stigma to public as individual robbery. The official who is guilty of the last is as much worse than an ordinary thief as a bank officer who robs the institution of which he is an agent is than a professional burglar. In both cases, the betrayal of confidence is added to the crime of stealing. [Baltimore Sun.]

A QUARREL TO THE DEATH.—At 7 o'clock, Monday evening, John Simmons and Nicholas H. Duryea, well known lottery dealers, engaged in a desperate struggle in front of a restaurant on Liberty street, N. Y. Simmons succeeded in throwing Duryea, and then stabbed him repeatedly with a dirk, causing almost instant death. Simmons, after the homicide, took refuge in a neighboring saloon, where he was arrested soon afterwards; but in getting away he fell, fracturing the lower bones of his ankle. Simmons and the body of his victim were brought to the police station, where Simmons refused to make any statement when interrogated by the officer in charge, and persisted in his refusal when visited by reporters. Duryea was about thirty years of age, of genteel appearance, light build, and lived at Port Richmond, Staten Island, where he leaves a wife and two children. The cause of the fatal quarrel is not known, but it is supposed to be connected with the lottery business, in which they were engaged.

THE AIR-LINE RAILWAY.—There is much delay in the construction of the line in this vicinity, owing to the difficulty in procuring cross-ties. Between Greenville and Spartanburg there are about fifteen miles of track to lay down, besides the erection of two or three bridges. Toward the Georgia side, the track has been laid to Saluda River, and the bridge over that stream is now nearly completed. Beyond that point there remains considerable work to be done. We do not believe the whole line will be in running order for three or four months yet.—*Greenville Mountaineer*.

EDITOR CANED AND NEWSPAPER OFFICE KNOCKED INTO IT.—At Soranton, Penn., on the morning of the 9th inst., Mr. H. O. Silkman and his brother-in-law, a Mr. Gardner, entered the office of the *Sunday Free Press* and gave the editor a severe caning, after which they entered the composing room and upset the cases, imposing stones, &c., completely gutting the office and scattering the type all over the floor.

The Washington correspondent of the *Baltimore Sun* says that "the President has concluded to pardon all persons now under conviction for Ku Klux offences, where such is asked for by their reputable neighbors." We trust that the neighbors of the prisoners from South Carolina will move at once and secure their release.

An Agricultural and Mechanical Association has been organized in Greenville.

Local Items.

OUR MASTERS.—The price of single copies of the *Phoenix* is five cents.

Mr. C. V. Antwerp makes a liberal proposition to his customers. See his advertisement.

Gov. Moses has appointed Messrs. John Wood and E. C. Baker Notaries Public for Darlington.

We should judge by an advertisement in the *Sun* that the city of Atlanta, Ga., will be sold at auction on the first Tuesday in January.

Mr. J. H. Kinard is agent for the justly celebrated paper patterns manufactured by Ramsay & Co., No. 119 Chambers street, New York. The patterns are suitable for garments for ladies, misses, children, and even gentlemen. A large illustrated catalogue will be furnished gratuitously by Mr. Kinard to his patrons.

Two of the soldiers belonging to the garrison here got into a fight, yesterday, about 2 o'clock, when the victor forced his vanquished comrade to carry his overcoat to camp.

Yesterday was equally as disagreeable as several of its predecessors—"only a little more so." As it is getting much colder, and the Legislature takes a recess to-day, we may confidently look for pleasant weather.

A setter dog was carried off a day or two ago. The owner will pay a liberal reward for his return.

To-day, the 20th instant, has been designated by the Episcopal Church in England and in this country "a day of special intercession to the Lord of the harvest that He will be pleased to send forth laborers into His harvest." It will be observed throughout all the world wherever there is a church of this denomination established.

A commercial traveler handed a merchant upon whom he called a portrait of his betrothed instead of his business card, saying that he represented that establishment. The merchant examined it carefully, remarked that it was a fine establishment, and returned it to the blushing and astonished traveler with a hope that he would soon be admitted into partnership.

One style of bonnet is called the "Mansard," because it takes a great deal of "man's-hard" earnings to pay for one of 'em.

Mr. John Dackett, of Newberry, has been elected to deliver the twenty-third anniversary oration of the Adelpian Society of Furman University; and C. P. Ervin, of Sumter, to read an essay on the same occasion—15th of next May.

Mr. T. P. Slider is making arrangements to commence the publication of a weekly paper in Newberry, to be called *The Progressive Age*.

The latest styles wedding and visiting cards and envelopes, tastily printed, can be obtained at the *PHENIX* office. Old newspapers for sale at *PHENIX* office, at fifty cents a hundred.

The Chapman Sisters appeared last night, in Irwin's Hall, which, despite the rain, was well filled. The programme was attractive. The performance commenced with the farces of "Betsy Baker," in which Misses Wren and Pendleton and Messrs. Fortesque and Collins well sustained their parts. The next was the charming musical sketch, "Barney's Courtship," given by Miss Martha Wren and Mr. Collins with splendid effect. Mr. Morris gave a very extraordinary performance, denominated on the bill a "Mystic Change." Seven different characters, with complete costumes, were represented on the stage by Mr. Morris—the changes being made in full view of the audience, but with almost lightning rapidity. The musical burlesque of Don Juan, entitled "Little Don Giovanni," was a brilliant nothing, which, as Sir Rodie Boyle might say, served as a string upon which to attract sparkling witticisms, excruciating fans and mirth-provoking jests. The Chapman Sisters were as beautiful and as bewitching as ever, and seemed in their true element—queens of the burlesque. Their singing and dancing were rapturously encored. Mr. Fortesque is an admirable comedian, and kept his audience convulsed with laughter. The other parts were generally well taken. They make their last appearance to-night, when the "Gold Demon" and other performances will be given.

SUPREME COURT, THURSDAY, December 19.—Court met at 10 A. M. Present—Associate Justices Wright and Willard. The State of South Carolina, *ex rel.* R. C. Shiver & Co. *et al.*, vs. S. L. Hoge, Petition for mandamus. Messrs. Campbell and Chamberlain for petitioners. Rule made returnable January 2, 1873, at 10 A. M.

The Second Circuit was called. Charles R. Miles *et al.*, trustees, appellants, vs. Samuel J. King *et al.*, respondents. Mr. Tracy for appellants; Mr. Youmans for respondents. The Court then adjourned till Thursday, January 2, 1873, when the Fifth Circuit will be called.

UNITED STATES COURT, DECEMBER 19. The Court met at 10 A. M., Judge Bond presiding.

Ex parte John L. Black, of Ridgeway.—Petition for voluntary bankruptcy; J. H. Rion, *pro pet.* The petition was read and referred to W. J. Clawson, Register in Bankruptcy, for adjudication, and report any further action.

Ex parte D. W. Brown, in re B. R. Clyburn.—Application for rule on assignee; Rutledge & Young, *pro pet.* Ordered, that assignee do show cause at Charleston, before this Court, on the 10th day of January next, why he should not be attached for contempt, for not complying with the order made on the 13th of April; and assignee ordered, at the same time, to make a full report of his actings and doings as assignee.

Ex parte Jeremiah T. Walker.—In bankruptcy; petition for final discharge; Walker & Bryce, *pro pet.* The report of W. J. Clawson, Register, in favor of the discharge, was read and confirmed. Judge Bond signed the order and certificate of discharge, as prescribed by law. The case of the United States vs. John T. Craig *et al.*, for conspiracy, was resumed. Mr. Jaeger was heard for defendants, and Mr. Corbin for Government.

Ex parte Lewis Merrill.—Petition for admission as counsellor and attorney at law. The committee appointed to examine the appellant having reported favorably, on motion of D. T. Corbin, ordered that Lewis Merrill be admitted to practice as attorney, solicitor and counsellor of this court, and, as such, to be duly sworn and enrolled.

United States vs. Elijah Ross Sepaugh.—Conspiracy and murder. At the April term of the Circuit Court of the United States, held in Charleston, the defendant was tried and found guilty, and recommended to the clemency of the Court and the Executive. A motion was made in arrest of judgment. Upon a hearing of the case, and a due consideration, the Court announced that they are opposed in opinion as to the questions submitted by counsel, to wit: whether the court has jurisdiction to inquire and find whether the crime of murder has been committed as set forth and charged in the latter portions of the indictment, in order to ascertain the measure of punishment to be affixed to the offence against the United States, charged in the former portions of said counts. Now, on this, the 18th day of November, at Columbia, on motion of John F. Ficken, defendant's attorney, it is ordered that the points on which said disagreement has happened, and which said disagreement, as above stated, as directed by law, shall be certified during this term of the court, under its seal to the Supreme Court of the United States, to be finally decided. (Signed) HUGH L. BOND, Circuit Judge.

(Signed) GEO. S. BRYAN, District Judge United States, S. C. December 18, 1873.

The United States vs. Hazell Hardwick. Conspiracy. It appearing to the court that the defendant is in custody of the United States Marshal, in the Richland County jail, on motion of S. P. Hamilton, attorney for defendant, it is ordered that the defendant be discharged upon his own recognizance, in the sum of \$1,000, for his appearance at the next term of the court.

The United States vs. Henry Toole. Conspiracy. It appearing to the court that the defendant is in custody of the United States Marshal, in the jail of Richland County, on motion of S. P. Hamilton, attorney for defendant, it is ordered that the defendant be released upon his entering into recognizance, with good surety, in the sum of \$2,000, for his appearance at the next term of the court.

In the case of John T. Craig and others, charged with conspiracy, Judge Bond addressed the jury as follows:

GENTLEMEN OF THE JURY: It is not my province to comment on the facts offered in evidence in this case, but to give you the law which must guide you in the consideration of the evidence in reference to this indictment. Under the first count, you are to find from the evidence whether or not there existed a conspiracy in the County of Laurens before the finding of this indictment; and if you find there existed a conspiracy, you are then to find whether its object, or one of its objects, was that set forth in this count, to wit: To hinder, prevent or restrain a class of persons from voting, by reason of their color, race or previous condition of servitude. The first count does not embrace a conspiracy formed to punish that class of voters because they had voted; but you must find, in order to convict under that count, that the conspirators looked to prevent that class of persons from voting thereafter.

As has been stated to you, gentlemen, by counsel, a conspiracy is an agreement formed by two or more persons to do an unlawful act. It is not necessary that the act should actually be done. The crime is complete when two or more persons have consented together, or agreed with one another, to bring the unlawful result about. But it is absolutely necessary, if you find the conspiracy was formed, that you find its object was to do the thing which is charged to have been its object in the first count in the indictment. And while it is true that this agreement must have existed before the acts mentioned in the evidence, which are offered to prove it, nevertheless it is not necessary that the conspiracy should have existed for any prescribed length of time. The only duration required is that which is necessary to enable the minds of the conspirators to form and agree upon the common purpose.

If the jury find from the evidence the existence of the conspiracy charged in the indictment, having the purpose charged, then it is necessary that the jury should find that the parties were members of it, and had each agreed and consented to the common unlawful purpose. But if the jury believes from the evidence that what is charged as a conspiracy was a riot, or mob, or sudden

outbreak, which had no common purpose or agreement, or if it had a common purpose it did not have the purpose charged in the indictment, then the parties are not guilty, under the first count, even though the jury may find they participated in the riotous proceedings.

Two of the remaining counts of the indictment, gentlemen, charge that a conspiracy was formed to punish Wade Perrin and Samuel DeHay, the persons whose names are set forth in the respective counts, because they had previously voted in the particular manner set out.

What I have said about conspiracy applies to these counts. They only differ from the first count in that they charge a different purpose for the conspiracy, and that purpose, you must find, was one of the purposes of the conspiracy, before you find the prisoners guilty, if you find they were members of it.

To determine the purpose of the conspiracy, gentlemen, if you find there was one, you are at liberty to consider what the parties engaged in it said, and the acts they did in concert or by agreement in furtherance of it. There can be no better way to determine what a company of persons agreed or conspired to do than to find out what they did in furtherance of their agreement, acting together or in concert. It is seldom possible to prove by the words, either written or oral, of the conspirators, what their purpose was. You sometimes may find that conspiracies are not generally formed in public, and you are left to the conduct of those who belong to them to determine the intention of the combination.

I felt it my duty, gentlemen, to say to you that, since this case has been so long on trial, and the mass of testimony, relevant and irrelevant, is so great, that you will be required, in obedience to your oath, to give it long and patient investigation. You owe it to the Government, which is jealous of the liberty of the citizen, and wishes none but the guilty punished, and you likewise owe it to these prisoners who are jointly indicted, to give each of their cases that patient, careful and deliberate investigation that you would give it were he alone on trial before you.

The Government is bound to make out its theories of the guilt of these parties of the crime charged, to the exclusion of every theory of their innocence which accords with the facts; and every reasonable doubt—and by that I mean a doubt which is founded on a good reason, and a doubt for which you can give a good reason—you are bound to give to the prisoners at the bar.

You may, gentlemen, find each party guilty or not guilty of one or more of the counts in the indictment, or you may find some guilty and others not guilty, or you may find a verdict of guilty or not guilty generally.

The jury then retired. All the jurors except those on this panel were discharged from attendance on this term. The court then adjourned until Friday, at 10 A. M.

Elihu C. Barker, of Darlington, and Wm. A. Hayne, of Marion, who had been appointed United States Commissioners for their respective Counties, appeared in open court and were sworn.

MAIL ARRANGEMENTS.—The Northern mail opens 6.30 A. M. and 3.30 P. M.; closes 8 P. M. and 11.00 A. M. Charleston day mail opens 6.15 P. M.; closes 6 A. M.; night opens 7.00 A. M.; closes 6.15 P. M. Greenville opens 6.45 P. M.; closes 6 A. M. Western opens 6.30 A. M. and 12.30 P. M.; closes 8 and 1 P. M. Wilmington opens 3.30 P. M.; closes 10.30 A. M. On Sunday the office is open from 3 to 4 P. M.

PHENIXIANA.—If a man has but one eye, let him get a wife, and she will be his other I.

The Digger Indians are never known to smile. They must be grave diggers.

Deliberate with caution, but act with decision, and yield with gracefulness or oppose with firmness.

Plato calls opinion a medium between knowledge and ignorance.

To make apple trees bear—Pick off all the leaves as soon as they appear.

Strange—The heaviest speches don't always have the greatest weight.

EXECUTIVE APPOINTMENTS.—The Senate, in executive session, has confirmed the following appointments:

Darlington County—Trial Justices—T. Price, *vice* Orrin D. Lee, removed; F. L. Baxter, John J. Russell, *vice* Jas. Bell, removed; Isaac P. Brockenton, *vice* J. G. Gatlin, removed. Lexington—Trial Justices—Wm. J. Barre, A. R. Taylor, Henry A. Smith, Barnwell—Trial Justices—James M. Smith, B. H. Norland, Lunsford Hurley, James Patterson, F. J. Cassidy, Beaufort—Trial Justice—W. P. Zealy, *vice* H. T. Labitt, removed. Charleston—Trial Justices—Wm. McKinlay, Edward Petty, *vice* W. H. W. Gray, removed. Aiken—Trial Justice—J. Woolley. Pickens—Jury Commissioner—W. A. Lesley, *vice* J. R. Holcombe, resigned. Clarendon—Jury Commissioner—Wm. Dixon, *vice* James Tindall, removed. Williamsburg—Jury Commissioner—Charles Rasted, Jr., *vice* R. F. Scott, elected County Commissioner. Richland—Superintendent State Penitentiary—Carlos J. Stobrand, present incumbent; member of Board of Directors State Penitentiary—Henry E. Hayne, *vice* W. H. Wigg, removed. Anderson—Treasurer—Ballard D. Donn, *vice* Daniel Brown, resigned. Orangeburg—Trial Justice—W. H. Reedish.

LIST OF NEW ADVERTISEMENTS. James Galetti—Trained Birds. Jacob Levin—Auction. House and Lot for Sale or Rent.