

The Case of the Bonds.

In the Supreme Court, yesterday, Mr. Chamberlain resumed and finished the reading of his argument. It is an elaborate paper of over seventy pages. It is ingenious, plausible and learned, but as we think, being on the wrong side, failed to carry conviction. It was our purpose to give a full analysis of it, but circumstances prevent. In maintaining the duty of the court to issue the mandamus, he denied that the duties, which would thus be devolved upon the Comptroller, involve the exercise of discretion or judgment, in any degree. His whole duty would consist simply in ascertaining, from the public records of the State, the number of the bonds outstanding, for the payment of interest on which a tax is authorized. No evidence is to be received and weighed; nothing in the nature of judicial discretion is called into exercise. It is from first to last a mere arithmetical computation. In reply to the objections of the respondent to the constitutional validity of several Acts on which the relators rely, he made a distinction between a vote of two-thirds of all the members elected and qualified, and a vote of two-thirds of a quorum, and urged that the latter vote—that is, two-thirds of a majority of the members elected and qualified—is a compliance with the Constitution upon the passage of Acts requiring "the vote of two-thirds of the members of each branch of the General Assembly," as expressed in the Constitution of South Carolina. He argued, too, that the position of the respondent in charging that a part of the public debt of the State, "vaguely stated as at least \$7,191,700, is not a valid debt of the State," was untenable, because he is bound to use his present means and facilities for ascertaining the amount of bonds on which interest is due, &c., &c., and he nowhere avers that he has attempted to do this duty.

Attorney-General Melton followed in reply. He contended that the statutes levying taxes upon the citizens of a State are to be very strictly construed, and in their favor. It is necessary for the protection of their rights that the amount of levy, the subject of it and the method of raising it, be all accurately defined. He dwelt forcibly upon the principle of law, that the grant of a particular power is the exclusion and reservation of all others. A statute imposing a tax must invariably give the rate per cent. This has been the unvarying practice in this State throughout its whole history, the only exception being in 1868, when the new government had just gone into power, under circumstances which, perhaps, suggested this course as a temporary expedient. As to the particular duty now sought to be devolved upon the Comptroller, the Legislature, at the last session, had shown its animus upon the subject by voting down a proposition to fix a rate and levy a tax. A bill also originated in the Senate, and was passed in both branches by overwhelming majorities, which proposed to repeal that portion of the Tax Act which provides that the Comptroller shall give notice of the rate per centum of taxes before the 15th of November. It was mysteriously lost, and never reached the Governor for signature. The expression of the will of the Legislature was thus fraudulently defeated, but not the less certainly manifested.

Authorities were next quoted to show the scope and extent of mandamus, and how inapplicable it is in the present case. In opposition to the view of the opposing counsel, he insisted that the Comptroller, the respondent, was unauthorized in law and incapable in fact to perform the duty demanded. His was only a ministerial office, which was precise and definite, and which necessarily excludes the exercise of his own discretion and judgment. The practical difficulties are insuperable. He could not make head nor tail of the registry in the Treasurer's office. It was incorrect, fraudulent and foul, and needed another sort of process—that of a thorough, pains-taking and minute investigation under all the safe-guards which will insure its fairness and fullness.

The points made by the Attorney-General were telling ones, although he labored under indisposition. The court adjourned until to-day, when the argument of the Attorney-General will be finished, and followed by that of Chancellor Carroll on the side of the relators. C. D. Melton, Esq., will close on the part of the State.

Captain Semmes, the former commander of the Alabama, attended a wedding at Newburyport, Mass., last Wednesday evening, at which several of the other guests, who were owners of vessels which he had destroyed, refused to be introduced to him.

Not According to Hoyle. We observe that the Commission appointed by Governor Moses to examine the claims to certain rewards offered in the proclamation of Governor Scott, dated July 28, 1871, for the apprehension and prosecution of parties who were participants in what was called the "Ku Klux conspiracy," have made a report. They recommend that there be paid, to Major Louis Merrill, for forty-seven convictions, at \$200 each, \$9,400; accomplices, forty, at \$200 each, \$8,000; total, \$17,400; to Mr. Thomas M. Wilkes, convictions thirty-five, at \$200 each, \$7,000; to Mr. H. H. D. Byron, convictions six, at \$200 each, \$1,200; total awards, \$25,600. In a supplementary report, they award to James Canton, six cases, \$1,200; Colonel W. H. Brown, eight cases, \$1,600; to Major Merrill, twenty cases, \$4,000; total amount, \$6,800. With the award to the Commission of \$2,500, the whole amount reaches the sum of \$34,900—\$100 less than the sum appropriated.

We have nothing to say to the Commission. They have discharged their duty as lawyers, no doubt correctly, and according to the facts presented to them. We understand from a Senator, however, that the appropriation was not passed in conformity with the constitutional provisions; that it passed the House of Representatives by acclamation, the vote neither being two-thirds, nor by ayes and nays. If this be so, Governor Moses ought to know that there was a question preliminary to the inquiry into the claims themselves. If we are to be fleeced and bled to death, it should be done according to law and the Constitution. Supposing it to have existed, how did Governor Moses get over this little irregularity?

Carolina Orphan Home, Spartanburg, S. C.

MR. EDITOR: Permit us to give notice, through your paper, that we have now several children in the Orphan Home, and are prepared to receive others. Guardians of destitute children (of the age of ten years and under) are requested to apply at once; and in their applications to answer the following questions: 1. What is the name of the child? 2. What is its age? (Give date of birth, if known.) 3. Are both parents dead? 4. Is the child destitute of means of support? 5. Is it sound in body and mind? All applications must be sent to Rev. I. C. Oliver, Superintendent, Spartanburg, C. H., S. C., and we will decide each case upon its own merits.

A. M. SHIPP, WARREN DUPRE, JOHN H. EVINS, Executive Committee.

Papers friendly to the "Home" will please copy and call attention to it.

THE ELECTION OF THE BLUE RIDGE RAILROAD ASSIGNERS TO BE CONTESTED.—In the United States Court, Charleston, on Thursday, the report of the Registrar in Bankruptcy in the Blue Ridge case came up for confirmation. The report contained a certificate of the election of Messrs. James P. Low and J. P. Southern as assignees at a meeting of the creditors, held in Columbia, on the 7th instant. A motion was made by Messrs. McCrady & Sons, associate counsel for the trustees of the railroad, and in behalf of Mr. W. H. Trescott, asking a postponement of the case until the counsel of the trustees could be present. Mr. Corbin, against the motion, argued that the assignees had been elected unanimously, and that the fact had been clearly certified by the Registrar. Unless, therefore, it was proved that the persons chosen as assignees were incompetent or otherwise disqualified, their appointment should be confirmed. It was admitted that all the creditors had united on the assignees, and even if their claims had not been ruled out, they would have voted for the same assignees. In one instance, that of Mr. Harrison, who had claims amounting to \$10,000, of which only \$70 had been allowed, it was in evidence that he had voted for these assignees. It was generally admitted, too, that the rulings of the Registrar were very correct. Mr. Edward McCrady, Jr., said that he was in court simply to ask a postponement of the case. He also concluded that the certificate and return of the Registrar were void, because they were not drawn up in accordance with the rules laid down by the Supreme Court; and, moreover, the evidence of a unanimous election was not in court. On the contrary, at least \$250,000 worth of claims were rejected. But, without going into the case, he would ask simply that the case be postponed until the arrival of the counsel in the case. After some further argument in the case, Judge Bryan stated that while he was willing to grant time, he could not delay the matter long, as he had intended to go North on Tuesday of next week. The case was finally postponed until Saturday, at 10 o'clock.

COLORS MILITIA.—While we do not wish to be understood, by those in authority, as defying their power, we will simply remark, that we fear, if the policy of arming colored militia, to the total exclusion of the whites, be again resorted to in this State, the little blood-shed of 1870 will not be "a drop in the bucket," compared to what may be the result of a second effort in that direction.—Lawrenceville Herald.

Next Monday is the day set apart for the Commissioners appointed by the corporators of the Spartanburg and Asheville Railroad, to open the books for subscriptions to build the road.

THE KU KLUX PROCLAMATION REWARDS.—The following is the report of the Commission appointed by the Governor to examine claims and make the awards:

COLUMBIA, S. C., May 29, 1873. To his Excellency Franklin J. Moses, Jr. Governor.

By your Excellency's commission, it was referred to the undersigned to examine the papers pertaining to the claims of sundry persons for the payment to them of the rewards offered by proclamation of your predecessor, Governor R. K. Scott, for the apprehension and prosecution of parties who were participants in what was known as the "Ku Klux conspiracy."

Upon an examination of the papers, we found that the parties who had been apprehended and prosecuted, in reference to whom the rewards were claimed, were of three classes, to wit: 1. Parties who had been apprehended and prosecuted to conviction. 2. Parties who had been apprehended as conspirators, but had been used as witnesses for the prosecution of others. 3. Parties who had been apprehended and were under indictment, but not yet convicted, and others as to whose guilt proof was furnished, but who are not yet under indictment.

In the first class, the parties for whom the rewards are claimed numbered 102; of the second class, the number was 49; and of the third class, the number was in excess of 100.

After a very careful examination of all the papers pertaining to the several claims, the Committee concluded to recommend to your Excellency, that out of the appropriation made by the General Assembly and placed at your Excellency's disposition for the payment of the rewards, the claims for payment as to parties of the first class should be first paid; that claims for payment as to parties of the second class should be next paid, and that the remainder of the appropriation should be awarded to claims as to parties of the third class.

The committee further report, after a very patient and careful examination of the claims of the several claimants, that they have made the awards as follows: To Major Lewis Merrill—Convictions, 47, \$200 each... \$9,400. Accomplices, 40, \$200 each... 8,000. Total... \$17,400.

To Mr. Thomas M. Wilkes—Convictions, 35, \$200 each... \$7,000. To Mr. H. H. D. Byron—Convictions, 6, \$200 each... 1,200. Total awards... \$25,600.

In reference to fourteen of the parties enumerated as convictions, the committee have made no award, the claims not presenting satisfactory proof that the claimants were entitled thereto. The committee have not as yet been able to consider fully the claims for the rewards in reference to parties of the third class, and must ask your Excellency's further indulgence in the making of the awards.

Upon the conclusion of our labors, we will report fully to your Excellency and in detail the results of our investigations and as to the rules which have governed us in our awards.

We respectfully recommend that the several amounts, as hereinbefore stated, be paid to the claimants, Major Merrill, Mr. Thomas M. Wilkes and Mr. H. H. D. Byron. We have a record of the parties as to whom these awards are made, which we will furnish to your Excellency with our final report. Very respectfully, &c., (Signed) C. D. MELTON, JOSEPH DANIEL POPE, R. B. ELLIOTT, D. H. CHAMBERLAIN, JAMES A. DUNBAR.

COLUMBIA, S. C., June 10, 1873. To his Excellency Franklin J. Moses, Jr., Governor.

Sir: We have the honor to respectfully submit the following supplemental report of our awards as Commissioners appointed by your Excellency to investigate and pass upon the claims of sundry persons, for the payment to them of rewards offered by proclamation of your predecessor, Governor R. K. Scott, for the apprehension and prosecution of parties who participated in what was known as the "Ku Klux conspiracy."

We met on the 5th instant, and proceeded to consider Class No. 3 of such claims, the only class we had not disposed of at the time of making our previous reports. Upon examination, we found that there were 122 claims presented. The balance of the fund for distribution being much too small to make awards for all the cases that we found meritorious, we were compelled to adopt, as nearly as possible, an equitable pro rata; and, in making our awards, we acted upon the principle of giving each claimant the full \$200 for the number of claims we had adjudged him, taking that number from the head of his list, leaving the remaining claims undetermined. Upon this principle, our awards were as follows: James Canton, six cases... \$1,200. Col. W. H. Brown, eight cases... 1,600. Major Louis Merrill, twenty cases... 4,000. Total amount... \$6,800.

Leaving a balance of \$100 of the fund undistributed. This occurs from the fact that the award to the Commission was an uneven number, and we could not make an award for half a case. A copy of the rules adopted by the Commission for their government in making the above awards is herewith attached.

All of which is respectfully submitted. (Signed) JOSEPH DANIEL POPE, ROBERT B. ELLIOTT, D. H. CHAMBERLAIN, C. D. MELTON, JAMES A. DUNBAR.

A woman in Meriden, Conn., was arrested lately for forcing her five-year old son to drink himself drunk.

Proceedings of the City Council—Special Meeting.

COUNCIL CHAMBER, COLUMBIA, S. C., June 13, 1873. Council met at 7:30 P. M. Present—His Honor the Mayor; Aldermen Thompson, Lowndes, Mitchell, Carroll, Hoge, Young, Carr, Williams, Griffin and Cooper. Absent—Alderman Carpenter.

The Mayor stated that he had called the Council together to make arrangements to pay proper respect to the remains of the late Hon. James L. Orr.

The following resolution, offered by Alderman Carroll, was adopted: Resolved, That a committee of three be appointed to draft a preamble and resolutions expressive of our high regard for the lamented James L. Orr.

A motion, by Alderman Lowndes, that a committee of three be appointed to proceed to the State line to meet the remains, was adopted.

A motion, by Alderman Carroll, that a committee of three be appointed to attend the remains to Anderson, was adopted.

A committee on resolutions was appointed by his Honor the Mayor, consisting of Aldermen Carroll, Hoge and Carr.

Committee to meet the remains at State line—Aldermen Lowndes, Mitchell and Cooper.

Committee to accompany the remains to Anderson—Aldermen Carroll, Thompson and Griffin.

On motion of Alderman Thompson, a committee of three was appointed to confer with the committees appointed by other bodies in making arrangements for paying respect to the remains.

The following is the committee appointed—Aldermen Thompson, Young and Williams.

The following preamble and resolutions were presented by the committee appointed, and unanimously adopted: Whereas the remains of the Hon. Jas. L. Orr, late Minister to the Court of Russia, and former Governor of this State, are expected to arrive in this city on the 2 P. M. train, Sunday next, (June 15), when it is proposed they shall lie in state in the hall of the House of Representatives, to be in charge of the Masonic fraternity; therefore, be it

Resolved, That as a mark of our respect to the distinguished dead, the several flags of the city be hoisted at half-mast, and that all the bells of the city toll the requiem for the departed.

Resolved, That subject to the call of his Honor the Mayor, this Council assemble for the purpose of paying a further tribute of respect by visiting the remains in a body.

On motion, Council adjourned. CHARLES BARNUM, City Clerk.

A WELL-MERITED COMPLIMENT.—The University of North Carolina has conferred the honorary degree of LL.D. upon Dr. E. S. Gaillard, of Charleston, who at present so ably and acceptably fills the positions of editor of the Richmond and Louisville Medical Journal and Dean of the Faculty of Louisville Medical College. Dr. Gaillard ranks among the first of his profession as a medical writer and practitioner, and his many friends will be gratified at this additional recognition of his merits and abilities.

NEW PAPER.—The Rev. I. D. Darham and Rev. A. P. Norris are, we learn, about establishing a new weekly paper, in the interest of the Baptist denomination. A large amount of money has been subscribed for the purpose, and the power press and type of the late Columbia Union has been purchased for their use. The new paper will start under good auspices, and we wish it success with all our heart.—Orangeburg Times.

SONS OF TEMPERANCE.—The National Division of the Sons of Temperance of North America will assemble in New York city, on the 18th instant, for the transaction of important business connected with the order. The delegates from this State will be E. E. Sell, of Charleston; A. M. Kennedy, of Camden; Oliver Hewitt, of Graham's; and B. D. Townsend, of Society Hill.

ACCIDENTAL DROWNING.—On Monday last, five colored men started in a boat to cross Bull River to the Oak Point Mine Dredge, and when in the middle of the stream, the boat capsized. Three of the men, who could swim, were saved, but the two others perished. Their names were Alex. Gardner and Wm. Dawes. [Charleston News.

At a meeting of the Survivors' Association, at Newberry, held on Saturday, the following gentlemen were chosen to serve the ensuing year: President, Y. J. Pope; Vice-Presidents, Thomas J. Lipscomb, Wm. Lester, D. Augustus Dickert and John K. G. Nance; Secretary, Samuel T. McCaughrin; Treasurer, Jefferson J. Gallman.

DEATH OF AN OLD CAROLINIAN.—Mr. Valentine Harlan, a native of Laurens, but who moved from there about the year 1831, died in White County, Arkansas, on the 5th of May last, at the advanced age of eighty years. Mr. Harlan had raised a numerous family, having, at his death, 125 lineal descendants.

ENTERPRISE.—A number of the capitalists of Charlotte are combined to erect a cotton factory at that place some time during the present year. Energetic men are at the head of the movement. The site of the proposed factory will probably be on the West side of the town near the Air-Line Railroad.

HORRIBLE TRAGEDY.—TWO MEN SHOT. A horrible tragedy occurred in the neighborhood of Johnsonville, in Williamsburg County, on Tuesday morning, between James McNamee, Stacy Britton and William Haselden, in which McNamee and Britton were shot and killed by Haselden. The parties were all white men.

The town of Ninety Six has subscribed \$1,200 to build a bridge over Saluda River, at or near Packott's Ferry. The Knights of Pythias of Wilmington, N. C., have uniformed.

Local Items.

CITY MATTERS.—The price of single copies of the PHOENIX is five cents. Mr. Hardy Solomon comes to the front, this morning, with provisions and grain.

The survivors of Orr's Rifles will take part as an organization in paying respect to their late chief, upon the arrival of the remains at Anderson.

John Agnew & Son, those gentlemen who so well appreciate printer's ink, enumerate their articles of wooden ware and provisions in this morning's issue.

Attention is directed to a material change in the schedule of the Charlotte, Columbia and Augusta Railroad, to take effect on and after Monday, the 16th instant.

It is stated that \$20 counterfeit gold pieces are in circulation. We merely mention this for the information of our friends, not that we have any interest in the matter.

The grounds of the Auxiliary Joint Stock Company will be thrown open this evening, and will continue open for a few days. The public are invited to drive over the course.

There is a young lady in this city whose eyes are so much given to snapping that an oculist has been obliged to devise a muzzle for them to keep them from hurting people.

The city authorities are now at work on Boundary street, and we shall soon have one of the finest evening drives in the South—something very much needed in Columbia.

Attention is directed to a correction in the price of round trip tickets to Spartanburg, to be issued by the Greenville and Columbia Railroad Company. It should have been \$6.25; not \$5.25.

Governor Moses has appointed seventy-three commissioners of the State of South Carolina to receive and attend upon the remains of the lamented Jas. L. Orr, late Judge of the Eighth Judicial Circuit of this State.

In response to the resolution passed by the Council of this city, and forwarded to the War Department recently, his Honor Mayor Alexander is in receipt of a communication, stating that we are to have no signal station here at present.

A little barefoot five-year-old girl, going home to her mamma in tears, yesterday afternoon, said: "Mamma, I wish all the bad boys was dead!" "Why, my daughter?" asked mamma. "Because they asked me how much I'd take for my shoes and stockings!"

A blind man, who claims that he lost his sight five years ago by a kerosene explosion, and who is quite aged, is going the rounds of Columbia with a hand organ, accompanied by a woman on crutches, she, as far as we could judge, having but one leg. They seem to meet with kind treatment; and money in it, too.

GOVERNOR ORR'S REMAINS.—The following telegraphic despatch, received last night, is published for general information:

NEW YORK, June 12, 1873.—To Gov. F. J. Moses, Jr.: The funeral takes place here on Friday. I shall leave with the remains on Friday night by rail, and will arrive in Columbia Sunday afternoon, at 2 o'clock, by the way of Richmond. L. D. CHILDS.

LAW CAND.—Albert M. Boozer, Esq., makes his professional bow to the public in this morning's PHOENIX. He practiced successfully in Lexington with the late Judge Boozer, in 1866-68. He is now Clerk of the Supreme Court of the State, as also a Commissioner of the United States Courts for South Carolina. Mr. Boozer will practice in the State and United States Courts. His office is at the State House.

COMMENCEMENT.—The commencement exercises of Furman University and of the Female College at Greenville will begin on Tuesday, the 17th, and close on Thursday, the 19th instant. An address will be delivered before the literary societies of Furman University on the evening of the 17th, by Gen. D. H. Hill, of North Carolina. Rev. J. G. Williams will deliver an address before the Alumni of the Society, on Wednesday evening, the 18th. Other interesting services will be held. Rev. J. L. Reynolds and Rev. J. K. Mendenhall, of this city, will be present, and will officiate in the exercises.

PHOENIXIANA.—A water-spout—A total oration.

The oldest mother of all—Mrs. Necessity.

The man who possesses good health is always rich.

What is the key-note to good breeding?—B natural.

WOFFORD COLLEGE.—The commencement exercises of Wofford College, at Spartanburg, will begin on Tuesday, the 24th instant. Superintendent Dodamead announces that round trip tickets will be issued for \$6.25, the sale commencing on the 21st instant and continuing until the 24th; good to return until Saturday, the 28th.

MEETING OF THE STATE COMMISSIONERS. At the time appointed, 1 P. M., yesterday, the committee of citizens named by his Excellency Governor Moses, to take charge of the remains of Minister Orr, on their arrival in this city, met in the hall of the House of Representatives. About thirty members of the committee were present. On motion of Mr. James M. Allen, Mayor John Alexander was called to the chair, and Joseph Woodruff, Esq., was elected Secretary. Mr. D. H. Chamberlain stated that it was necessary to decide upon some general plan of action. He had been in consultation with the Governor, who had given the matter much consideration, and had suggested the appointment of one sub-committee to meet the remains at the State line; another to take charge of the body at the depot in this city, and provide for its lying in state in the hall of the House of Representatives; a third committee to drape the hall and make all necessary arrangements for such ceremonies, religious or otherwise, as might be considered appropriate; and a fourth committee to escort the remains to the residence of the deceased. Resolutions to this effect, offered by Mr. Chamberlain, were adopted.

Mr. Hoge moved that a committee be appointed to confer with the Masonic lodges in the city, in order that the action might be harmonious, which was carried.

On motion of Mr. James A. Dunbar, a Committee on Finance was appointed.

On motion of Mr. James M. Allen, the Committee of Arrangements were instructed to confer with the military officers and all the various civil societies in the city, and invite their presence and co-operation on the occasion. The Commissioners then adjourned until 10 o'clock, this morning.

THE WATER WE DRINK.—It is of the last importance to the health of the citizens that they drink and use in cooking, clean, healthy, pure water. It is a matter which engages, or should engage, the active and intelligent interest of all governing bodies in our cities—the City Councils, the Boards of Health, &c. It has become a question in Columbia, whether we are now furnished a good article of water or not. It is one which ought to be determined soon, and if any abuse or neglect exist which vitiates the quality of the water, a remedy ought to be promptly applied.

At the last meeting of the City Council, the proceedings of which were published in the PHOENIX of yesterday, we find a statement made by Mayor Alexander, upon "reliable information, that the Columbia Water Power Company were throwing river water into the reservoir that had not been filtered." The Mayor further stated that he considered this cause of much sickness here. The City Council took no action on this information. Either the statements of the Mayor were discredited, or, admitting their truth or probability, the matter was not thought of sufficient importance to deserve the notice of Council. Which horn of the dilemma will they take? There is unusual sickness in town; there is an impression that impure water is the cause of it, and the appearance of the water is dirty and filthy. It is due to the community, that the matter be thoroughly investigated, and every sanitary precaution taken in the interests of the public health. If impure water is furnished us to drink, let us know it, and let some remedy be applied to the evil. Let us have a reasonable explanation of the dirty appearance of the water, if one can be given. It is due, on the other hand, to the contractors of the Water Works, that, if they are faithfully performing the duty which they have undertaken, they shall not be adjudged and pronounced derelict, without cause. It seems strange to us, that no inquiry was ordered.

HOTEL ARRIVALS, June 13.—Wheeler House—John Cunningham, Fort Royal Railroad; T. R. Duval, city; J. R. Hyer, U. S. A.; S. H. Copenhagen, Baltimore; J. E. Pulte, Philadelphia; P. Dunfee, David Lopez, G. W. Bomar, Charleston; J. Hannah, Baltimore; O. D. Schumpert, J. A. Sease, Newberry; W. H. Trescott, Pendleton; J. W. Harrison, Anderson.

Columbia Hotel—Miss Henry, Chester; J. Agnew, Jr., city; M. V. Calvin, Ga.; W. J. Sprinkle, G. W. Thames, N. C.; W. J. Wannamaker, St. Matthews; W. D. Kennedy, H. C. Mazzyk, Charleston; J. Fitzpatrick, N. C.

LIST OF NEW ADVERTISEMENTS. Hardy Solomon—Corn, Oats, Hams. John Agnew & Son—Wooden-ware. Albert M. Boozer—Law Card. James Anderson—Schedule Change.