

# COLUMBIA, S. C.

Saturday Morning, November 29, 1873.

## Views on the Cuban Question.

Public opinion has cooled down on the subject of a war with Spain for Cuba. The question is one that should be adjourned from popular meetings to the judgment of publicists and statesmen enlightened in the principles of international law, and responsible for the honor and credit of the country. The motives of revenge and punishment, of greed for the acquisition of a valuable possession, in disregard of the comity of nations, of a desire to harmonize alienated sections, of a purpose to expand the currency, of an outlet for discontented spirits, &c., are all inadmissible, being one-sided, selfish and unworthy of a great nation. The first thing to be instituted is an inquiry into the wrong that has been done, the next to require complete reparation for it. All this may be done in good temper, and should not encroach upon the most perfect respect for right. Possibly Cuba may be acquired, either by purchase eventually, or by conquest. The advantages of its acquisition, in a national point of view, are not so obvious to thinking men as some hasty journals pretend they are. Opinions may well differ on this point. It is not the point at present in question.

We have read the views of several distinguished men, and have kept tolerably well up with those expressed in the journals. We select for analysis to-day, and for the consideration of our readers, those of Hon. Reverdy Johnson, of Baltimore, and of President Woolsey, of Yale College. The first named gentleman first considers whether the capture was a legal one.

From the beginning of our Government, he says we have insisted that an American vessel, regularly documented and carrying our flag, cannot in time of peace be visited or searched on the high seas. It was mainly for violation of this doctrine that the war of 1812 with England was declared, and although at the termination of that war the claim of England was not formally renounced, it was practically abandoned and has never since been acted upon. The immunity of a vessel carrying the necessary documentary papers and flag rests upon the theory that the ocean is open to all alike, and that a vessel of any nation, while in that element, is, in contemplation of law, a part of its national territory and as exempt from invasion as the soil itself.

If, therefore, the *Virginian* had our flag, and was regularly documented as an American vessel, and was on the high seas when captured, her capture was illegal and contrary to public law, as understood, it is believed not only by England and the United States, but by all other nations, including Spain. The facts are matters of inquiry on the part of our Government. The next point which engages his attention is whether Spain had a right to carry the vessel into a Spanish port. He asserts that she had not. Her doing so was but a continuation of the original wrong, and was an equally palpable and indefensible outrage upon our sovereignty. When captured, the only offence the *Virginian* had committed was one against the United States, in violation of the neutrality laws—supposing, that is, that she contemplated landing men and arms in Cuba, in aid of the insurgents. In the third place, he holds that the atrocities committed on the crew and passengers of the steamer, independent of the sacred laws of humanity, were without justification or excuse under the public law of the world. As they were not legally captured, they were not prisoners of war, and, not being such, were exempt from the jurisdiction of Spain. Having established these points, he concludes by urging that the difficulty should not lead to a war with Spain. It is impossible to suppose that she will hesitate to render every indemnity for past wrongs, and security for the future maintenance of our rights and vindication of our honor.

President Woolsey considers, first, the cruel treatment of some of the persons found on board the *Virginian*. He lays down the general rule that the independence of nations implies that they are the sole judges, each of them, as to what their laws and punishments shall be, and, to a considerable extent, as to their usages in war. If they go to an unreasonable extreme and shock the sensibilities of the world, they are liable to be checked by remonstrance or stronger measures. Had the United States treated the Confederate prisoners as traitors, Great Britain and France might rightfully have interfered to put an end to such proceedings by recognition or otherwise. The cruelty of the Turks towards the Greeks led to the interference which ended in the battle of

Navarino and the recognition of Grecian independence. The justification will be found in the paramount law of self-preservation. It is an extreme measure, only allowable in extreme cases, and, therefore, dangerous, and only to be applied with the utmost calmness and moderation. Now, he adds on this point:

"Whether one case of inhumanity, and that a result of judicial trial, would call for remonstrance or for more, so long as there is no danger of its repetition, is a point which want of a complete knowledge of the circumstances puts it out of our power to decide. It may be that the just wrath of the Cubans against long-continued insurrection, fed from abroad, called for an example. It may be that a fiendish spirit of savage cruelty, going up from the populace to the court, wreaked itself in a horrible way."

He next proceeds to determine whether, supposing the Spaniards had reasonable ground for believing that the vessel was really bound to the neighborhood of an insurrection in order to aid it, they were authorized to seize it and carry it for trial into a Cuban port. We quote the following strong passage upon this point:

"What was the offence of the vessel is the point which we would examine. If we have a correct understanding of its character, the offence was not piracy, according to the law of nations; for there was no *animus furandi*, and no intention to do anything except to transport certain men and goods from one port to another. It was not treason, of course, for any but the Spaniards who were on board and engaged in the enterprise. It was not a breach of blockade, for there was, as I understand, no blockade. It was not technically carrying contraband of war, for there was not technically any war. It is difficult to define the crime, but it was a very great one; no other than for a captain and vessel to be engaged in doing what was really a hostile act. Even more than carrying contraband, it was carrying officers of a high rank in the rebellion as near to the scene of armed contest as possible. The crime was not piracy, at least according to the law of nations, although possibly piracy by Spanish law. It is to be observed, also, that the vessel, although nominally American, seems to have belonged to Cubans, and to have been engaged in no regular commerce. Now, in such a case as this, do the ordinary laws respecting the right of visit and capture apply? It seems to us that this is an extreme case, which the ordinary law of nations does not meet, and that 'the Spanish captain of the *Tornado* was put to a necessity of making the capture for the sake of the peace of the island. It was a case of necessary self-defence for preventing war."

He illustrates this necessity for self-defence by the supposition that a part of Ireland should be in a state of armed insurrection, and an American vessel engaged in carrying from some port of Spain Irish leaders, ammunition and money. In such a case, no one would doubt that the Government of Great Britain would hesitate to arrest the vessel, to prevent a half-extinguished rebellion from being lighted up again by the arrival of new means of war and new sympathizers. Such considerations as these go to the core of the question, and must have important weight in its final determination. While they differ fundamentally as to the points involved, they agree in seeking a peaceful and honorable solution of the difficulty.

**THE LATE THOMAS BARING.**—The death of Mr. Thomas Baring, long the head of the eminent house of Messrs. Baring Brothers & Co., has been announced from London. His age was about seventy-three years. The bulk of his great fortune goes to a nephew, a member of the house, Mr. Edward Baring, the brother of the present Lord Northbrook. Mr. Hodgson, formerly of Messrs. Finley, Hodgson & Co., amalgamated with Messrs. Baring, now becomes the active business head of the house. The gentleman who has just deceased was a brother to the late Sir Francis Baring. In 1835, he was elected a member of Parliament for Great Yarmouth, which he continued to represent until 1837. In April, 1844, when Sir Frederick Pollock was elevated to the bench, Mr. Baring was elected for the borough of Huntingdon. Such was his reputation as an able financier, that in 1852, and again in 1858, Lord Derby offered him the Chancellorship of the Exchequer. He acted as one of the commissioners of the International Exhibition of 1862.

Justice, though blind, is always beautiful. So is a justice of the peace when his heart is tender. Such is that mild-minded magistrate of Guthrie County, Iowa, who has just made a decision in the case of a parent who sued his daughter's wooer for kicking him out of his own parlor. It was held by the court that courting is a necessity, and must not be needlessly interrupted—that a parent has no legal right in a room where courting is going on. This, however, leaves open the questions whether a father, in the exercise of his parental authority, may order his daughter, still domiciled in his house, to go to bed at 9 o'clock; and whether he is bound to find fire and light for the convenience of the enamored.

## Statement of Receipts and Disbursements by City Treasurer from May 1, 1873, to September 30, 1873, inclusive, embracing a period of five months.

To balance from April, 1873, \$ 4,598 37  
Taxes, amount collected, as follows—  
Real estate, from sundry persons..... 3,150 55  
Personal property, from sundry persons..... 610 20  
Street tax, from sundry persons..... 51 00  
Water tax, from sundry persons..... 1,536 45  
Pleasure vehicles, from sundry persons..... 60 00  
Penalties, from sundry persons..... 207 25  
Wagon badges, from sundry persons..... 46 25  
Tavern licenses, from sundry persons..... 2,039 50  
Business licenses, from sundry persons..... 831 00  
Special licenses, from sundry persons..... 249 25  
Market department collections..... 608 60  
Dog collar collections..... 28 00  
Fines collected..... 496 20  
Contingent account..... 25 20  
Buggies, from sundry persons..... 8 50  
Quart licenses, from sundry persons..... 250 00  
City Treasury..... 1,760 00  
Special interest collected..... 2,917 35  
Interest account..... 23,877 50  
Bond account, 7 per cent. interest, John Alexander..... 67,191 00  
Bills payable..... 16,494 56  
Construction fund..... 15,852 98  
By balance..... 2,505 84  
Total..... \$142,949 71  
By balance..... 2,505 84  
Total..... \$140,443 87

By Sydney Park..... 96 00  
Alms House..... 455 88  
Superintendent of Water Works, S. W. Hook..... 66 66  
Steeplemen..... 66 70  
Overseer Poor, C. Schultz..... 60 00  
City Schools..... 268 77  
Street Overseer, J. R. Trice..... 50 00  
Market department..... 81 90  
Police department..... 2,284 94  
Messenger of Council..... 40 00  
Contingent account..... 1,672 43  
City Physician, T. N. Roberts..... 66 66  
Refundment account..... 41 40  
Fire department..... 2,392 00  
Hospital department..... 279 32  
Advertising..... 25 00  
Insurance account..... 225 00  
Guard House department..... 123 34  
Miscellaneous account, dog collars..... 78 90  
Printing account..... 425 25  
Clerk's office..... 3 80  
Clerk of Market, P. B. Nowell..... 250 00  
Street department..... 2,532 97  
Water Works..... 7,470 43  
New City Hall..... 15,852 98  
City Surveyor, C. Mahon..... 80 00  
Indigent poor..... 1,184 85  
City Attorney, J. D. Trade-well..... 500 00  
Chief of Police, J. A. Jackson..... 500 10  
City Clerk and Treasurer, C. Barnum..... 100 00  
Interest account..... 24,707 29  
Bills payable..... 60,336 30  
Special interest deposited..... 3,879 30  
Construction fund deposited..... 14,245 70  
By balance..... 2,505 84  
Total..... \$142,949 71

## Annual Statement of Receipts and Disbursements by City Treasurer from May 1, 1872, to April 30, 1873.

To amount received from W. J. Etter, City Treasurer..... 893 01  
Bills payable..... 49,000 00  
Amount taxes collected, as follows—  
Real estate, from sundry persons..... 28,711 29  
Personal property, from sundry persons..... 16,024 01  
Street tax, from sundry persons..... 836 70  
Water tax, from sundry persons..... 6,704 96  
Pleasure vehicles, from sundry persons..... 733 50  
Business licenses, from sundry persons..... 4,280 70  
Market department collections..... 2,634 05  
Penalties..... 638 66  
Special licenses..... 858 00  
Tavern licenses..... 8,362 30  
Quart licenses..... 524 50  
Wagon badges..... 907 10  
Fines collected at Guard House..... 1,114 80  
Special interest collected..... 27,330 13  
Dog collars..... 302 00  
Bond account..... 91,940 30  
New Market, sales of debris..... 590 30  
Lumsden property..... 208 47  
Sale of lot to Monumental Association..... 600 00  
By balance..... 242,624 81

By Alms House department..... 3,315 76  
Guard House..... 1,146 04  
Street Overseer, J. R. Trice..... 550 00  
Mayoralty, John Alexander..... 1,500 00  
City Clerk and Treasurer, C. Barnum..... 1,200 00  
Sydney Park..... 370 67  
Street department..... 11,347 23  
Water Works..... 12,617 98  
Superintendent of Water Works, S. W. Hook..... 728 25  
City Physician, T. N. Roberts..... 933 23  
Market department..... 697 40  
Contingent account..... 15,047 41  
Chief of Police, J. A. Jackson..... 736 75  
Police department..... 14,753 58  
Hospital department..... 1,346 75  
Refundment account..... 476 15

Bell tower..... 235 00  
City Surveyor..... 84 60  
Columbia Gas Company..... 1,418 20  
Stationery account..... 245 30  
Advertising account..... 207 50  
City Attorney, J. D. Trade-well..... 750 00  
City Clerk's office..... 294 50  
Clerk of the Market, P. B. Nowell..... 400 00  
Fire department..... 2,256 50  
Printing account..... 2,721 44  
New Market..... 735 00  
New City Hall..... 12,900 00  
City schools..... 986 65  
Messenger of Council, H. Perrin..... 120 00  
Palmetto Fire Engine appropriation—Fire department—Notes to Jeffries..... 2,000 00  
Steeplemen..... 558 90  
Insurance account..... 195 00  
Indigent poor..... 5,414 72  
City clock..... 107 09  
Overseer Poor, C. Schultz..... 590 00  
Interest account, interest and coupons..... 15,671 08  
Special construction fund..... 1,650 00  
Bills payable..... 96,000 00  
Special interest deposited..... 25,710 45  
City currency redeemed..... 8 00  
By balance..... 4,598 37  
Total..... \$242,624 81

\* this account embraces \$11,108 paid to Joseph Crews, for provisions furnished the city in 1865.

## CITY MATTERS.—Subscribe for the PHOENIX.

The atmosphere has moderated very materially. Mr. John Palmer, one of our oldest residents, departed this life, yesterday, in his eightieth year. Go to Fine's for extra fine Norfolk oysters—on the half shell, or fried; Charleston and other varieties stewed. Mr. N. G. Parker's horse ran off, yesterday, and the buggy to which he was harnessed demolished. The driver escaped with slight injuries. Persons indebted to the PHOENIX office are requested to call and settle, as money is needed. The cash rule will be strictly adhered to hereafter.

Owing to the illness of Mrs. Hampton, Gen. Wade Hampton was unable to deliver the annual address before the Fair Association of the Carolinas, in Charlotte, on the 27th inst. We regret to learn, by a private letter from Philadelphia, that Mrs. M. S. Cooper, consort of Joseph Cooper, Esq., formerly a resident of this city, died on the 18th of the present month. The weather, Thanksgiving Day, was very unpleasant, and yesterday morning there appeared to be but slight improvement; in the afternoon, however, it cleared off, and the sun shone out beautifully.

Colonel E. R. Dorsey, who, for many years, has acceptably filled the position of general passenger and ticket agent for the Charlotte, Columbia and Augusta Railroad at this point, has resigned, and is about to return to his old road—the Baltimore and Ohio. The Chapman Sisters performed Thursday night to a very good house—the inclement weather, apparently, affecting them but little. It is hardly necessary to say that all were pleased who attended. The company expect to appear here again about the middle of December.

Transfer printing inks are invaluable to railroad companies, banks, merchants, manufacturers and others. They are enduring and changeless, and will copy sharp and clear for an indefinite period of time. Having just received a fresh supply of inks, we are prepared to execute orders promptly and at moderate prices. The mass meeting at the Baptist Church, last night, to aid in the endowment of Furman University, was well attended. Addresses were delivered by Dr. J. C. Furman, Col. I. G. McKisick, Dr. J. A. Broadus, and several others, which were well received, and had good effect. A liberal amount in bonds was subscribed.

The Odd Fellows of this city are preparing to give a grand ball and supper at Parker's Hall, on Monday evening, the 8th of December, for the benefit of the widows and orphans of deceased members. The ball will be given on the anniversary of the organization of Palmetto Lodge, No. 5. We have reason to believe that the undertaking will be a grand success, and that the sum realized will be a handsome donation for a great charity. An advertisement announces the depot for the sale of tickets.

PHOENIXIANA.—Old boys have their playthings as well as young ones; the difference is only in the price. Can it rain soft water when it rains hard? The best friend to the liquor dealer is a sour-visaged wife.

Men don't object to be over-rated—except by the assessors.

**MAIL ARRANGEMENTS.**—The Northern mail opens 6.30 A. M., 3 P. M.; closes 11 A. M., 6 P. M. Charleston opens 8 A. M., 5.30 P. M.; closes 8 A. M., 6 P. M. Western opens 6 A. M., 12.30 P. M.; closes 6, 1.30 P. M. Greenville opens 6.45 P. M.; closes 6 A. M. Wilmington opens 4 P. M.; closes 10.30 A. M. On Sunday open from 2.30 to 3.30 P. M.

**SONS OF TEMPERANCE.**—The Grand Division of this order adjourned Thursday night, after a session of two days. The representation was large, and the cause is in a flourishing condition. The following gentlemen were installed as officers for the ensuing term: John A. Elkins, of Columbia, G. W. P.; W. J. Cook, of Bennettsville, G. W. A.; Oliver Hewitt, of Graham's Turn-out, G. Scribe; John H. Hardin, of Chester, G. Treas.; Rev. Luther Broadus, of Edgefield, G. Chaplain; L. R. Marshall, of Newberry, G. Con.; S. S. Walters, of Orangeburg, G. Sen.

**UNITED STATES CIRCUIT COURT, COLUMBIA, November 28, 1873.**—The Court met at 11 A. M., Judge Bryan presiding.

In the case of Singleton Brown *et al.*, the report of the Commissioners was confirmed.

The balance of the time of the Court, to the hour of adjournment, was occupied in the hearing of the case of the United States *vs.* James Malone, for wilful neglect of duty as Internal Revenue Collector. The evidence was closed, when the Court adjourned until tomorrow, at 11 o'clock. Mr. Corbin appears for the United States, and Mr. Youmans for the prisoner.

**SUPREME COURT, November 28, 1873.** The Court met at 10 A. M. Present—Chief Justice Moses and Associate Justices Wright and Willard.

*Ex parte* Edward F. Stokes—petition for writ of habeas corpus. Mr. Haskell *pro pet.* Granted, and writ made returnable December 8, 1873.

*Ex parte* James Thomson—petition for admission to practice. Mr. Youmans *pro pet.*

*Ex parte* Andrew C. Dibble—petition for admission to practice. Mr. Youmans *pro pet.*

*Ex parte* John R. Abney—petition for admission to practice. Mr. Youmans *pro pet.*

On production of the proper papers, the petitions were granted, and Messrs. Thomson, Dibble and Abney sworn and enrolled as attorneys, solicitors and counsellors of the Supreme Court.

*Miles vs. King, et al.* Mr. Youmans was heard for respondents. Mr. Tracy for appellant.

*Southern Porcelain Manufacturing Company vs. Cashier National Bank of Augusta.* Messrs. Carroll and Bacon for appellants. Messrs. Aldrich and Bonham for respondents.

*Rosanna Tucker, appellant, vs. Albert Wichman, respondent.* On motion of Mr. Tracy, for respondent, the appeal was dismissed.

On motion, the following cases were docketed: *The State, respondent, vs. Jerry Coleman, appellant;* Susan Horde *vs.* Lewis Landrum.

At 3 P. M., the court adjourned until Saturday, 29th, 10 A. M.

**LIST OF NEW ADVERTISEMENTS.** Ditson & Co.'s Musical Library. Typographical Union, No. 34. John Agnew & Son—Apples, &c. Valuable Property for Sale. I. O. O. F. Anniversary Ball.

It is not easy to imagine a State in a worse condition, financially, than the once opulent and thriving State of Alabama. It has wasted and wilted in the poisonous breath of Radicalism, like every other Southern community, only to a somewhat more miserable extent than some others. Alabama owes a debt it is not possible, with her small and now broken and poor population, to pay. No Legislature can ever be brought to the capital that will take the responsibility of trying to levy and collect a tax to meet in full the direct debt of the State, to pay for a reasonable school system and the current expenses of the government. The direct debt of the State, when correctly ascertained, will be found to amount to nearly \$20,000,000, and the floating debt to several other millions. The State's Treasury is empty, and likely to continue so. Her credit is at the lowest point. She cannot borrow, if at all, except at a ruinous discount. The assets of the State are regarded as almost *nil*, under present circumstances. The planters are nearly all in debt. The few manufacturing establishments in the State are either ruined or crippled. The State, as a whole, is bankrupt.

On Friday night last, the gin-house of Mrs. M. A. King, of Darlington, containing about 22,000 pounds of seed cotton, and 600 bushels of cotton seed, was set on fire by some person and entirely consumed.

**DEATH OF MR. ALEXANDER YOUNG.**—Mr. Alexander Young, an old citizen of Fairfield, but who has resided for years past in Florida, died recently at a ripe old age.

Mrs. Sarah T. Dargan died at the residence of her son, George W. Dargan, in Darlington, on the morning of the 24th.

Peter Zink, a German, of Louisville, met a terrible death last Sunday. He fell into a vat of boiling lard. Mr. Wm. Shear, a well-known and prominent citizen of Augusta, died in New York on the 20th.