COLUMBIA, S. C.
Saturday Morning, December 20, 1873.

Defeat of Amendments in the Senate to Pay Pay Certificates and Blue Ridge Scrip.

The bill now under discussion in the Senate, as it came from the House, has no section which provides for payment of pay certificates. Its provisions are strictly in conformity to its title. It is a bill to reduce the volume of the public debt, and to provide for its payment. The two Senators, Whittemore and Jervey, who have introduced amendments, run, substantially, the same schedule. The former's amendment, to strike out Section 3, and insert his substitute, providing for the payment of certificates issued by the General Assembly and by the President of the Senate and Speaker of the House, and all other valid outstanding claims against the State, arising between July, 1868, and March, 1873, was indefinitely postponed, by a vote of twenty ayes to eleven nays. The same matter came up again, in a slightly different shape, at the night session of Thursday, in the amendment of Jervey. It was disposed of in the same way, being indefinitely postponed, by a vote of ayes twenty-two, nays ten. So ended the fight on the pay certificates. Whittemore and Jervey then trotted out the Blue Ridge scrip, but it was so spavined and blown that it could not run, and was ruled off the track altogether. It suffered a double defeat, as the pay certificates had before it. Jervey withdrew his printed amendment, in order to offer another freshly concocted. This authorizes the Treasurer to issue bonds equal to fifty per cent. of the face value to holders of the bond scrip. Whittemore moved the adoption of Jervey's amendment just withdrawn. He offered it as a substitute to Section 4 of the bill. It is as follows:

"That the State Treasurer be authorized and required to issue in lieu of the $3,400,000 of Blue Ridge Railroad bonds, which have been surrendered, and for which $1,800,000 of revenue bond scrip have been issued, 'consolidation' bonds or certificates of stock equal in amount to the full value of the scrip so surrendered at the treasury office by the parties holding the same."

Whittemore spread himself in its favor, going over the old arguments and figures with his well known unction. Mr. Duncan, of Spartanburg, reviewed the history of legislative action in reference to the Blue Ridge scrip. He showed that the whole consideration obtained directly and indirectly, for the $1,800,000, issued to parties who held it, was not more than $450,000. The demand that this scrip should be made good was not just or equitable. The State is under no obligations in equity to do more than take up what was advanced to the company. Every one who will look at the matter dispassionately, in the light in which it now presents itself, can see that the legislation which passed the revenue bond scrip was unjust and unauthorized, if not corrupt. Now is the time to correct this great wrong, by refusing to pass the amendments which seek to revive and perpetuate it. Mr. Duncan's speech was the event of the evening. It dealt in facts, figures and arguments, delivered in a spirit of candor and fairness, which commanded very general attention and warm approval.

Upon motion of Nash, the amendment was indefinitely postponed, by a vote of ayes 18; nays 14. The same fate befell the other amendment of Jervey. Nash moved to reconsider the motion by which the amendments had been indefinitely postponed, and to lay the motion to reconsider on the table. After a long and tiresome debate, lasting till after 12 o'clock, this motion prevailed. The President, upon being called on for his ruling as to the effect of this motion, decided that it was to exclude the further consideration of the Blue Ridge scrip, in connection with this bill, for this present session. There were many parties dissatisfied with this result, and some went out gnashing their teeth.

The Funding Bill Passes the Senate.

The Senate was occupied yesterday in the further consideration of the funding bill, or bill to reduce the volume of the public debt. The Waterloo defeat of the pay certificates and the Blue Ridge scrip, received on Thursday night, had evidently affected the spirits of the members who had battled so long and unsuccessfully to get them incorporated as parts of the bill. They appeared crestfallen during the whole of yesterday morning, and contented themselves with proposing a few verbal alterations in its text. Mr. Whittemore, the champion of amendments in favor of recognizing these outside claims, succeeded only in getting in one of his batch of amendments as a section of the bill. He seized the opportunity—one which did not logically present itself—of making some general observations on the merits of the bill as a whole. It is a result, in his view, of the determined attitude of the people, to secure some relief, or appearance of relief, from an intolerable burden. It is the answer to a popular demand—not a suggestion of wise statesmanship.

It remains to be seen whether the holders of bonds will accede to the terms, supposing that the bill goes successfully through the steps necessary to make it a law. It takes two to make a bargain. It is, of course, very desirable to reduce the debt, as it is more than desirable to curtail expenses generally, and cut off extravagance and reform abuses. But a much more acceptable bill than this could be framed to accomplish this object. There is a class of bonds sacrificed in it that ought to be paid dollar for dollar. There are many others that might in equity be scaled at a rate lower than fifty cents in the dollar. The former suffer the fate of being found in bad company. But a wise and just legislation would make proper discriminations between them. The best thing about this bill, as it now stands, is the exclusion of the clamorous and doubtful claims, which it was so industriously and pertinaciously sought to inject into it.

In the Senate, last evening, the House tax bill was discussed at length. The first section, which levies a tax to meet appropriations to pay salaries of the executive and judicial officers of the State, was fixed at one and a quarter mills. The same rate was fixed upon in the second section for the penal, charitable and educational institutions of the State, exclusive of common schools. The third section was passed to meet appropriations for the support of the public schools—levying two mills for the purpose. There was a long bebate, on motion of Dunn, to substitute one and three quarter mills in place of two. It was lost.

A CARD.—The Building Committee of Washington Street Church desire to return their grateful acknowledgments to Madame Brignoli, Professors Deuck and Platte, and the ladies and gentlemen who so kindly assisted them for the beautiful entertainment given on Tuesday night, to aid in rebuilding the burnt church. Also, to the Presidents of the South Carolina and Greenville and Columbia Railroad Companies; to the Western Union Telegraph Company for assistance rendered; to the PHŒNIX and *Union-Herald* offices for printing; to the Columbia Gas Company for use of gas; and especially to T. M. Pollock, Esq., proprietor of the Wheeler House, for most generous kindness.

SPEECH OF MR. STEPHENS.—After a careful reading of his speech, our impartial judgment is, that Mr. Stephens made an inauspicious beginning in defending a measure the propriety and honesty of which are condemned by the people, irrespective of party. The views of Mr. Stephens on the salary bill are not the views of the people of Georgia, who, with one accord, denounce its retroactive features as unjustifiable in a moral point of view. Mr. Stephens has made a mistake in lending the influence of his great name to a measure which is condemned by the common sense of honesty of the American people. The extra pay of $5,000 to each member of Congress was voted on the last day of the session of an expiring Congress. Butler could defend this grab because he has never been scrupulous in recognizing the difference between *meum et tuum*. But that Mr. Stephens should jump into the arena of debate on a question of such doubtful propriety, and justify a measure which has been condemned by Republicans and Democrats with unprecedented unanimity, is incomprehensible to his warmest friends. His first speech on his return to Congress does violence to the feelings of his constituents. He was not sent there to raise his voice in defence of the money of unrighteousness—the money grabbers of Congress—but in defence of justice and liberty, and in behalf of the suffering South—in behalf of outraged Louisiana and plundered South Carolina. What a glorious spectacle to have witnessed—what a grand theme to have engaged the attention of the great Georgia statesman on his re-appearance upon the arena of his former triumphs—Alexander H. Stephens, Vice-President of the Southern Confederacy, pleading before a listening Senate for liberty and justice to the Southern people. Speaking the voice of his immediate constituents, more in sadness than anger, we are grieved to find him espousing a course which no power of political mesmerism can ever render either honest or justifiable in the estimation of the people of Georgia.
[*Augusta Chronicle and Sentinel.*

The Jewish *Messenger* says: "The most popular Christmas story writer in England is a Jew. True, the occasion is the birth-day of a Jew whom the Christian world deifies, but this is no reason for self-congratulation, for if there has been the deification of a Jew, there has also been the bitterest persecution of the creed to whose observances he was so strict a conformist. That Mr. Farjeon has contrived to acquire his present position indicates how prejudice is dissipated by knowledge. The prejudice, perhaps, has been on both sides. It does not render a Jew to-day less Jewish if he employs the aid of Christmas stories to hasten the era of peace and good-will on earth."

The Citizens' Savings Bank.

In the United States Circuit Court, in Charleston, Thursday, the case of J. L. Watson *vs.* the Citizens' Savings Bank, was heard by Judge Bond. It will be remembered that on the 22d of November last, John L. Watson, Treasurer of York County, filed a complaint before Judge Carpenter, of the Fifth Circuit Court, at Columbia, alleging that the Citizens' Savings Bank had suspended payment, was insolvent, and had refused to pay its checks. He, therefore, prayed that the officers of the bank should be compelled to render an account of its funds, and restrained from the exercise of its corporate rights, and that a receiver be appointed to administer its assets for the benefit of its creditors. Upon hearing the complaint, Judge Carpenter immediately issued an order, calling upon the defendants to show cause, on or before the 3d of December, why the injunction should not issue and a receiver be appointed as prayed for. On the 1st of December, and while these proceedings were pending in the State Court, the Citizens' Savings Bank, pursuant to a resolution adopted by a meeting of its stockholders, filed in the United States District Court a petition in bankruptcy, praying that the bank be adjudged a bankrupt. The decree was made by Judge Bryan, who issued an order compelling the surrender of all the property and assets of the bank to E. M. Seabrook, Registrar in Bankruptcy, to keep until the appointment of an assignee. On the 3d of December, the defendants filed a return to the order of Judge Carpenter, denying the jurisdiction of the State Court, and averring that the bank had been adjudged a bankrupt in the United States District Court. Upon hearing this return, Judge Carpenter decided that the State Court had jurisdiction, that it had exercised jurisdiction, and that its order was valid and binding, and that its jurisdiction was not ousted by the decree of bankruptcy. The injunction was made permanent. On the 10th of December, the bank filed a petition in the United States District Court, asking an injunction against Watson and all other persons, restraining them from prosecuting any action in the State Court. This injunction was granted upon an *ex parte* hearing. The plaintiffs thereupon filed their petition in the United States Circuit Court, claiming that the jurisdiction in the case properly belonged to the State Circuit Court, and asking the court to review the decision made by the United States District Judge, and to set aside or revise and rescind the order made by him. The petitioners were represented by Mr. C. D. Melton, Mr. J. M. Baxter, Mr. W. H. Trescot and Mr. A. G. Magrath, of counsel. Messrs. Pope and McMaster appeared for the bank, and Col. J. H. Rion and Mr. J. M. Bryan for certain creditors of the bank.

The papers in the case were read by Mr. Trescot, who also opened the argument for the petitioners. He said that the petition asked for a dissolution of the order of injunction, and contended that the Bankrupt Court had no authority to issue an injunction, except up to the time of the adjudication in bankruptcy. He also argued that, suit having been commenced in the State Court previous to the commencement of the proceedings in bankruptcy, under the amendment to the bankrupt law of 1873, the case should remain in the State Court, and, that court having assumed the jurisdiction, it was not competent for the Bankrupt Court to interfere.

Mr. J. M. Baxter, of counsel for the petitioners, followed. The main point, he said, was as to the jurisdiction of the case, whether the District Court, sitting as a court of bankruptcy, or the Court of Common Pleas, in the exercise of its equity functions, had jurisdiction in the case. The insolvency of the defendant was admitted, because it had avowed its insolvency by its petition in bankruptcy. He contended, therefore, that the State Court, having assumed jurisdiction of the matter, this court would not oust it, but leave the administration of the assets in the court where the proceedings were commenced. The defendants had a perfect right to question the jurisdiction of the State Court, but it should be done in the forum of the court in which the proceedings began. The Bankrupt Court would enjoin a creditor who was rushing in the State Court to establish his own claim only, but in this case the proceedings in the State Court were for the same purpose as that sought to be effected by the proceedings in the Bankrupt Court, viz: the fair and equitable administration of the assets of the bank. The petitioners, therefore, asked that the whole case be remanded to the State Court, where the depositors had first elected to apply for relief.

Mr. C. D. Melton, for the petitioners, made an elaborate argument upon the questions of jurisdiction involved in the case. He contended that while the United States Courts had frequently enjoined proceedings in the State Court, yet, in all these cases, the injunctions had been issued to restrain creditors from establishing separate liens or judgments, exclusive of and without regard to the rights of the other creditors. In this case, however, the creditor he represented had no such object or view. He only desired, under the State laws, to procure an equitable administration of the assets of the insolvent debtor, and the bankrupt could not, therefore, interfere and oust the jurisdiction. This was a case in which the State Court had taken possession of the assets of the defendant, to administer them in its general equity jurisdiction, and the law which governed the question of jurisdiction does not suspend these functions of the State tribunal. He argued, therefore, that the decision and orders of the United States Court should be reversed or revised.

Mr. James H. Rion opened the case for the defendants in a lengthy and elaborate argument. He claimed that the proceeding did not involve the question of comity between the courts at all. The suit in the State Court was actually a proceeding in involuntary bankruptcy, and the administration of bankruptcy properly belongs to the United States Court. In this case, no receiver had been appointed by the State Court yet, and the United States District Court could, therefore, with perfect propriety, assert its jurisdiction, without being reduced to the necessity of dispossessing a receiver appointed by the other court. The object and intent of the bankrupt law, he contended, was to place the administration of the assets of a bankrupt's estate within the control of the Bankrupt Court, and the passage of the law superseded or suspended all State insolvent laws. The action of the State Court must yield to the paramount authority of the United States Court, which authority was clearly given to it by the Constitution of the United States, and that Constitution expressly reserves to Congress the right to pass uniform laws of bankruptcy. It was clearly laid down in all the authorities that the United States Court had full power to suspend or control all proceedings in a State Court against a bankrupt or his estate. This suspension or control would properly be effected by an injunction, as had been done in this case. It had been well said, that there was a difference between insolvency and bankruptcy. In this case, there was certainly a difference, and it was not at all uncertain that not only the creditors, but even the stockholders, would be secured. The action of the one creditor, which might be induced by a desire to have a friend appointed receiver to get the commissions, was not sanctioned by the majority of the creditors, who were co operating with the bank, and desired to protect their interests by applying to the Bankrupt Court.

Mr. Rion was followed by Mr. F. W. McMaster, in behalf of the bank. Mr. McMaster argued that there was no conflict or clash of jurisdiction between the United States and the State Court. The suit of Watson was simply the suit of a depositor or creditor at large. The proceeding was not, as had been asserted, an equitable one, and it was perfectly competent for the Bankrupt Court to issue an injunction to restrain his suit until the assets could be distributed ratably among the creditors.

Mr. J. D. Pope, in behalf of the bank, said that the case had been so thoroughly discussed by his colleagues, that he would not take up the time of the court with an extended argument, but would simply submit a list of his authorities to be read by the court, and considered in connection with the arguments already made. He would only state that, in his view of the law, the case made by the petitioner in the State Court was a mere myth, and not a bar to the subsequent proceedings in the United States Court.

Mr. A. G. Magrath closed the case in reply for the petitioners. He urged that, as the decision of this court would be final, it should be made with deliberation. The petitioners did not object to the bank being adjudicated a bankrupt. The question was, had the District Judge of the United States Court known of the proceeding in the State Court, would he have issued the order instructing the Registrar in Bankruptcy to take possession of the assets of the bank? The plain proposition was that the order of Judge Bryan was in direct violation of the order of the State Court, and the injunction was granted by Judge Bryan, without notice of the petitioners, who had instituted the proceeding in the State Court. If the Circuit Court of the State had jurisdiction in this case *in limine*, its jurisdiction continued to the end of the suit. He concluded that the orders had been improvidently made, and should be put aside in order to allow the case to be argued *de novo* and discussed in its fullest sense. He asked for the following order from the court.

On hearing the petition in the above case, it is ordered that the injunction issued from the District Court, sitting in bankruptcy, dated December 10, 1873, be set aside. It is further ordered, that so much of the order of the District Court, sitting in bankruptcy, as requires the Citizens' Savings Bank of South Carolina to forthwith surrender into the hands of E. M. Seabrook all of its property, of every value whatsoever, included in the schedules annexed to the petition of the bankrupt, be set aside; it being made to appear that at the time of the said order, jurisdiction of the said property is claimed to have been entered by the Court of Common Pleas for the Fifth Circuit of the State. Parties to any of these proceedings, or such assignee as may be appointed by the Bankrupt Court, have leave, notwithstanding this order, to take such action as they may be advised to be proper and conformable to law.

Judge Bond said that his time was too limited to permit him to give a written decision in the case, but that he would endeavor to render a decision before leaving the city.

A despatch, last night, informs us that the order proposed by the counsel for the petitioner was refused, the order made by the Bankrupt Court affirmed, and the petition of J. L. Watson dismissed.

Captain Jack's little unpleasantness with our Government cost upwards of $335,000, exclusive of the pay, clothing and armament of the troops engaged.

At Jackson, Michigan, Victoria C. Woodhull was arrested on Saturday, on a charge of selling obscene literature, called "The Elixir of Life."

Boll, Wooten & Andrews, of Atlanta, have purchased the menagerie attached to Lent's circus.

CITY MATTERS.—Subscribe for the PHŒNIX.

The key to an editor's heart now is tur-key.

The warm weather has brought the mosquitoes forth again.

It is a fact that the wetter the weather the dryer the man.

The saloons are scouring eggs for free egg-nogg Christmas. "Jist so."

The warm weather has a depressing effect on the wood market.

Cook fights, and other like amusements, are being prepared for Christmas.

The Governor has appointed Phillip N. Judah, of Georgetown, State detective.

An occasional torpedo (sure precursor of Christmas) can be heard on the streets.

A chimney burning out, last night, caused the firemen to stir about and be spry.

If you want to know where to buy Christmas presents, read the advertisements in this paper.

To-day, the 20th of December, is the anniversary of the secession of the State of South Carolina, in 1860.

A gentleman advertises for board for himself and wife in a private family. See the card, and address accordingly.

Yesterday was balmy and spring-like, and the heat of the sun was somewhat relieved by an occasional brisk breeze.

While witnessing a game of base ball, the other day, a boy was struck on the head, the bawl coming out of his mouth.

Alderman Taylor has erected an oil lamp in front of his residence on Sumter street, which excels gas in its refulgence.

The woods in the vicinity of Columbia are being raided on in search of suitable evergreens for Christmas decorations.

The city tax is fifteen mills on real and personal property. You can save five per cent. by settling by the first of January.

A New York despatch says that Whittemore & Co., *wool dealers*, have failed. Wonder if they are any connection of the South Carolina dealer?

Persons indebted to the PHŒNIX office are requested to call and settle, as money is needed. The cash rule will be strictly adhered to hereafter.

More than thirty negroes left Newberry, this week, for homes in Tennessee. Thirty white immigrants went up the Greenville Road the day these negroes went down.

The discount offered by the City Council for the payment of taxes previous to the first of January, has caused city currency to be sought by speculators as high as ninety-five.

Mrs. C. E. Reed is making a very pretty display of millinery and fancy articles of various kinds—just such as would please wife or sister, sweet-heart or cousin, if sent in as a Christmas present.

J. N. Robson, Esq., the Charleston agent for the popular soluble Pacific guano, is out in a card in this morning's PHŒNIX. This guano is used extensively and satisfactorily throughout the State.

The case of the Citizens' Savings Bank, in the matter of the rule to show cause, came up, yesterday, before Judge Carpenter. It appearing that the rule had not been served upon all the parties, the hearing was postponed until Tuesday.

The poultry thieves are working very successfully. Raids have been made on several fowl-houses, and the Christmas turkey and goose carried off. One chap was chased from Mrs. Percival's premises, Thursday morning, about daylight.

At a meeting of Union Council, No. 5, held December 18, the following officers were elected and installed for the ensuing Masonic year: W. P. Hix, T. I. G. M.; A. Oliver, I. H. T.; John Dorsey, N. A.; C. F. Jackson, M. E.; John Agnew, Jr., M. D.; R. E. B. Hewetson, C. G.; Z. P. Moses, C. C.; H. S. Johnson, Steward; J. P. Williams, Sentinel.

Scribner's Monthly, for January, is a model number. The contributions are varied—many of them illustrated—and by eminent authors. We have so frequently noticed its excellences, that we only deem it necessary now to say to those who desire valuable and entertaining reading matter, to subscribe. Scribner & Co., New York, are the publishers.

Amongst the arrivals at the Wheeler House, yesterday, were Messrs. C. H. Solomon, of the firm of Goodman & Myers, manufacturers of fine segars, New York and Savannah, and our little friend Mr. Nat. Federton, of the firm of May & Stern, importers and dealers in watches, jewelry, etc., New York. They are a small couple, but, as the old song says, "Jolly fellows, all."

Bring in your Christmas advertisements. The people are scanning the papers carefully to see where they can purchase to the best advantage.

Localizing on a newspaper is very much like raking a fire. Every one thinks he can perform the operation better than the man who has hold of the poker.

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 at moderate prices.

Mr. Gaines expects to start to Castle Garden, this evening, to fill orders for about seventy-five more immigrants; fifty of whom are for Chester. The ones whom he has just brought on have been delivered to their respective places, and are not only well pleased, but have given satisfaction. Four parties in this city have been supplied with white women and are well pleased. Others desiring to order will find Mr. Gaines in the city to-day.

Some malicious individuals, on Thursday night, smashed a large pane of glass in one of Messrs. R. C. Shiver & Co.'s windows. Other parties similarly inclined deliberately ground their heels in the wet mixture forming the pavement in front of Messrs. W. D. Love & Co.'s store, and then filled up the holes with sand—almost effectually ruining the work. As the space is carefully surrounded with plank, there is no excuse for any one encroaching upon the work.

SUDDEN DEATH.—We regret to learn, by a private despatch, that Mrs. L. D. Childs died suddenly, yesterday morning, at Macon, Ga., while on her return to this city, from a trip to the lower portion of Georgia.

SIGNOR SILVANO.—We copy the following from the Cumberland *Daily Times*, of October 16. This popular performer will give five of his pleasing entertainments in Irwin's Hall, commencing on Tuesday evening next:

"Signor Silvano, who has been performing in Belvidere Hall for the past week, closed his season here last night, to a crowded house. In addition to the Signor's wonderful talent as a magician, the gift feature of his show makes it immensely popular. The wonderful Marionettes are simply mirth-provoking, and have been enjoyed immensely by all who saw them. We wish the Signor success wherever he may go, and hope he may not forget to visit the city again on some future occasion."

PHŒNIXIANA.—Diligence, persisted in, rarely fails of success.

Ministers of the Interior—The cook and the doctor.

How Mr. Fish has kept his skirts clear—By taking no Po'o nays for an answer.

Ladies, this winter, will wear the same things they wore last year—if they can't buy others.

Train up an engine in the way it should go, and when the proper time comes it will run into another.

Garters are termed shank-bands by Illinois belles.

A hundred years of fretting will not pay a half penny of debt.

How few have sense enough to despise the praises uttered by a fool.

Take care of your health and your wife; they are the two better halves that make a man of you.

Dead men's thoughts are often the most active of living agents.

Revenge is poor seed, and produces more tares than good grain.

Was not Eve emotionally insane when she pulled that apple?

SUPREME COURT, December 19, 1873.—The Court met at 10 A. M. Present—Chief Justice Moses and Associate Justices Wright and Willard.

Caroline S. Miller, appellant, *vs.* C. H. Simonton, respondent. Mr. Pressley resumed and concluded his argument for respondent. Mr. Stone was heard for appellant in reply.

Joseph A. Keller, guardian, appellant, *vs.* Ann Myers, administratrix, *et al.*, respondents. Mr. Dibble was heard for appellant. Mr. Brawley read argument of Mr. Hutson for respondents. Mr. Dibble was heard for appellant in reply.

Ex parte John C. Minott. Petition to practice in Supreme Court. Mr. Pressley *pro pet.* Upon production of the proper papers, the petition was granted, and Mr. Minott sworn and enrolled as an attorney, solicitor and counsellor of the Supreme Court.

The City Council of Charleston, respondent, *vs.* the People's National Bank, appellant. Mr. Barker was heard for appellant. Messrs. Minott and Stone for respondent.

At 3 P. M., the Court adjourned until Monday, 22d inst., at 10 A. M.

LIST OF NEW ADVERTISEMENTS.
P. Cantwell—F. M. Beef.
Signor Silvano—Magical Soirees.
C. O. B.—Board Wanted.
Horses at a Sacrifice.
Brahma Geese for Sale.
W. C. Wright—Farm to Rent.
J. N. Robson—Guano.