COLUMBIA. S.

Thursday Morning, February 12, '74.

Flattering Unetion.

We are conscious that we have said enough on the re-assembling of the Tax-Payers' Convention. We have answered certain objections to it on the score of the expected introduction into its councils of topics which had better be left alone for the present. We have, also, in the discharge of the duty which devolved upon us as journalists, noticed certain statements advanced by some of our friends, touching the propriety of the convention assembling at the present time. A difference of opinion upon this point, coming from a responeible and reputable source, challenged our attention. We treated it with candor, and our comments, we are pleased to know, were properly appreciated. There is no substantial difference of view entertained upon the grave matters which force themselves upon the conservative public opinion. This very discussion of differences, more apparent than real, as to the best mode, time and manner of seeking relief and redress, will be of benefit and give additional efficacy to the remedies, when they shall have at last been agreed upon. Whether the convention meets now or in October, after the elections, the only point of difference between some of the Conservative members of the Legislature and the general public of the State, is really a matter of small consequence. There is no difference in fundamentals, none as to the necessity of earnest action on the part of those who clearly see the downward tendency of all just danger of the widespread corruption velop and open our country. It is our principles of government here, and the now existing, sweeping with uncontrolled force and demoralizing current State.

In the Union-Herald, of Tuesday, ap-We are not, therefore, surprised to find it destitute of regard for the truth of facts, devoid of ingenuous spirit, and largely to the good of the country, and recite here all the duties therein enutterly wanting in true manliness of thought. Whether designed or not, the article evinces a miserable misconception of the true question, and an evident mis-statement of the whole issue. The Herald hears the tramp of those who will hold its party to stern accountability for their deeds of folly and tamely submit to the charges of crime of money which he may receive or pay orime. In its alarm, like a drowning and wrong which the Tax-Payers' Conman, it catches at the merest straws. The natural difference of opinion which | ing what it calls "our side of the house." may prevail in the ranks of the Conser- What the Tax Payers' Convention will and for what purpose he has paid such vatives as to won-essential points, is magnified into a threatening separation sent condition of things, their causes, upon vital principles. And because, and the inevitable tendencies of the fu- in view of the existence of the condition forsooth, a few of our members charita- ture, no one has a right to forecast to of facts as before stated, charged, as I bly attribute to a squad of those who its prejudice. We expect it to be just um, with the performance of such important duties, with such weight of reare known as Republicans some purpose and considerate. The occasion demands of amendment, because they see and no exaggeration. If the indictment consequences of the gravest character to Escognize in others a fearful looking for shall equal the offence, it will certainly myself and bondsmen, attendant upon of troubles ahead, and consequently a strongly tax the resources of the Euglittle better behavior, because they lish language. Meanwhile, we suggest think (weakly, in our judgment, but to our contemporary to look a little into honestly, we doubt not,) the approach the publications made by Henry Ward of the campaign will mend their man- Beecher, Elihu Burritt, and other earnners, if it do not reform their morals, est Republicans of the North, touching because some Conservatives are heard to abuses and the dangers which threaten be a manifestation on my part of the say, "We are thankful it is no worse," Republican government here. The most wanton disregard of the interests the Herald pretends to rejoice in a disco- Herald is ready to protest and demur in of the State, and an exhibition of reckvery of a mare's nest of supposed dis- advance against the expected action of crepancy of opinion and divisions in | Conservatives, who feel the oppression Conservative quarters. Men who seek of the State Government and the shame only the right-those who are animated of its corruptions, but it says never only by patriotic motives-can afford to a word against the powerful arraignbe indulgent and gentle, at the very ment of its party in the State by the retime they are preparing to insist upon spectable Mr. lake, late Minister to the the sternest accountability. Because of Hague, in his remarkable book, "The really what they purport upon their face this leniency, due in part to personal Prostrate State." Here is a reality. association, the Radical organ is not en- What have you to say about it? It is a titled to infer or assert that any Conser- work from a Republican hand. It con- namely, the pay certificates—which is vatives of influence or character are opposed to the most decisive action, and as to meet them. much less to represent them, even indirectly, as knowing "that the whole current of the Legislature is directed to economy and retrenchment." They know no such thing, and have justified no such statement

Be so good, Mr. Herald, as not to put the Conservative members in a fulse position. Their faces are not set towards your camps. They are not traveling your way. No amount of your flattery can make any one of them a tail to your kite. There never was, and there is not to-day, one particle of division or difference of opinion either among the Conservatives in the State, or their representatives in the Legislature, as to the existence of enormous evils, and of their being of a character at this moment too grievous to be borne. They know better than others, in fact, the heavy burdens which crush our

cerning so nearly, have yet determined to endure no longer. And representatives and people will be found one in effort and purpose, as they are one in Salt cannot save it.

The Productive Value of Immigrant Population.

The remarks recently delivered by Hon. W. B. Ogden before the Spartanburg and Asheville Railroad Association, in Charleston, contain a compact and Instructive argument to the value of railroads in inducing immigration, and to that of the effects of immigration in adding to the population and wealth, and promoting the production to St. Louis and Chicago, in the exchange of productions between the North-west and South Atlantic, and in the opening of lines of steamships from the laws. gent mind must accept as fairly drawn. Population will flow in the other direction, also, and we shall have two steady streams-one from Europe, the other from the North-west-coming in to deto secure these great benefits; and once to his care.

Section 22, Article 2, and Sections 11, policy to do all that may be practicable through the length and breadth of the the railroad crosses the mountain barriers, at will work its way rapidly to the peared a leader with the sacrilegious behalf. Crippled as we are, and reduced as are our means, the investment in an enterprise which will redound so

> vention is likely to put forth concerndo, in the way of statement of the pre-

best physicians in Charleston had failed. treasury records, in order to ascertain Another great cure was that of Mr. C. the status of such claim, is irrelevant E. Lartigue, of Blackville, Barnwell and impertinent to the case. I need County, in this State, a prominent druggist and merchant, who had a serious me to shrink with abhorrence from such out of the city, have been effected by an interpretation of my duties and conhim. All ascribe to him wonderful skill, attutional powers as State Treasurer. Suffice it to say, that the sanction of for throat and lung diseases express great such views would be followed by consesatisfaction at good effects in so short a quences of the most appalling, danger-time. His office is private, and none of ous and ruinous character. To take his cures are spoken of, unless they re. this view of the question would be quest it or do it themselves. He re-mains with us until the 25th inst.

cetablishing a very unwise precedent, that might eventuate in the payment of

dero, Submitted to the Legislature. EXECUTIVE DEPARTMENT.

COLUMBIA, S. C., February 10, 1874.

To the Honorable the Senate and House intelligence, interest and sense of of Representatives—Gentlemen; have the honor. The Herald has no more right to lay this flattering unction to its soul munication of the 7th instant, I have, than it has to rely upon a "special Pro- upon further reflection, deemed it providence." Its party in South Carolina per that I should again communicate with you in relation to the matters contained in suid communication. In view, whole country. It is rotten to the core. not only of the peculiar and embarrassing circumstances surrounding the particular case under consideration, but of the weighty and important principles involved, and the grave consequences that may attend upon unadvised action on my part, I desire to respectfully invite your attention to the reasons that have induced me to pursue the course I have followed. Governed by no object, actuated by no motive save an earnest desire to obey the Constitution and laws of the State, and to faithfully perform the duties of my office, I have felt that I owed it as a duty to the General As-sembly and to the people, that in disand growth of a country. His facts are bursing the public moneys I should as true as they are wonderful. The carofully scrutinize each and every claim ment, is to assert that the Legislature conclusion to which they lead of the presented for liquidation, and arrest the intended to make valid an illegal claim settlement of such as may be proved by immense prospective advantages of a the records of my office to be irregular, railroad thoroughfare from Charleston until the General Assembly be informed ture having provided the means of of the facts connected therewith. I have ment, who is to stand between the State taken this view of my obligations to the and the claimant? Surely the State State, believing that in so doing, I am sustained by the Constitution and the laws.

Treasurer. By looking at the Act entitled "An Act to make an appropriation to pay the claims of the South Carolina"

to be established along the whole line executive branch of the Government, of the interest accrued thereon, &c., is of the road, is one which every intelli-In the main, those duties are not merely ministerial, but involve the exercise of are merely ministerial. judgment and discretion. He is a bonded officer, liable to criminal prosedisbursements or a failure to render proper account of the moneys entrusted

12, 14 and 15 of Article 9 of the Constitation, prescribes plainly the mode for desired terminus. It will soon become till disbursements of the public funds, the most eloquent pleader in its own and the manner of recording the transactions of the State Treasury. Chapter 17 of the revised statutes also regulates and prescribes the duties of the office of State Treasurer. It is unnecessary to the development of its vast resources, joined, but I would simply call attention to the language of Section 33 of said chapter, which reads as follows: "That the Treasurer shall, at the end of Answer Charges Airendy Made.

The Union-Herald says that, in face of all the great and good work which the Legislature has done, it will not the charges of crime of money which he may receive or pay tamely submit to the charges of crime of money which he may receive or pay to the Legislature has done, it will not the charges of crime of money which he may receive or pay tamely submit to the charges of crime of money which he may receive or pay to the Legislature has done, it will not the charges of crime of money which he may receive or pay to the Legislature has done, it will not the charges of crime of money which he may receive or pay to the Legislature has done, it will not the country—the Supreme to the Comptroller-General. Section 34 selling ladies' under-wear less than cost directs that when required thereto, he shall produce to the Comptroller-General. The down passenger train on the tribunal of the country—the Supreme to the Comptroller-General and country and the comptroller-General and country—the statements and province of the Comptroller-General and country and the country and the country—the Supreme to the Comptroller-General and country and the country—the Comptroller-General and country—the country—the Suprementation of the country—the Suprementation of the country—the Suprementation of the Comptroller-General and country—the country—the country—the Comptroller-General and country—the country—the country—the Comptroller-General and country—the country—th away in behalf of the State, particularizing the person, and his office, of whom he receives, and to whom he pays, as also on what account he has received. aums."

Under the plain and positive prescrip tions of the Constitution and laws, and my wrongful acts, I may well pause in Towns, 8 Geo., 360; People vs. Bissell, the exercise of my functions to inquire 19 Ill., 229; Mauran vs. Smith, R. I. into the rightfulness and validity of the claims that may be presented for pay-ment, and may well refuse to discharge loubtful claims, until the attention of the Legislature shall have been directed facts in the case, and a careful considerto such claims. To act otherwise, would less unconcern for the rights of my

But I am aware that, on the other hand, it is claimed that the General Assembly having made an appropriation for the claims against the State held by the South Carolina Bank and Trust Company, I am thereby estopped from inquiring as to whether the claims are to be; that I am neither required nor and governing the duties of the Companthorized to ascertain from the records troller-General, and law creating a dework from a Republican hand. It contains nothing but charges. Be so good supposed to have been received by the State in return for the issuance of said ter 17, Revised Statutes, are as follows:

"The Treasurer of the State of South that deposit all moneys that AMONG DR. JONES' CURES YESTERDAY canceled; and, if so received, whether were Mrs. Heister L. Clymer, of Charlesclaims of most doubtful legality.

and abuses, which the people, not dis- Impercant Letter from Hon: F. L. Car. | certificates, properly numbered or let-

As stated in my letter of the 7th instant, I waived the payment of the bills payable for \$25,000, now in question, for the reason, that, there being no evidence of exchange, should said claim be paid, the pay certificates would still be liable to be presented for payment, and neither the General Assembly nor myself would be able to ascertain whether or not they had already been redeemed. The State might, under these circumstances, be called upon to twice discharge the same obligation.

Let us briefly inquire into the correctness of the theory that the Appropria-tion Act works a finality as to the status ness of the theory that the Appropriation Act works a finality as to the status of the claim, and that nothing is left to be done but for the Treasurer to count out and transfor the money. There can be no question as to the meaning and intent of the General Assembly in making the appropriation. It can bear but one construction, which is this, that only valid claims should be paid. The only valid claims should be paid. Act was clearly intended to provide the means for the settlement of the claims of the South Carolina Bank and Trust Company, that were legal and binding on the State. To deny this simple state--a proposition that is moustrous in every aspect. Now, then, the Legislatained that my duties in the premises

On the contrary, those duties involve the exercise of the fullest judgment and cution as well as civil suit for improper largest discretion. It will not do to say that the appropriation of the money gives the South Carolina Bank and Trust Company an absolute, vested right to it; that the moment the Act became a law, the State lost and the bank acquired full title therein, for the history of our Government. State and national, proves the contrary; for, if for any reason the appropriation lapsed, the Legislature would, without doubt, do what has always been done by Congress and by every State Legislature-cover

the money back into the Treasury. In adopting the above views as to the daties and functions of the State Treasurer, I have not altogether been left to my own ideas and judgment. Forth-nately, the daties and province of the rects him to make monthly statements any more, for R. C. Shiver & Co. are tribunal of the country—the Supreme Court of the United States. Those views have been elaborately argued, fully considered, and completely estabtished in the case of Decatur vs. Paulding, 14 Pet. S. C. Rep., 497; case of Kendall vs. United States, 12 Pet., 524; Brashear vs. Mason, 6 Howard's U. S. Reports, 92; United States vs. Guthrie, 17 Howard's U. S. Reports, 284; United States vs. Seamen, 17 Howard's U. S. Reports, 225. The relations of the co-ordinate branches of State governments, sponsibilities resting upon me, with and the restraining power of the one upon the other, have also been fully considered and defined. (See Low vs. Rep.; State of Ohio e.c rel. Lewis Whiteman et al, vs. Salmon P. Chase, 5 O. S. Rep., 529.

Upon a patient investigation of the confirmed in the opinion that I have ation of the law applicable thereto, I am rightfully acted in the premises, and that it will be unlawful for me to pay the said claim of \$25,000, unless the General Assembly shall pass an enabling all the power he has is to demand, and Associate Justice Willard. ation of the law applicable thereto. I am Act authorizing me to waive the re-

Company, and to myself, by the Comptroller-General, (copies of which are hereunto annexed,) I would respectfully invite attention to the law regulating

Carolina shall deposit all moneys that shall come to his hand on account of eases. The lady wishes her case mentioned for the benefit of others, and considers her cure wonderful, after the claim, and that any consultation of the signated by the Governor, Comptrollerposits shall be made.
"The said banks shall, respectively,

paid by them on account of the trea-

The Treasurer shall not draw any ACCIDENT AND PROBABLE LOSS OF By considering the history of these moneys from such banks, unless by chief.—On Monday, Capt. Gannon, of bills payable, it will be observed that

section, the South Carolina Bank and by the requirements of his office. Trust Company was chosen and designated as the sole depository for State President of the South Carolina Bank funds.

Treasurer's books. Section 4 requires quired. his personal superintendence of the These geutlemen base their calcula-transfer of the money and papers from ions upon the amount of currency in sor. Section 6 declares under what circumstances the Comptroller-General for taxes and canceled and filed in this shall draw his warrant on the Treasurer, office, must be included in any correct and the manner in which such warrants computation made; for by the Tax Act may be drawn. Section 7 requires that these certificates are receivable for all the Comptroller-General shall keep a taxes and redeemable out of any moneys set of books constituting a complete received from all taxes, except the tax check upon that office; and shall make levied for schools and the payment of a report to the General Assembly. These the interest on the public debt, though are the only duties having reference to they were only issued for two of the the treasury that are imposed on the eight objects levied for in the Tax Act. Comptroller-General. The powers and Submitting these views upon the sub-Charleston to Europe, bearing away to foreign markets the products of the two sections, and returning with immigrants sections, and returning with immigrants head of the financial department of the financial department.

The first company vs. the State is an expectation of the considered upon authority mentioned in the above sections are the only powers delegated to the decision of your honorable bodies. It is a constant to the financial department of the financial department of the interest accrued thereon, &c., is has duffes to perform that are, in their made the duty of the Treasurer. With nowhere in any law of the State, is any interest and distinct from the legislative department. In the facts before me, I cannot compression that are, in their made the duty of the Treasurer. With nowhere in any law of the State, is any authority to be found for the regulation fally, your obedient servant, by the Comptroller-General of the keep.

F. L. CARDOZO, ing of the records by the State Treasurer. To clothe the Comptroller-Gene rai with the power now claimed by him, will be to vittate the object held in view by the Legislature in providing for the keeping of separate sets of books by these two officers. To grant this power Day. will be to make the State Treasurer the Fine's Norfolk oysters are all the mere clerk of the Comptroller-General.

> extremely unwise and mischievons. The duties of the Treasurer in rela. our streets, yesterday. tion to the keeping of the books and Cal. Wagner's Minstrels are heading the drawing of the checks are equally this way again. well defined. Section 31 of the same chapter declares that "it shall be the duty of the Treasurer to keep all the to-day, in this column. records, books and papers heretofore Charles P. Cheatham killed a man belonging to the Treasurer of the Upper named Tompkins, in Edgefield, a few Division and to the Treasurer of the days ago. Lower Division, in his office at Columinformation as to the revenue and a little delayed, yesterday, by the runcise of the power assumed by the Comp-troller General. I have also inquired from what source springs the right of drawn by the Treasurer, unless drawn & Sons. The attention of parties wishin compliance with directions, as laid ing to purchase is called to the adverdown in his letter of instructions. The tisement in another column. only power he legally possesses over the Those seventy-five cents and one dolbank as the depository of the State is found in Chapter XVII, Section 51, lar carpets at R. C. Shiver & Co.'s are which reads as follows:

The accord of such authority would be

"The said banks shall respectively keepers. transmit to the Governor and Comptrol-

Act authorizing me to waive the requirement of the necessary vouchers.

In relation to the instructions given to the South Carolina Bank and Trust not delegated to him. But the object, the full scope and meaning of the foresteep is clear when Section and, if necessary, to compel the trans. At 12 M., the Court adjourned until mittal of such statement. To assume Friday, 27th, 10 A. M.

the moneys which shall be received and no moneys shall be paid by either of advertisement. said banks, on account of the Treasury, except upon such checks."
This is the legal restraint upon the

Treasurer in the drawing, and upon the

It will at once be seen that the power demand monthly statements from the to designate a depository or deposito bank in order that the bank book of the ries of the public moneys is conferred Treasurer may be verified, and his auby Section 50 on a board of officers thority is at an end; here his power consisting of the Governor, Comptroller-deases; beyond this he cannot legally go. General and State Treasurer, any two of Anything beyond this is arbitrary and whom being sufficient to designate such unauthorized. The act of the Comp-bank or banks. It will also be seen troller General, like the right claimed that it will be required, as a condition to regulate the manner in which the precedent, that the bank shall be secure books of the Treasury shall be kept, is and pay the highest rate of interest, neither sanctioned by the Constitution By virtue of the anthority given in this por authorized by law, nor demanded

and Trust Company have alleged that I By reference to the said communica- have violated the law in not keeping a

is authorized to inspect and estimate the serve is in excess of the amount re-

the office of the Treasurer to his success the bank, whereas a large amount of

Treasurer State of South Carolina.

CITY MATTERS .- Subscribe for the PHENIX.

Saturday next will be St. Valentine's

rage-they are large, plump and juicy. A fine drove of cattle passed through

Always a feast or a famine; the famine

finance of the State. Such are the plain provisions of the law as to these two officers in relation to the keeping pell's.

of the records of the treasury. I still Chicken thieves are still committing fail to find any authority for the exer- their nightly thefts in various parts of

the Comptroller-General to interrupt of five fine Brahmas and Cochins.

the monetary transactions of the government, directing the President of The bankrupt sale of the stock of I. ment, directing the President of the Sulzbacher will be continued, to day, at South Carolina Bank and Trust Company to refuse the payment of checks the auction rooms of Messrs. Peixotto

creating quite a sensation among house-

and Associate Justice Willard.

PARKER'S HALL .- The beautiful drop going section is clear when Section curtain and scenery for Parker's Hall 53 is read. It is as follows: has been completed, and is being rap-"The Treasurer shall exhibit his bank idly placed in position for public exhibook to the Comptroller-General and Governor for their examination on the pository, or depositories, for the public first Tuesday in every month, and instant. The artist, Mr. Eugene Crafunds. mer, is represented, by those who know, Can any one fail to understand the purpose of the sections? Do we not comprehend at a glance that the object is to furnish the Governor and Comp. were Mrs. Heister L. Clymer, of Charleston, who has for years been suffering with rheumatism and other chronic discases. The lady wishes her case mentioned for the benefit of others, and troller-General with the means of veri- of the canvas for the touch of the signated by the Governor, Comptroller-that any such power as that exercised evening, at the opening of which Mr. General and Treasurer, or any two of by the Comptroller-General is embraced Cramer will exhibit and describe the them, and as, in their opinion, shall be in these sections. They cannot by any various paintings. There will be two secure and pay the highest rate of interest for such deposit. The money so deposited shall be placed to the account power. But let us look further at Section one of which is entitled "Christine; or, gist and merchant, who had a serious deformity operated for with entire success; and numerous cures, both in and me to record a decided negative to such bank book, in which shall be entered drawing of checks on such banks or decided negative to such bank book, in which shall be entered drawing of checks on such banks or decided negative to such bank book, in which shall be entered drawing of checks on such banks or decided negative to such bank book, in which shall be entered his account of deposits in and moneys positories. The section is in the following words to wit: lowing words, to wit:

"The Treasurer shall not draw any an excellent evening's entertainment. moneys from such banks, unless by Seats can be secured at Prof. LyBrand's transmit to the Governor and Compchecks, subscribed by him as Treasurer, music store, without extra charge. See troller-General monthly statements of and countersigned by the Governor; and advertisement.

LIST OF NEW ADVERTISEMENTS. Beautiful Scenery at Parker's Hall. Meeting Acada Lodge.

the heavy burdens which crush our thought and steamer Poosin, saw a sloep witness every day almost and are power-less to check or control discriminating legislation and violations of the Connection, as well as shameful disregard of trusts on the part of the Government of the part of the Government of the part of the Government of the Conficials, and indulgence in corruptions

| Account and problem and control discriminating banks in the payment of moneys on account of the down of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks in the payment of moneys on account of the Treasury. Nowhere, in and countersigned by the Governor; banks on account of the Comptroller-General and no moneys shall be paid by either or any authority conferred on the banks, on account of the State treasury; that the payment of the Governor; banks in the Payment of moneys on account of the Treasurer. The shall be paid by either or any authority conferred on the Comptroller-General and that the two colored men, George or account of the State treasury; that the paymen