THE DISPATCH.
BY COWARDIN & ELLYSON.
CASH—INVARIABLY IN ADVANCE.
The DAILY DISPATCH is delivered to subscribers at FIFTEEN CENTS per week, payable to the carrier weekly. Mailed at $6 per annum; $3 for six months; $1.50 for three months; 50c. for one month.
The SEMI-WEEKLY DISPATCH at $2 per annum, or $1 for six months.
The WEEKLY DISPATCH at $1 per annum.

DAILY DISPATCH.

VOL. LV. RICHMOND, VA., WEDNESDAY MORNING, MAY 21, 1879. NO. 121.

THE DISPATCH.
TERMS OF ADVERTISING.
CASH—INVARIABLY IN ADVANCE.

One square, one insertion	$0 50
One square, two insertions	1 00
One square, three insertions	1 50
One square, six insertions	3 00
One square, twelve insertions	5 50
One square, one month	10 00
One square, two months	18 00
One square, three months	25 00

DR. TUTT'S PILLS.

TUTT'S PILLS.

ENDORSED BY

PHYSICIANS, CLERGYMEN, AND MERCHANTS

THE HIGHEST TESTIMONY, MALE AND FEMALE, ALL OVER THE LAND.

Dr. I. Guy Lewis, Fulton, Ark., says: "In my practice of twenty-five years, I proclaim TUTT'S PILLS the best anti-bilious medicine ever made."

TUTT'S PILLS.

J. W. Tibbetts, Dacota, Minn., says: "am using DR. TUTT'S PILLS, and am having better health than I have had in thirty years."

TUTT'S PILLS.

"I have had Liver-Disease twenty years. TUTT'S PILLS have entirely cured me."

TUTT'S PILLS.

Rev. R. F. Osgood, New York, says: "I have had Dyspepsia, Weak Stomach, and Nervousness. I never had any medicine to do me so much good as TUTT'S PILLS. They are as good as represented."

TUTT'S PILLS.

E. S. Austin, Springfield, Mass., says: "For thirty years I have been troubled with Piles, Costiveness, and Kidney-Disease. TUTT'S PILLS have brought me out all right."

TUTT'S PILLS.

Dr. M. D. Shively, Yorktown, Ind., says: "I use TUTT'S PILLS in my practice, and find them to be all they are represented."

TUTT'S PILLS.

M. B. Key, Old Town, Ark., says: "TUTT'S PILLS are the best I ever sold. I think soon I will not be able to handle any other pill."

TUTT'S PILLS.

Rev. M. W. Graham, Lawrenceville, Ga., says: "My case (Torpid Liver) has baffled the skill of physicians for fifteen years. I can safely say that TUTT'S PILLS have done me more good than all other medicines combined."

TUTT'S PILLS.

Alexander & Williams, Newton, N. C., write: "We never sold a medicine that gives such general satisfaction as TUTT'S PILLS. The demand increases every day."

25 CENTS. SOLD BY ALL DRUGGISTS.
[may 7-eod1w\$19]

SUMMER RESORTS.

WARM SPRINGS, BATH COUNTY, ARE NOW OPEN. The finest Warm Sulphur Bath in the world; temperature of water, 98°. A new line of light vehicles from depot to the Springs. Baggage in separate wagons.
PAMPHLETS of PURCELL, LADD & CO., Richmond, and
may 17-2m JOHN L. EUBANK, Proprietor.

GREENBRIER WHITE SULPHUR SPRINGS,
WEST VIRGINIA,
long distinguished for their valuable
ALTERATIVE WATERS
AND
FASHIONABLE PATRONAGE,
WILL OPEN JUNE 1ST.
BOARD: Per day, $3; per week, $17.50; per month of twenty-eight days, $65.
THE "CALWELL HOUSE,"
adjacent to the Springs,
WITH THE PRIVILEGE OF THE WATERS AND GROUNDS OF THE SAME,
IS NOW OPEN.
BOARD: $2 per day, $12 per week, $40 per month of twenty-eight days.
Elevation 2,000 feet above tidewater.
Pamphlets to be had at the drugstore of Messrs. PURCELL, LADD & CO.
GEORGE L. PEYTON & CO.,
may 12-1m Proprietors.

THE HYGEIA HOTEL,
OLD POINT COMFORT, VA.,
SITUATED 100 YARDS FROM FORT MONROE.
Open all the year. Equal to any hotel in the United States as a spring, summer, or autumn resort. Send for circular.
HARRISON PHOEBUS,
may 16-1m Proprietor.

MOUNTAIN-TOP HOTEL.
This delightful SUMMER RESORT having undergone complete renovation is again open for the reception of guests and the travelling public generally. For particulars address
GEORGE BOOKER, JR., Afton Depot,
my 3-1m Chesapeake and Ohio Railroad.

SUMMER BOARDING.

PERSONS WISHING BOARD IN THE country can find a pleasant place at Verdon, thirty miles from Richmond, on the Chesapeake and Ohio railroad. The house has been recently painted and papered, also new furniture. The accommodation train passes at half-past 7 going down to Richmond, returning at 5 in the evening, making it convenient for gentlemen with families to attend to their business in Richmond. The house is about 150 yards from the depot; perfectly healthy; nice shade and grounds for children. For terms, apply to MRS. C. C. CADY,
my 21-eod3t* Verdon, Hanover county, Va.

FINANCIAL.

FUNDING VIRGINIA BONDS.
Having made arrangements with the Funding Associations, we are prepared to receive for funding ALL CLASSES OF VIRGINIA SECURITIES FUNDABLE under the act of March 28, 1879, and will receipt for same and deliver the NEW BONDS at the earliest possible moment.
Parties who do not hold the requisite proportion of CONSOLS and PEELERS may have the proper adjustment made at our office on the most satisfactory terms.
WE PROPOSE TO FUND ON THE SAME TERMS AND CONDITIONS AS OFFERED BY THE ASSOCIATION, WITHOUT *any additional cost to the bond holder.*
ALL BONDS sent to us shall have our PERSONAL CARE AND ATTENTION.
Any information desired will be cheerfully given.
DAVENPORT & CO.,
Stock Brokers,
may 21-1m 1113 Main street.

TO HOLDERS OF
CITY OF RICHMOND BONDS
MATURING IN JULY AND AUGUST, 1880.

At a meeting of the Board of Commissioners of the Sinking Fund held May 1, 1879, it was
Resolved, That the acting president of the Board give public notice by advertisement that the outstanding bonds of the city of Richmond, due in 1880, will on and after the 1st day of July, 1879, be redeemed on presentation at the office of the Auditor of the city.
In pursuance of the above directions, I hereby give notice that the SIX PER CENT. BONDS OF THE CITY, due in July, 1880, amounting to $67,451.37, and August, 1880, amounting to $37,568.28—total, $105,019.65—will be redeemed at PAR AND ACCRUED INTEREST on presentation at the office of the Auditor of the city on and after the 1ST DAY OF JULY, 1879.
HENRY G. CANNON,
Acting President Commissioners Sinking Fund.
my 3

HOLLYWOOD MEMORIAL-DAY.

WEDNESDAY, MAY 21ST, HOLLYWOOD MEMORIAL DAY, commencing at 9 A. M., I WILL RUN A LINE OF OMNIBUSES from Ninth and Main streets up Main to Cherry street, thence to Hollywood Cemetery.
Omnibuses will run in each direction every ten minutes.
FARE: 5 cents.
A. W. GARBER,
my 20-2t Proprietor.

MAYOR'S OFFICE,
RICHMOND, May 19, 1879.
NOTICE TO THE PUBLIC.
WEDNESDAY, MAY 21ST, being Hollywood Memorial-Day,
THE PUBLIC OFFICES OF THE CITY WILL BE CLOSED
from 12 o'clock M. on said day in order that the officers and employees of the city may participate in the memorial services.
my 20-2t W. C. CARRINGTON, Mayor.

OFFICE OF HOLLYWOOD CEMETERY CO.,
RICHMOND, VA., May 17, 1879.
CARRIAGES WILL BE ADMITTED ON MEMORIAL-DAY (21st instant) until 12 o'clock containing persons carrying flowers; after that hour only those containing invalids, and they by permit signed by Mrs. E. H. BROWN (president Hollywood Memorial Association), or W. H. HAXALL (president), or A. BARGAMIN, Committee on Grounds, or by R. T. BROOKE,
my 19-3t Treasurer.

MILLINERY.

NEW GOODS RECEIVED DAILY—MILLINERY GOODS AT HALF-PRICE.—Great bargains to be had in Straws, Leghorns, and Chips. Flowers very cheap. Trimmed Goods lower than ever before. Crapes and Mourning Goods a specialty. Look at our Pic-Nic (trimmed) Hats at 25, 35, and 45c. Large stock and low prices at MRS. F. HUTZLER'S,
my 21 525 Broad street.

DENTISTS.

G. W. JONES,
DENTIST,
having moved his office to that large and elegant residence on Franklin street, No. 807, between Eighth and Ninth, with every convenience and appliance for the comfort of his patients, with twenty-five years' experience, and PRICES REDUCED, will perform all operations gently and carefully for all who desire his professional services.
ap 6-3m

Richmond Dispatch.

WEDNESDAY.....MAY 21, 1879.

☞ THE CIRCULATION OF THE DISPATCH IS LARGER THAN THE COMBINED CIRCULATION OF ALL THE OTHER DAILY NEWSPAPERS OF THE CITY.

WEATHER REPORT.

INDICATIONS FOR TO-DAY.—For the Middle Atlantic States, falling barometer, increasing southerly winds, warmer, partly cloudy, or cloudy weather, and frequent rains accompanying local storms, followed during the afternoon or night by rapidly-rising barometer and winds shifting to cooler northerly.

For the South Atlantic States, falling or stationary followed by rising barometer, generally higher temperature, increasing winds, mostly from south to west, partly cloudy weather, and local rains.

THE WEATHER YESTERDAY varied from clear to cloudy.

THERMOMETER YESTERDAY: 6 A. M., 70; 9 A. M., 76; noon, 82; 3 P. M., 80; 6 P. M., 79; midnight, 70.

Mean temperature, 76.

LOCAL MATTERS.

HOLLYWOOD MEMORIAL-DAY.—Carriages will be admitted to Hollywood to-day until 12 o'clock, containing persons carrying flowers; after that hour only carriages containing *invalids with permits* from the officers of the Association. A good plan.

The Blues will parade. The Hook-and-Ladder Company No. 1, Richmond Fire Department, will also go out. They will decorate the Confederate monument, and are now making a beautiful cross of evergreens for the top and wreaths for the side.

Mr. James Lyons, Jr., will deliver an oration at the monument at 5 P. M.

It is expected that the merchants will close their places of business in the evening. Company C (Guard of the Commonwealth) will parade with the Blues on this occasion.

BRIEFS AND PERSONALS.—The Governor yesterday issued a requisition upon the Executive of Maryland for Channing P. Redford, a youth of this city, charged with forgery. Redford was arrested in Baltimore.

Mr. William R. Smith, of the office of the Auditor of Public Accounts, and bride, have returned from a northern trip.

Governor Holliday is still confined to his room (in Winchester), but is steadily improving.

To-morrow is election-day. A Treasurer is to be chosen. Every man desiring to vote must pay his capitation tax for 1878.

Isaac Winston (colored) was before Commissioner Atkins yesterday charged with having in his possession a lot of unstamped tobacco. He was discharged.

Police-Justice White had a great deal of business (of no great public interest, however) to dispose of yesterday.

Hon. A. M. Keiley has been selected to deliver the address at Park Cemetery, near Baltimore, on Confederate Memorial-day.

Judge Robert W. Hughes is preparing a biographical sketch of John M. Daniel, war editor of the *Examiner*.

The Chesapeake and Ohio railroad bridge over Loup creek (near Cannelton), West Va., was destroyed by fire yesterday morning. It was about ninety feet in length. A temporary trestle has been erected, and the trains will be crossing the creek in safety to-day, and the bridge will be promptly rebuilt.

The Richmond delegates to the International Convention of the Young Men's Christian Association (which meets in Baltimore to-day) left the city yesterday.

The dog-catchers are needed. Some of the streets are filled with nasty curs.

MORTUARY REPORT for the week ending May 17, 1879:

Cause of Death: Abscess, 1 white; cancer, 1 white, 1 colored; casualty, 1 white, 1 colored; cerebro-spinal meningitis, 1 colored; consumption, 3 white, 5 colored; convulsions (infantile), 1 white; debility, 1 colored; drowning, 1 white; fever (remittent), 1 white; fever (scarlet), 2 white, 1 colored; heart-disease, 1 colored; hemorrhage (from bowels), 1 white; inanition, 1 white; infanticide, 1 white; infantile lockjaw, 1 colored; kidney-disease, 1 white; liver-disease, 1 white; meningitis, 1 colored; old age, 1 white, 1 colored; paralysis, 1 white; pneumonia, 1 white, 1 colored; premature birth, 1 white; toxicæmia, 1 white; unknown, 1 colored. Whole number of deaths in the city, exclusive of stillbirths, 38. *Sex and Color:* Males, 7 white, 9 colored—total, 16; females, 15 white, 7 colored—total, 22. *Age:* One day to thirty, 3 white, 2 colored—total, 5; one month to six, 2 white; six months to twelve, 1 colored; one year to three, 1 white, 1 colored—total, 2; five years to ten, 3 white; ten years to twenty, 1 colored; twenty years to thirty, 1 white, 4 colored—total, 5; thirty years to forty, 2 white, 2 colored—total, 4; forty years to fifty, 3 white; fifty years to sixty, 2 white, 1 colored—total, 3; sixty years to seventy, 2 white, 2 colored—total, 4; seventy years to eighty, 2 white, 2 colored—total, 4; eighty years to ninety, 1 white. *Condition:* Single, 9 white, 8 colored—total, 17; married, 8 white, 1 colored—total, 9; widowers, 1 white, 2 colored—total, 3; widows, 4 white, 3 colored—total, 7; unknown, 2 colored. *Nativity:* Richmond, 14; other parts of the United States, 9; France, 1; Germany, 1; Ireland, 2; unknown, 1. *Locality:* Marshall Ward, 6 white; Jefferson Ward, 3 white, 2 colored—total, 5; Madison Ward, 3 white, 1 colored—total, 4; Monroe Ward, 4 white, 2 colored—total, 6; Clay Ward, 4 white; Jackson Ward, 1 white, 5 colored—total, 6; almshouse, 1 white, 4 colored—total, 5; penitentiary, 2 colored.

COMPARATIVE WEEKLY MORTALITY.

	Week Ending							
	May 19, 1877.		May 18, 1878.		May 10, 1879.		May 17, 1879.	
	W.	C.	W.	C.	W.	C.	W.	C.
Total deaths	7	12	11	16	20	21	22	16
Still-born	0	2	0	1	0	2	2	0

Mean temperature for the week ending May 10, 67.28°; mean temperature for the week ending May 17, 74.44°.

Amount of rainfall for week ending May 10, 0.20 inches; amount of rainfall for week ending May 17, 0.10 inches.

Population of city estimated at 79,000—white, 45,300; colored, 33,700. Rate of mortality of whole population was 25.01 per 1,000 per annum; rate of mortality of white population was 25.25 per 1,000 per annum; rate of mortality of colored population was 24.68 per 1,000 per annum.

ACCIDENT.—A little boy, son of Mr. Wasserman, living on Leigh street between Fourth and Fifth, fell out of a tree yesterday and broke an arm in three places.

ANNIVERSARY EXERCISES.—The anniversary exercises of the Broad-Street Methodist Church Sunday school took place on Sunday at the church, and consisted of singing, responsive reading (Psalm LXXXIV.) by superintendent and school, addresses, recitations, &c. The salutatory address was delivered by I. D. Briggs, Jr. Other addresses were delivered by the pastor, Professor C. H. Winston, and by two pupils (Masters Charley Anderson and Clarence Wilkes).

CHURCH ENTERTAINMENT.—The ladies of Centenary church have prepared an interesting and unique entertainment for their friends in the basement of the church. At the opening last night everything passed off well, and all present expressed themselves as well pleased. The managers are to be congratulated at their success. All the delicacies of the season, including a strawberry festival, and many useful articles, are on hand and for sale.

THE NEW BONDS.

Did the Legislature Make an Appropriation for Printing Them?

TREASURER R. M. T. HUNTER ASKS THE QUESTION—ATTORNEY-GENERAL FIELD ANSWERS IT—HE THINKS THE ENGRAVING AND PRINTING OF THE BONDS MAY BE PAID FOR FROM THE CONTINGENT FUND, AS FAR AS THAT WILL GO, BUT NOT OTHERWISE—HIS VIEW OF THE LAW—THE PRESENT SITUATION.

COMMONWEALTH OF VIRGINIA,
TREASURER'S OFFICE,
RICHMOND, May 19, 1879.

To Hon. James G. Field, Attorney-General:

Dear Sir,—I request your opinion whether the bill to provide a plan of settlement of the public debt, passed March 28, 1879, contains any provision appropriating money for its execution, to justify me in drawing money out of the Treasury to pay the expenses attendant upon it.

Yours very respectfully,
R. M. T. HUNTER,
Treasurer of Virginia.

ATTORNEY-GENERAL'S OFFICE,
May 20, 1879.

Hon. R. M. T. Hunter, Treasurer:

Sir,—Your letter of the 19th of May, requesting my "opinion as to whether the bill to provide a plan of settlement of the public debt, passed March 28, 1879, contains any provision appropriating money for its execution to justify (me) you in drawing money out of the Treasury to pay the expenses attendant upon it" is received.

This question is of grave importance, and merits, as it has received, the most serious consideration.

The legislative will should be effectuated by the Executive and ministerial officers of the State, unless restrained by some constitutional provision of higher obligation.

The act of the 28th of March, 1879, partakes, it may be supposed, in some respects of the character of a tax and an appropriation bill: A tax bill in that in the 8th section it provides that "the General Assembly will by necessary and appropriate legislation provide for

THE PROMPT PAYMENT

of the interest on the bonds issued under this act," and in the 9th section it enacts that "in the year 1885, and annually thereafter, until all bonds issued under and by authority of this act are paid, there shall be *levied and collected the same as, and together with, other taxes, a tax of two cents on* the one hundred dollars assessed valuation of all the property, personal, real, and mixed, in the State, which shall be paid into the Treasury of the State to the credit of the sinking fund," &c.; an appropriation bill in that it provides in the 1st section for the payment of interest on the bonds issued under and in accordance with its provisions, "in the cities of Richmond, New York, and London as therein provided, on the 1st days of July and January of each year, until the principal is redeemed"; and in that in said section the whole revenues of the State are appropriated for the redemption of the coupons on the bonds issued under said act after the maturity of said coupons, and in that by the 12th section it provides that "whenever there shall not be a

SUFFICIENT AMOUNT OF MONEY

in the Treasury of the State to meet the accruing interest on the said bonds promptly, the Auditor is authorized and directed, by and with the advice of the Governor of the State, to raise by temporary loan, to be returned out of the accruing revenues of the State, a sum sufficient to enable him to meet promptly the said interest as it accrues. And in case the Auditor shall not be able to raise a sufficient sum for the said purpose by loans, he is hereby authorized and directed to issue non-interest-bearing certificates of indebtedness of this State, to be signed by himself and countersigned by the Treasurer, and properly registered in the offices of the Auditor and Treasurer, for sums of one dollar and multiples thereof, the same to be printed from plates, which shall be the property of the State, and to sell the same at not less than

A MINIMUM PRICE,

to be fixed by the Commissioners of the Sinking Fund, which shall not be less than seventy-five cents upon the dollar. *The said certificates shall be receivable for all taxes, debts, dues, and demands due the State;* and this shall be expressed on their face," &c.

Partaking, then, in some of its features, of both a tax and an appropriation bill, it was necessary that it should, as it did, receive a constitutional majority of the two houses of the General Assembly. But while it is true that the act referred to may in some respects be regarded as a tax bill, as it is more certainly an appropriation bill, yet it must be so regarded in a special sense; for it cannot be held to be either a general tax bill or a general appropriation bill. As a tax bill it is limited to the two cents on the hundred dollars and the obligation imposed by the 8th section. As an appropriation bill

IT IS LIMITED

to the payment of interest on the 1st of July and 1st of January of each year, of money in the Treasury, and the appropriation of the revenues of the State to the redemption of the coupons after maturity; and the redemption of the tax-receivable certificates issued and sold under the provisions of the 12th section.

As to the payment of the interest when due, there is a clear appropriation of the moneys in the Treasury, and as to the redemption of the coupons and of the tax-receivable certificates, there is a clear and distinct appropriation of the revenues *pro tanto* of the State. Under this appropriation the rights of the bondholder will be enforced by the courts against money in the Treasury and against the uncollected revenues in the hands of the tax-payer by compelling the reception of said coupons and certificates in payment of said taxes.

Now, the question arises, Can a special appropriation be used for any other than the declared special purpose? This act being an appropriation act for some purposes, can it be enlarged so as to embrace others? The answers to these specific questions require

THE CONSIDERATION

of some general propositions. The revenues of the State, in the main, are derived from taxes imposed upon the property and business of the citizens of the State. The tax-assessors and the tax-collectors are limited by the act of the Legislature imposing taxes. Neither can step one inch to the right or left of the line prescribed by the taxing power—the Legislature. The revenues of the State are not only derived under and by virtue of the authority of the Legislature, by which the power of the ministerial officers are limited in the levying and collecting of said revenues, but said revenues, when collected, are subject to the will and disposition of the Legislature under the Constitution. And as no assessing or collecting officer of the State can transcend the limits of the legislative will declared in the tax bill, so no disbursing officer can transcend the legislative will, as declared in the appropriation bill or bills.

The 10th section of Article X. of

THE CONSTITUTION DECLARES

as follows: "*No money* shall be paid out of the State Treasury except in pursuance of appropriations made by law," &c.

This provision of the Constitution is binding upon you, as the custodian of the public money, and unless the Legislature has in the act aforesaid, or in the general appropriation bill, made an appropriation to meet the expenses referred to in your letter, you are bound by this provision of the Constitution, and cannot pay money out of the Treasury for said purpose.

Upon a close and careful inspection of the act of the 28th March, 1879, I find no express appropriation to pay the expenses aforesaid.

The next point, then, to be considered is, does an appropriation for this purpose result by implication from the express provisions of said act, if, indeed, the requirement of the Constitution above quoted could be satisfied by mere implication?

By the 1st section of the act the Governor is authorized "*to create bonds of the State,*" &c.

By the 5th section it is provided that

THE GOVERNOR,

upon being duly notified of the acceptance by the "Council of Bondholders" and the "Funding Association" of the provisions of the act, "shall forthwith provide for the preparation of the bonds provided for by this act." The quotations from the 1st and 5th sections as to the Governor are synonymous, and mean substantially the same thing—to wit, that the Governor shall contract for bringing into existence the required bonds, or, rather, the printed, engraved, or lithographed form of bond, for the purposes of the act. He could neither create them nor provide for them in any other way. Here was a clear duty to which he was bound, and by his act in discharge of that duty the State would be bound. It, therefore, the obligation of the State carried with it an appropriation of money for the discharge of that obligation, then, most surely, the expenses of executing the act, so far as they resulted from the contract of the Governor, could be properly paid out of the Treasury without a further appropriation.

BUT THIS IS NOT SO.

There is an express provision of law which forbids even the payment of a judgment or decree for more than $300 without a *special appropriation.* [See Code 1873, page 416, chapter 44, section 6.] Now, a judgment or decree is the highest and most solemn form of contract; and yet it cannot be paid, if the money was *in the Treasury,* without a *special appropriation.* By the twelfth section of said act of 28th March, 1879, the Auditor is directed in certain events to issue certificates, to be printed from plates which shall be the property of the State. This requirement carries to the Auditor the power and authority to contract for the plates, and the State would be bound by his contract. Upon such a contract judgment could be recovered; yet if for more than $300 it could not be paid without a *special appropriation.*

By recent legislation, commissioners were appointed to settle the boundary-line between

MARYLAND AND VIRGINIA,

and employed counsel, to appear before said commissioners on behalf of the State, and said commissioners and counsel acted, but it was never supposed that they or either of them could be paid without an appropriation for the purpose; nor did I ever hear it even suggested that an appropriation could result by implication, from their employment, accompanied even by the discharge of the duties required of them.

By the fourth section of the act of March, 30, 1871, the Treasurer was authorized and directed to have "prepared, engraved, or lithographed" the registered and coupon bonds required by said act—a similar duty to that required of the Governor by the act of 28th March, 1879, as to the bonds, and of the Auditor as to the certificates. Yet it was not then supposed that this requirement made of the

PROPER DISBURSING OFFICER

was sufficient to carry with it an appropriation by implication of money to meet the expense, consequently the 6th section of the act of March 30, 1871: Provided that the *necessary expenses should be paid out of any money in the Treasury not otherwise appropriated.* This very important section, put into the bill of 1871, when the Treasury had *a surplus of money,* was left out of the act of 1879 when there was no surplus.

Whether this was the result on the part of the Legislature of design or omission we are not authorized to say, nor is it necessary to conjecture, for the effect of the omission, so far as the payment of money under the act is concerned, is the same. It may be claimed that the provisions of section 6 of act of March, 1879, are sufficiently comprehensive to include the provisions of the 6th section of the act of March, 1871.

This claim, in my opinion, cannot be sustained. I am

THEREFORE OF OPINION

that the act of 28th March, 1879, makes no appropriation for the payment of expenses incurred in its execution.

But in answering your question it is proper and necessary that I should consider the general appropriation bill of the last session. For if there is any appropriation of money in said bill, or in any special bill, for general purposes, placed at the disposal of the Governor, he would have the right to use so much of said fund as would enable him to discharge the plain duties imposed by the act of the 28th March, 1879. There is no act making a special appropriation for the purpose aforesaid. In the general appropriation bill approved March 3, 1879, I find this provision: "For civil contingent fund, ten thousand dollars." [See Acts 1878-'9, page 212.] By the 26th section of chapter 16 of the Code of 1873, page 204, it is declared what disposition shall be made of the "civil contingent fund." Said section is as follows: "Out of the sum annually appropriated as a civil contingent fund there may be paid all expenses in the *execution of any law* for which there is no special appropriation, and any other sums which the *Governor may deem necessary* or *proper.* No payment shall be made out of said contingent fund except upon the order of the Governor, directed to the Auditor of Public Accounts." In the absence of a special appropriation for the purpose aforesaid, I am of opinion that the Governor may use the said civil contingent fund, or any portion thereof, for defraying the expenses of executing the act of the 28th of March, 1879; and that you will not only be "justified" in paying out this fund, or any portion of it, upon his order, properly directed, but that it will be your *duty* to do so, taking care that the fund is not overdrawn.

IF THIS FUND

is not sufficient for the purpose, or the Governor, in the exercise of the discretionary control given him of this fund, does not fully discharge the expenses incurred by him or any other lawfully-authorized officer in executing said act, then the other contracting party will have to await the action of the next General Assembly, which will no doubt be prompt to discharge the obligations properly entered into by the Governor and Auditor in executing the said act of the 28th of March, 1879.

I am very truly yours, &c.,
JAMES G. FIELD, Attorney-General.

It seems that the unexpended balance of the contingent fund now remaining in the Treasury is by no means sufficient. The first instalment of bonds, which will be delivered about June 5th, will cost about $11,000. There can be no doubt the Treasurer will be guided by the opinion of the Attorney-General in this matter. Without further consultation with the Governor, the Capitol officers are not prepared to say what course will in that event be pursued; but it is almost certain that the funding will not be allowed to be delayed.

ELECTION FOR TREASURER.—At the election for Treasurer to-morrow each voter will have to show his poll-tax receipt for 1878. As there is only one candidate the City Committee did not deem it necessary to have the list printed, as that is always attended by considerable cost.

SAVED FROM DROWNING.—A drunken woman who fell into the canal near the Seventh-Street bridge last night was saved from drowning by Frank Loterzo and others who happened, fortunately, to be near by in a boat.

COLORED GRIEVANCES.

Proceedings of the Odd-Fellows' Hall Convention Yesterday.

THE EMIGRATION PROJECT PARTIALLY ENDORSED—JUDGE RIVES APPLAUDED—JUDGE HUGHES NOT—COLORED TEACHERS FOR COLORED PUPILS WANTED—EFFORT TO SECURE THE JURY-PRIVILEGE FOR NEGROES—PLAN OF ORGANIZATION.

The Colored Men's Convention was called to order in secret session at 9:30 o'clock yesterday morning—the President, W. C. Roane, in the chair. Prayer was offered by the Rev. James Johnson, of Richmond.

William Hackett was chosen sergeant-at-arms.

On motion of Lewis Lindsey, a vote of thanks was made to Hon. John R. Popham for his liberality in printing the call of the Convention.

GRIEVANCES.

On motion of J. A. Taylor, a committee of five was appointed on grievances of the colored people of the State, as follows: J. A. Taylor, M. N. Wooldridge, Henry Hill, Robert Spencer, Major Burwell, and the President.

The five-minutes' rule as to speeches was adopted.

ON TO WASHINGTON.

M. N. Wooldridge, W. C. Roane, and J. A. Taylor were appointed to visit Washington to confer with the Republican leaders there as to the best plan to secure their rights.

NEGROES AS JURORS.

Then a resolution was offered by Henry Hill, of King William county, that the delegates in this Convention go to their counties and call meetings and appoint committees to go to the judges and request them to give colored people the rights guaranteed by the Constitution. Referred to the Committee on Grievances.

RESOLUTIONS OFFERED AND REFERRED.

By Joshua Montague: Looking to an organization of the people.

By W. C. Roane: In relation to the Kinney case.

By J. J. Norman: In reference to public schools.

List of Grievances.

J. A. Taylor, chairman of the Committee on Grievances, in open session, submitted the following [there was a preamble to each resolution, which we omit]:

COMMITTEES OF SAFETY.

Resolved, That we recommend to our people throughout the State to organize themselves into societies for the purpose of petitioning to the legislative and judicial departments of the State for the full recognition of our rights as citizens of the State and the United States; and if they are not fully accorded to us, we recommend them to emigrate to other States or Territories where there is no distinction on account of color.

INTERMARRIAGE OF THE RACES.

2. *Resolved,* That while we grant the power of the State, through her law-making body, to pass all laws prohibiting marriages on account of affinity, consanguinity, or physical disabilities, it has not the constitutional power to prohibit such marriages on the ground of color alone.

3. *Resolved,* That we, sympathizing with Edmund Kinney and wife, deem it our bounden duty, as citizens of this State, to do all in our power to wipe out this obnoxious and unconstitutional law; that we call upon all white citizens desirous of harmonizing all classes of our people and promoting the best interests of the State to do their utmost to rid the State of and prevent any more of this illegal, outrageous, and disastrous legislation.

COLORED PATRONAGE FOR COLORED PEOPLE.

3. *Resolved,* That we recommend the thorough organization of our people throughout the State for the purpose of bettering our condition politically, financially, and commercially; and that we establish business of all descriptions through these organizations, so that we may be enabled to give employment to our sons and daughters who are being educated. We further recommend that all colored people give their patronage to such business when established, so that we may become a part and parcel of the financial and commercial interests of the State, and thereby have an influence which cannot be taken away from us.

COLORED TEACHERS WANTED.

4. *Resolved,* That we recommend to the colored people of this State that they petition to school boards throughout the State for the appointment of colored teachers when and wherever they can be procured competent to fill the position, that our children may receive a liberal education and know that they are the equals of all other people.

THANKS TO JUDGE RIVES.

5. *Resolved,* That we, the colored people of the State of Virginia, tender to Judge Alexander Rives our heartfelt thanks for his firm and determined decision in the Reynolds case, to the effect that all men who are citizens of the United States and of the individual States are entitled to serve as jurors, and that we will ever hold him in remembrance for these acts of his, and hand the same down to the next generation.

NEGRO JURORS.

6. *Resolved,* That we recommend to the colored people of each county and city in the State to petition the judge at each term of the court to summon on the juries colored men, and that all refusals shall be taken in writing, and the grounds on which he refuses, and that the same be transmitted to Richmond to the Executive Committee (to be appointed by this Convention), whose duty it shall be to present said refusals to the Legislature at its next session, and ask the passage of such laws as will prevent the further abridging of these rights and privileges.

EMIGRATION.

7. *Resolved,* That we endorse the efforts of our southern brethren to leave the States of oppression and find other homes where they will not be oppressed on account of their political opinion, and that they have our sympathies and our prayers as co-workers with them in the great struggle for liberty.

J. A. TAYLOR,
M. N. WOOLDRIDGE,
W. C. ROANE,
J. B. TAYLOR,
HENRY HILL,
MAJOR BURWELL,
ROBERT SPENCER.

The resolutions were adopted.

GENERAL GRANT ENDORSED.

The following was also adopted:

Whereas we have seen the effects and benefits of the administration of ex-President U. S. Grant in dealing to the citizens of the United States the fair and impartial protection of the laws of the United States, thereby promoting harmony and good-will toward men; therefore be it

Resolved, That we do hereby endorse the honorable ex-President for the nomination of the Republican Convention of 1880, believing that he is the man for the position.

JUDGE HUGHES UNCONSTITUTIONAL.

A resolution was also adopted declaring Judge Hughes's decision in the Kinney case unconstitutional, and resolving "to do all in our power in raising means for to assist those who have the said case in charge to take it to the Supreme Court of the United States and obtain a decision therefrom."

CAPTAIN OF THE HOST.

In the secret session (not reported above) the Convention adopted a plan for a permanent organization of the colored people of the State for all kinds of business. W. C. Roane was elected captain-general or president of the entire colored population of the State. P. J. Carter, Ross Hamilton, George Teamoh, and J. A. Taylor chiefs for the districts. There will also be heads for the counties and townships.

The following Executive Committee was appointed: W. C. Roane, W. J. S. Bowe, M. A. Harris, J. A. Taylor, Major Burwell, Edward Green, and M. N. Wooldridge.

The following is furnished for publication:

"The emigration movement was defeated in the State Convention by the speeches of M. A. Harris, of Manchester, and William E. Jackson, of Richmond."

Adjourned *sine die.*

TRAVELS IN THE HOLY LAND is the subject chosen by Professor H. H. Harris for a lecture at Sidney Baptist church to-morrow evening. The well-known descriptive powers of the orator, and the charm he throws around every subject which he touches, no less than the deep interest felt in this far-away land, promise an evening of elegant entertainment to all who attend.

A Merchant Alarmed.

RICHMOND, May 20, 1879.

Editors Dispatch: I was more than surprised to see that your journal, generally so watchful and jealous of the business interests of our city, did not sound tones of alarm and disapprobation at the threatened withdrawal of so large a portion of shipments to and through our port as will result by this direct through line over the streets of our city to West Point, in close connection with these new-established Old Dominion and Clyde steamship lines. Already have our merchants to contend with freights against them; but give the railroads still greater facilities to transport goods beyond us, and the odds will be still greater against our merchants.

We have spent hundreds of thousands of dollars, and are even now spending, and the General Government likewise is making yearly appropriations to improve and deepen the channel of our river, in order to bring shipping and trade to our city, to induce our merchants to risk their money in getting heavy shipments—direct shipments to our port to supply the trade of our own State, North Carolina, and other States, to enable them to compete with Baltimore and other cities.

The throwing out of employment hundreds of men, and making the investment of thousands of dollars in the transhipping business a worthless investment, is the smallest consideration in this matter; but by consenting to these changes of connections, and in fact aiding them by giving our streets for this very purpose, we tell the country merchant to go elsewhere. Freights—fast freights at that—are in favor of Baltimore, and we cannot compete. How long will it be before sailing-vessels will seek the same port? How long will it be before the Chesapeake and Ohio railroad will seek water in that direction? And how long will it then take to see grass growing in our streets?

We have built tunnels, have given our streets, and granted all sorts of franchises to railroad companies; but our city should take care of her own interests and not trust the railroad corporations. That these railroad magnates who are largely interested in West Point property, and perhaps own the little town, harbor and all, should wish to build up and put money into their pockets is not at all unnatural, but it would be rather strange if we should help to do it at our own expense. Are not our Chamber of Commerce and Board of Trade earnestly interested in this matter? Yours,

L. W.

MANCHESTER AND VICINITY.

Mayor's Court.—There was but one case before the Mayor's Court yesterday—that of Granville Hatcher for beating a small colored boy. He was discharged on payment of costs.

Hustings Court.—The Hustings Court was in session yesterday engaged in the transaction of civil business.

The trial of John Macimore and Laura Weymack, for misdemeanor, occupied the attention of the court Monday during the entire day. At night the jury brought in a verdict of guilty, and fined Laura Weymack $50, and affixed her term of imprisonment at one day in jail. Macimore was fined $75, and there was also added one day in jail. They being unable to pay the fines, a longer term of imprisonment await them.

Painfully Injured.—A horse attached to a cart, and driven by Alphens Quarles (colored), ran off near the old court-house, in Chesterfield, throwing the driver out and breaking his thigh, besides inflicting other painful injuries.

Old Relics.—The clerk of the Chesterfield County Court received a letter from one of Boston's antiquaries a few days ago requesting him to forward several of the old bricks that compose a part of the foundation of the old Chesterfield jail. The jail was built over one hundred years ago, and was destroyed after a long use. It was noted, prior to Revolutionary times, as being the place wherein many of the ministers of the gospel were imprisoned for preaching against the doctrine of the Church of England. A portion of the old brick foundation, though covered with earth, yet remains. According to request, Mr. M. A. Cogbill, the clerk of the court, exhumed several of the old bricks, and, after securely packing them, forwarded them by express to Boston.

Brief Items.—A new train of coaches, at present being painted at the Richmond and Danville railroad shops in this city, will soon be placed on the track.

The ball at Cersley's Hall last night was a most enjoyable affair. Mr. Shepperson (who gave it) was untiring in his efforts to please the many in attendance.

Judging from the preparation the scholars and teachers are making for the anniversary celebration of the Fifth-Street Methodist Sunday school, which occurs early in June, it will no doubt be an interesting occasion.

The Chesterfield Circuit Court—Judge S. S. Weisiger presiding—adjourned yesterday afternoon for the term. The next session of the court will be held in Petersburg next month.

Dr. T. J. Cheatham, of Chesterfield, was in the city yesterday.