

THE COMING TAX LEVY.

FIRST MESSAGE OF GOVERNOR MOSES TO THE LEGISLATURE.

An Explanatory Letter from the New State Treasurer.

[SPECIAL TELEGRAM TO THE NEWS.]

COLUMBIA, S. C., December 8.

The following special message from Governor Moses will be transmitted to the General Assembly to-morrow:

Gentlemen of the Senate and House of Representatives:

From official conference with the chairman of the committee of ways and means of the House of Representatives, and of the committee on finance of the Senate, respectively, I have learned that the General Assembly is about to enter upon that department of legislation, which is specially connected with the levy and collection of taxes in order to raise the moneys which may be deemed necessary to meet the expense of the present fiscal year, and to provide for such deficiencies as now are, or may hereafter be, demanding early settlement.

Believing it my duty, as the Executive of the State, to place before your honorable bodies, and through them before the people, all the information in my possession which may have a bearing on this important subject, I hasten, at the earliest practicable moment, to transmit such official data as I have been able to collect during the short period which has elapsed since my inauguration into office, to the end that the people of the State may understand the nature of the necessities which will govern us in the collection and disbursement of the taxes which they will be called upon to pay into the treasury. Let us in the beginning understand each other, and let not the attempt be made to cover up from their view any of the financial difficulties which are pressing upon us as their representatives.

Our dealing between ourselves and those whom we represent should be of that candid and manly character that will carry conviction home to the minds of our constituents, and persuade them that for the future we can safely trust one another. Each and every taxpayer of our State has the undoubted right to know the true condition of the treasury, and to understand the nature of all the claims against it, and the manner in which it is proposed that those claims shall be met. Nowhere else can they better receive this knowledge and understanding than in the frank and open conduct of the Legislature. In our present situation, prompt and firm action is above all things necessary, and we should waste no time in unavailing regrets for the past and vain expectations for the future, but at once proceed to an earnest guardianship of the public interests, but have a care that that guardianship shall be at once so vigilant and so tender that the chains which you may rivet around the treasury of this State may not enter into the hearts of the people. There is no money in the treasury with which to meet either the current expenses of the State government or its large and outstanding liabilities. The necessities of the several charitable, educational and penal institutions which have been so extremely urgent for many months past still remain unsatisfied, while the collection of taxes which were relied upon as the whole source of relief have been suspended by judicial procedure. The collection of all taxes levied, or to be levied, under authority of the joint resolution of March 13, 1871, was temporarily enjoined on the 19th ultimo, by his honor, the Judge of the Fifth Circuit, on the application of the present State treasurer, the treasurer-elect.

That injunction was made absolute on the 23d ultimo, his honor holding that the joint resolution in question is in violation of section 3, article 9 of the State Constitution, which provides that— "The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year."

The said injunction also rests upon other grounds which will more fully appear in the special report of the State treasurer, which report I have requested for your information in the premier, and herewith transmit. In compliance with my request I have also received from the State treasurer an official report embracing a statement of the deficiencies and claims that exist against the State, and which will require to be paid out of the tax about to be levied for deficiencies, &c. The valuable information which I have derived from this report, and which I now communicate to your honorable bodies, has excited in me the very gratifying fact that though our new State treasurer has been a week in office, during which time he has been surrounded with many difficulties incident to this term, he has already acquired a full knowledge of the varied minutiae which are involved in the performance of his arduous duties. I congratulate the State on the promise thus given of his being a thorough and efficient public officer. He reports that the deficiencies on his predecessor's books under the general appropriation act of March 13, 1872, are almost \$700,000. They are composed of the following items:

Table with 2 columns: Item and Amount. Includes Salaries, Contingent accounts, Lunatic Asylum, Penitentiary, Quarantine, Keeper of the Lazaretto, Militia, Orphanage, School records, University repairs, Marine Convalescent Asylum, Supreme Court Library, Caiawa Indians, Clothing for discharged convicts, Mesne Conveyances, Civil contingent fund, Expenses general election, Total.

Total, \$691,395

It will be seen that the school deficiency is a very large one, namely, three hundred thousand dollars, but the treasurer reports that this deficiency can be regarded as in some way of a different position from others, and states that not more than two thousand dollars of this appropriation ever has been paid. When it was found impossible to obtain the money which had been appropriated for the conduct of the schools, the State superintendent of education very properly advised the several county school commissioners to close their schools, and thereby avoid an expense which could not be met without additional legislative action. In most of the counties of the State this advice was heeded and

the schools were closed, and hence it is believed that not more than a third, or one-half, of the entire appropriation was ever contracted for on account of services performed. The effort has been made to obtain an account of the exact amount expended or contracted for; but the superintendent has been unable to obtain, from the county school commissioners the necessary information on this point in time for the State treasurer to furnish me with his report. The above items, to which your attention has been called, comprise the only deficiencies that exist under the general appropriation act. In addition to these, however, there are certain claims contracted during the past fiscal year, which the treasurer states should be paid out of the deficiency tax now about to be levied, such as the claims for printing, and the notes authorized at the last session of the General Assembly and issued by the Treasurer, and outstanding pay certificates. The total amount of printing claims as estimated in the bill reported by the committee on public printing in the House of Representatives is \$325,000. This bill, I understand, is still before the House. The amount of treasurer's notes outstanding is \$230,000. The amount of pay certificates is about \$20,000. In round numbers, therefore, it will be seen that the total amount of both the deficiencies and claims are as follows:

Table with 2 columns: Item and Amount. Includes Delinquency for schools, For other purposes, Treasurer's notes or bills payable, Pay certificates, Printing claims, Total.

I have thus embodied in a short form the information I have derived from the report of the State treasurer, and I commend these most important matters to your earliest attention, in order that the necessary tax levy may be made without delay to meet the current expenses of the present fiscal year, and to supply the deficiencies of the fiscal year ending October 31, 1872. Allow me to suggest that the rate of taxation should be determined on the basis of as low an estimated expenditure as will be consistent with the proper maintenance of the various departments of the State Government, and the payment of the just and unquestioned obligations of the State. With a view to insure the speedy payment of the taxes with the least inconvenience to taxpayers, and in order to encourage prompt payment by the citizen of his dues to the State, I recommend that provision be made by law for the granting of a rebate of five per cent. under the pending levy, on all taxes paid in on or before the fifteenth day of January, 1873, and a rebate of fifteen per cent., on the penalty already attached, in cases of delinquents, provided that such taxes are now delinquent, are paid in on or before the 10th of January, 1873.

My general message, based upon the annual reports of the several heads of the departments, will be transmitted as early a period as possible for the consideration and action of your honorable bodies. All of these reports have not yet been received, and I am unwilling to make any recommendations that are not founded upon specific data explicitly stated. I propose in that message to bring under review all the various matters to which those reports relate, inclusive of the bonded debt of the State, and invite your attention to such remedial measures as the necessities of the State appear to demand. This duty of re-formation and economy is imposed upon the Executive and Legislative branches of the government by the expressed judgment of the people, from whom they derive their powers. It is also enforced by the impoverished condition of the public treasury. In this matter, fellow-citizens of the General Assembly, you must guide and control, and it will be the bounden duty of those to obey. A judicious system and a wise economy in expenditures is not inconsistent with a liberal maintenance of all the State institutions, and a speedy liquidation of its legitimate obligations.

All the taxes necessary to the accomplishment of these ends, no doubt, will be levied, but a light rate of taxation can only be vindicated by a clear necessity, which must be made manifest by plain proofs on logical reasoning. The highest tax on the lowest basis of expenditure will meet with the sanction of the people. That basis having been arrived at, the public necessity in good faith being the standard, the tax should be promptly levied and vigorously collected. Whatever may be your action in the premises, it must stand as the authoritative decision of the law-making branch of the government, which the citizen must obey. I, therefore, trust that the people, whose delegates and trustees we are, will be dealt with in a spirit of candid reserve, it being their right to know from their elected agents the exact condition of all their public affairs. Having performed this duty, let us recognize our own responsibilities, and fearlessly discharge them, without regard to adverse criticism. This is not the time to recriminate, but to act.

(Signed,) F. J. MOSES, JR., Governor.

The Treasurer's Report.

EXECUTIVE DEPARTMENT.

STATE TREASURER'S OFFICE.

COLUMBIA, S. C., December 7, 1871.

To His Excellency F. J. Moses, Jr., Governor:

Sir—In reply to your request that I should state the reasons that induced us to apply to the Hon. S. W. Melton, late judge of the Fifth Circuit, for an injunction restraining the county auditors and county treasurers from levying and collecting the tax ordered by the late comptroller-general under the joint resolution passed March 13, 1872, I have the honor to state that we considered the law unconstitutional, inasmuch as it required the entire proceeds of the tax to be applied to the fiscal year commencing November 1, 1871, thus levying two separate taxes during two years, the entire proceeds of which should be applied to paying the expenses of one year. A joint resolution was passed March 7th, 1871, (see volume 14, page 706,) levying a tax for the fiscal year 1871; evidently meaning the fiscal year commencing November 1st, 1871, as taxes had been collected for each of the preceding fiscal years, and had been collected and applied. Section 7, article 9, of the constitution requires that the General Assembly shall provide for an annual tax, sufficient to defray the estimated expenses of the State for each year, and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year. This permits but one general tax for each year, and a special tax at the same time to cover any deficiencies that may remain for the preceding year. The joint resolution passed on March 13, 1872, was not only unconstitutional,

but defective in another respect that would have produced the most serious embarrassments if the tax had been allowed to be collected under it. It made no provision whatever for the fiscal year commencing November 1, 1872. Section 4, Article 9 of the constitution, requires that no tax shall be levied, except in pursuance of a law which shall distinctly state the object of the same, and to which object such tax shall be applied. If the tax, therefore, had been collected under the joint resolution referred to above, I would have been required to apply it in accordance with the constitution, and the law to the object for which it was levied, viz: the fiscal year commencing November 1st, 1871, and therefore, no portion of it could or would have been applied to the fiscal year commencing November 1st, 1872, and no claims of any kind under any appropriation act could or would have been paid during this fiscal year. Thus, for the fiscal year commencing November 1, 1871, there would have been the proceeds of two entire separate taxes, but for the fiscal year commencing November 1, 1872, none whatever. Under such circumstances, therefore, we deemed it best to apply for an injunction restraining the collection of the tax. A temporary injunction was obtained, which was afterwards made permanent, and thus the collection of the tax was suspended and postponed until the General Assembly could convene and provide for the emergency in a manner that would be constitutional, and at the same time not productive of the serious embarrassments referred to above. There is a bill now pending in the House of Representatives, which was reported by the committee of ways and means; it first provides for a general tax for the present fiscal year, commencing November 1st, 1872, and also provides a special tax for the deficiencies of the previous fiscal year, commencing November 1st, 1871.

I have the honor to be, very respectfully, Your obedient servant, (Signed) F. L. CARDGEO, Treasurer of South Carolina.

NOTES BY MAIL.

[FROM OUR SPECIAL CORRESPONDENT.]

COLUMBIA, December 7.

In the Senate on Friday the first occurrence of public interest was the receipt of a communication from Congressman A. J. Baniar relating to the condition of the inmates of the Colored Orphan Asylum at Charleston. A concurrent resolution was introduced a few days ago in the House directing an inquiry into the reported neglect of these State beneficiaries, and it was this action which prompted the letter from the Congressman elect, who is one of the trustees of the institution. The letter is as follows:

CHARLESTON, December 6, 1872. To the Honorable the Senate and House of Representatives, &c.: GENTLEMEN—I observe that the condition of the State Orphan Asylum at Charleston has attracted the attention of your honorable bodies. As a member of the board of trustees permit me to state that the board have submitted their annual report for the year ending October 31, 1872, which report exhibits an expenditure of \$100,000, and a balance on hand of \$10,000. The report shows the deplorable condition of the institution, owing to the inability of the board to obtain from the State treasurer the appropriation of the past year, which was \$100,000, and which was transmitted in due time to your honorable bodies. The report shows the deplorable condition of the institution, owing to the inability of the board to obtain from the State treasurer the appropriation of the past year, which was \$100,000, and which was transmitted in due time to your honorable bodies.

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Senator Hope, Conservative, Lexington, presented a portion of the presentment of the grand jury of Lexington county, which recommends the erection of a new jail at Lexington county, and asks a State appropriation therefor.

Senator Hollinshead, of Abbeville, presented a similar document from Abbeville county, calling attention to various disbursements by the county commissioners, which are alleged to be exorbitant and unauthorized, and which have caused a deficiency which will amount, after the incoming taxes shall have been exhausted, to about twenty thousand dollars. Both of these presentments were referred to the judiciary committee, which, it is to be hoped, will not prove the grave of these serious charges.

Senator Jervey, colored, Charleston, gave notice of a bill to amend an act to vest in the Charleston Land Company the charter of a ferry from Charleston to the Wando River.

Senator Lee, colored, Chester, gave notice of a bill to repeal an act giving a lien on the crop for advances for agricultural purposes.

Senator Hayne, colored, Alken, gave notice of bills to incorporate the Alken Real Estate and Building Association and to define the number of trial justices for Alken County.

Senator Hollinshead, Abbeville, gave notice of a joint resolution to authorize an additional tax of two mills on the dollar in Abbeville county, presumably to provide for the consequences of the wastefulness and extravagance of the Abbeville county commissioners as above reported.

Senator Dunn, Horry, gave notice of a bill to aid and encourage manufacturers and internal improvements in this State.

Senator White, colored, York, gave notice of a bill to repeal section 12 of chapter 103 of an act to provide for the revision and consolidation of the statute laws of the State of South Carolina.

Senator Duncan, Conservative, Spartanburg, gave notice of a bill to repeal section 29 of an act to amend an act to establish and maintain a system of free common schools, and so much of section 51 of the same act as relates to the raising of an additional tax by the vote of school districts.

Senator Nash, colored, Richland, gave notice of a bill to establish a State orphan asylum, to be located at Columbia.

Senator Jones, colored, Georgetown, introduced a bill to provide for the payment of the past due indebtedness of Georgetown county, which provides for the levy and collection of a tax of two mills on the dollar in addition to all other State and county taxes until the sum of ten thousand dollars shall be raised, which shall then be applied to the extinguishment of the debt of the county.

Senator Whitmore, Darlington, introduced a bill in relation to the service of the legal process in the Courts of Common Pleas and Courts of Probate shall be made by the sheriffs of the counties in which service thereof is made. He also introduced a bill to designate the officers by whom court sales shall be made,

which provides that "all sales of personal or real estate or other interest now or hereafter ordered to be made by the Courts of Common Pleas or Courts of Probate of this State, or under the authority thereof, shall be made by the sheriff of the county in which said real or personal estate, or other interest, is at the time said sale is ordered."

Senator Jervey, colored, Charleston, introduced bills to incorporate the Charleston Coastwise Transportation Company, and the People's Loan and Real Estate Company of Charleston. These bills are exactly similar to the two bills with the same titles recently introduced in the House, and already described.

Senator Dunn, Horry, introduced the following resolution, which was adopted, and which, taken in connection with the action taken in the House upon the subject, indicates a decided intention on the part of the General Assembly to give the matter of public printing and advertising a general overhauling:

Resolved by the Senate, the House of Representatives concurring, That the clerks of the Senate and the House of Representatives be, and they are hereby required to report to the Senate and House all information in the possession of the clerks of either body now existing between them and the different newspapers of the State for the publication of the acts and joint resolutions of the General Assembly, with a number of papers, the price, the circulation of each, and the entire cost of such publication.

The Senate then got to work upon its calendar business, the most important item of which was the consideration of a bill by Senator Whitmore, requiring county commissioners to furnish a bond before entering upon the duties of their office. There was quite a long and animated debate as to the amount of bond that should be required, but it was finally settled that in Charleston county a bond of ten thousand dollars should be required, in Beaufort, Barnwell and Richland a bond of five thousand dollars, and in each of the other counties two thousand dollars, and that the act shall not take effect until the next general election, and in this shape the bill was passed and ordered to be engrossed for the next reading.

The rest of the measures upon the Senate calendar were referred to their appropriate committees, except the joint resolution to repeal the resolution authorizing the Governor to employ an armed force for the preservation of the peace, which received its second reading and was ordered to be engrossed.

THE SITUATION IN PARIS.

PARIS, December 6.

The committee of thirty appointed by the Assembly yesterday, in accordance with the resolution of the 24th inst., held their first meeting at 10 o'clock. The following officers were elected: President, Baron De Lous; vice-president, Audiffert Pasquier; secretaries, Lafitte, Postals and Hansmannville. Organization having been completed, the committee adjourned to meet on Monday, when it will proceed to business, according to the motion by which it was created. The committee is instructed to draw up a project of law relating to the responsibility of the ministers, and to propose the use of several powers of the State. It is expected that it will report a bill declaring that any minister who shall be censured must resign, and excluding the president from debate in the Assembly, but not excluding him from the right of a limited veto power. It is inferred from the political composition of the committee that any proposition for any dissolution of the Assembly will be rejected, and nothing more radical than a partial renewal chamber once a year or once every two years, like the American Senate, has been entertained.

Le Bien Public says that the completion of the committee which has been appointed to draw up a project of law relating to the responsibility of the ministers, while the Executive and Assembly are equally adverse to compromise. The country cannot tolerate the present state of affairs. It intimates that the country should spontaneously intervene, and that the committee of thirty is prepared to send in petitions in support of Thiers and his government. Thiers is resolved that there shall be no change in the ministry until the report of the committee of thirty is presented to him, and will oppose it in the Assembly.

An official reception was given at the Executive residence last night, which was numerously attended. Thiers freely expressed his regret that a partial renewal of the Assembly seemed impossible, and declared that he was determined to adhere to the policy announced in his message.

Senator Hope, Conservative, Lexington, presented a portion of the presentment of the grand jury of Lexington county, which recommends the erection of a new jail at Lexington county, and asks a State appropriation therefor.

Senator Hollinshead, of Abbeville, presented a similar document from Abbeville county, calling attention to various disbursements by the county commissioners, which are alleged to be exorbitant and unauthorized, and which have caused a deficiency which will amount, after the incoming taxes shall have been exhausted, to about twenty thousand dollars. Both of these presentments were referred to the judiciary committee, which, it is to be hoped, will not prove the grave of these serious charges.

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THE NATIONAL CAPITAL.

POLITICAL NEWS AND GOSSIP.

Revision of the Standing Committee—Representation of the Minority—The Chairmanships.

A Washington telegram of the 5th instant, says:

The committee of five, appointed by the Radical senators to revise the standing committees, reported the result of their labors at the adjourned meeting of the caucus this morning, when their action was approved. The list was then handed to the Democratic senators to assign the vacancies which had been left for them and the Liberal senators. Mr. Sumner remarked that he did not intend to do any committee service this session, on account of the precarious state of his health, and as soon as the Senate met he rose and asked to be excused from any service.

POSITION OF LIBERAL SENATORS.

Mr. Rice did not hesitate to announce his position. He said that he now saw no middle-ground between the Democratic party and the D-mocratic party. It is thought that will also be the position of Mr. Tipton. Of Messrs. Sumner and Schurz, although they will doubtless continue their opposition to all amendments which do not go to the heart of their approval, it cannot be expected in the nature of things that they will consent to be classed as members of the Democratic party. The same may be said of Messrs. Trumbull and Sumner, who are expected to remain in the room of the Democratic party, and to be classed as members of the Democratic party.

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THE MISSISS GREELEY.

They Decline to be the Recipients of the Proposed Press Fund—Horace Greeley's Estate.

As already briefly stated by telegraph, the proposition originating with the New York Herald for a subscription fund for the benefit of the daughters of Horace Greeley, the editor of that paper leading with a subscription of one thousand dollars, followed by various subscriptions by other journalists, has been formally declined by the editors of the Tribune, on the part of the Misses Greeley. The Tribune, in referring to the circumstance indicates that the association to which that paper belongs, and of which Mr. Greeley was the head, will assume the grateful duty of doing all that may be necessary in the matter. The Tribune says:

The Misses Greeley are unwilling, under any circumstances, that the plan of a subscription for their personal benefit should be adhered to. In the great sorrow which has fallen upon the family they are of course in no position to investigate their affairs. It will be a work of time to determine the condition of Mr. Greeley's estate; but however it may have been impaired by a liberality perhaps too great, by loans to his friends, and to those who proved unworthy of it, or by an overweening confidence in men's promises, there is, it is probable, enough remaining to meet the generous apprehensions of the community. And even if the provision were less, we must be allowed to say that the Misses Greeley are in the hands of immediate friends who will care for them with assiduous fidelity and attention, and who will not only recognize and repay the debt of grateful honor due to their father—a debt which it is strongly felt can never be adequately discharged. A sympathizing public may condescend to our assurance that the young ladies are now the wards of those who will be glad as well as able to care for their every want and comfort, and to see to it that the death of their father shall make no change in their methods of life and habits.

We announce the determination of these ladies at their own earnest request. While they are anxious not to be regarded as wanting in a grateful sense of the great kindness with which the public has responded to their appeal, they are allowed to take the kindly view for the kindly deed. With a thousand heartiest thanks the proffered bounty is declined. There are other methods of exhibiting the public liberality—methods by which the memory of Mr. Greeley may be perpetuated, and which would be grateful; not merely to the family, but to the friends of the press. It is believed that these should commend themselves to the public approbation, they would certainly be regarded by his daughters with a gratitude equal to that which so much kindness has already inspired.

From other sources we learn that the combined fortune of Mr. Greeley's two daughters will be at least one hundred thousand dollars. They will have his ten shares of Tribune stock, valued at thirteen thousand dollars a share, a farm in Virginia, which must be worth something, and their proper share (one-tenth) of the one hundred thousand dollars for which the Tribune Association have, for several years, kept Mr. Greeley's life insured.

THE GHOST AT BURENBY'S. More Strange Proceedings of the Unseen—The Ghosts on the Rampage—They Upset Beds, Break Windows, Glasses, and a Servant Girl over the Head—A Little Boy Haunted by the Backward Faces of a Clock—What We saw for Ourselves.

A reporter of the Valdosta (Ga.) Times has been taking another look at the haunted house at Burenby's, and describes his visit as follows: We were cordially received and conducted to the house where we sat and listened to the recital by the family of many wonderful things that they asserted had transpired there since our last visit. We were told by Mrs. S. Burdett, a lady of the family, that she had been haunted by those of her husband, brother-in-law, daughter, and others of the family, as well as Mr. J. D. Carter—that on the 12th day of November last, just after her husband had retired from it, closing doors and windows behind her, the attention of the family was attracted by a noise like the tumbling about of bedding, &c., in the room. Upon investigation it was found that the bed had been thrown up, and that the window glass was broken in the middle of the floor. They assert that had any one been concealed in the room before the mischief was done it would have been impossible for them to have escaped notice. On the next occasion a few days afterwards, a similar trick was performed in another room, and a set of caudle-moulds that Mrs. Burdett had just a few minutes before put into a tub of water in the kitchen, were found erect upon the table of bedding when she entered the room. She was in the kitchen near the moulds when it occurred, and states that no one could have removed them from the tub without her knowledge. On several occasions the window glass would break without visible contact with any force. A half of a pane for a number of days would ascend and descend in the groove between the window and the frame, as if it were being pushed up and down by the speed of a minute hand. It finally broke out. On another occasion, about a week afterwards, while Mrs. Burenby's niece was in the room, she was sitting at the window, and she had been reading a book. She was in the room when the window glass was broken, and she was sitting at the window, and she had been reading a book. She was in the room when the window glass was broken, and she was sitting at the window, and she had been reading a book.

THE SOUTHERN STATES SQUABLES.

WASHINGTON, December 6.

Telegrams received by the attorney-general from Marshal Packard, of New Orleans, about the Louisiana election squabble, were referred to the President for his action. The President read the telegrams carefully, but did not indicate whether he would refer them to the interior or not. He did not hesitate, however, to express his aversion to the squabbles both in Louisiana and Alabama, at the bottom of which is nothing more nor less than the desire of the Louisiana party to prevent the Republican Congressmen, on being made acquainted with the new developments in Louisiana, expressed their great disgust over the whole subject, and from the report of their remarks it may be inferred that they were not surprised at the Louisiana party's attitude toward the Louisiana party.

CIVIL RIGHTS AT THE CAPITAL.

WASHINGTON, December 7.

In the Criminal Court yesterday, Judge Macarthur delivered a decision in the case of Sebastian Aman, a restaurant proprietor of this city. The case was an appeal from a Police Court, where Aman had been fined one hundred dollars and costs for refusing to wait on a colored man named Foote and some of his friends. Aman gave the necessary security, and appealed against the fine. After reviewing all the circumstances in the case and the law bearing thereon, said the proprietor of a hotel or restaurant was the proper judge of who should wait on a customer, and no one could dispute his authority in that matter. In conclusion, he gave judgment in favor of Aman, which dispensed him from the fine. In a similar case of Fred. Freund, a noble pros. was entered.