

offence, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months. The seller shall be liable to a fine of at least five dollars, and at least equal to twice the value of the product sold, and if that be not immediately paid, shall suffer corporal punishment.

SEC. XI. It shall be a misdemeanor, for any person not authorized, to write or give to a person of color a writing which professes to show evidence of the right of that person of color to sell any product of a farm, which, by the section last preceding, he is forbidden to sell without written evidence; and any person convicted of this misdemeanor shall be liable to the same extent as the purchaser, in the section last preceding, is made liable; and it shall be a misdemeanor for a person of color to exhibit, as evidence of his right to sell any product, a writing which he knows to be false or counterfeited, or to have been written or given by any person not authorized; and, on conviction of this misdemeanor before a District Court or a Magistrate, such person of color shall be liable, as in section last preceding, the seller is made liable. These provisions shall *mutatis mutandis* extend to cases where the writing professes to be a permit of absence, or permit of any other kind. The fines in any of these cases being at the discretion of the Judge or Magistrate.

SEC. XII. Where no special punishment is provided for a misdemeanor, it shall, according to its nature and degree, be punished at the discretion of the Court, by one or more of the modes of punishment which, in the fourth section of this Act, have been enumerated for a felony with benefit of clergy, except transportation.

SEC. XIII. Persons of color constitute no part of the Militia of the State, and no one of them shall, without permission in writing from the District Judge or Magistrate, be allowed to keep a fire-arm, sword or other military weapon; except that one of them, who is the owner of a farm, may keep a shot-gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket or other fire-arm or weapon appropriate for purposes of war. The District Judge or a Magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the District Court Fund. The possession of a weapon in violation of this Act shall be a misdemeanor, which shall be tried before a District Court or a Magistrate, and in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept, and if that be not immediately paid, by corporal punishment.

SEC. XIV. It shall not be lawful for a person of color to be the owner, in whole or in part, of any distillery where spirituous liquors of any kind are sold by retail; nor for a person of color to be engaged in distilling any spirituous liquors, or in retailing the same in a shop or elsewhere. A person of color who shall do anything contrary to the prohibitions herein contained, shall be guilty of a misdemeanor, and, upon conviction, may be punished by fine or corporal punishment and hard labor, as to the District Judge or Magistrate before whom he may be tried, shall seem meet.

SEC. XV. If any person shall falsely personate any master or employer, and shall, either personally or in writing, give any false, forged or counterfeited character to any person offering himself to be hired as a servant, such person so offending shall be guilty of a misdemeanor.

SEC. XVI. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatever, other than that for which, or in which, such servant shall have been hired or retained, such person so offending shall be guilty of a misdemeanor.

SEC. XVII. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant was discharged, or left his service, at any other time than that at which he was discharged or actually left such service, or that any such servant had not been hired or employed in any person's service, contrary to truth, then, in either of these cases, such person shall be guilty of a misdemeanor.

SEC. XVIII. If any person shall offer himself as a servant, asserting or pretending that he hath served in any service in which he shall not actually have served, or with a false, forged or counterfeit certificate of his character, or shall, in anywise, add to, or alter, efface or erase any date, matter or thing contained in, or referred to, in any certificate given to him by his last or former actual master or employer, or by any other person duly authorized by such master or employer to give the same, then, in either of these cases, such person so offending shall be guilty of a misdemeanor.

SEC. XIX. If any person, having before been in service, shall, when offering to hire himself as a servant in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, such person so offending shall be guilty of a misdemeanor.

SEC. XX. In case of conviction of either of the misdemeanors specified in the five sections last preceding, the punishment shall be a fine not exceeding one hundred dollars; and in case the fine shall not be immediately paid, there shall be substitution of other punishments, as hereinafter provided.

SEC. XXI. Every wilful trespass is hereby declared to be a misdemeanor, and any person guilty thereof may be either sued for damages, or prosecuted for the misdemeanor, at the option of the party injured; and, in case of conviction of the misdemeanor, the punishment shall be a fine apportioned to the damage done, and the circumstances of enormity attending the trespass, with substitution of other punishment, as hereinafter provided, if the fine be not immediately paid.

SEC. XXII. No person of color shall migrate into and reside in this State, unless within twenty days after his arrival within the same, he shall enter into a bond with two freeholders as sureties, to be approved by the Judge of the District Court or a Magistrate, in a penalty of one thousand dollars, conditioned for his good behavior, and for his support, if he should become unable to support himself. And in case any such person shall fail to execute the bond as aforesaid, the District Judge or any Magistrate is hereby authorized and required, upon complaint and due proof thereof, to issue his warrant commanding such person of color to leave the State within ten days thereafter. And if any such person, so ordered to leave the State, shall not leave the State within the time prescribed in such warrant, he shall, upon conviction thereof, be liable to such corporal punishment as the Court in its discretion shall think fit to order. And if any such person so convicted and punished, shall still remain within the State more than fifteen days after the punishment shall have been inflicted, or having left the State, shall return to the same, he shall, upon conviction thereof, be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for a period not exceeding five years. And if any person of color, who shall have been convicted of any infamous offence in any other State or country, shall come or be brought into this State, such person of color, on conviction thereof, shall be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years.

PROVISIONS EXTENDING TO ALL CLASSES OF OFFENCES AND ALL COURTS—SOME PROVISIONS UNDER OTHER HEADS EXTENDING TO ALL COURTS.

SEC. XXIII. On the trial of any person for felony, when the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the felony, and to find against the person indicted a verdict of guilty of assault, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have the power by sentence, to impose upon the person so found guilty, punishment by fine, imprisonment, hard labor, corporal punishment, and solitary confinement, one or more, as may, in the opinion of the Judge, be required by the degree of the offence. In like manner there may be conviction of any less offence contained in a greater which is charged, and punishment at the discretion of the Court, according to the nature of the offence of which the accused has been found guilty.

SEC. XXIV. When several persons of color are convicted of one capital offence, the Jury which tries them may recommend one or more to mercy,

for reasons which in their opinion mitigate the guilt; the District Judge shall report the case with his opinion, and the Governor shall do in the matter as seems to him meet. The same may be done when one only is convicted of a capital offence; before sentence of death shall be executed in any case, time for application to the Governor shall be allowed.

XXV. Hard labor shall be work on the roads, streets, or public works, under the supervision of a superintendent of convicts, if there be such an officer, who can be conveniently employed, or under the supervision of the Sheriff, a Constable, Jailor, or other person that may be appointed by the District Judge, or by the Sheriff, or it shall be work on any building, or other undertaking, or in any business of a private individual, who will pay reasonable wages, and can be safely entrusted with the supervision; the Judge or the Sheriff, under the directions of the District Judge, making choice of the place and manner of employment from time to time. In any case the work may, according to the directions of the Judge, be without unusual pain or restraint, or it may be done in a chain gang, or with ball and chain, or under other pain or burden; and it may be without, or may be attended with confinement. A Magistrate shall as to cases before him, have the power which is here given to the District Judge.

SEC. XXVI. Corporal punishment is intended to include only such modes of punishment not affecting life or limb, as are used in the army and navy of the United States, adapted in kind and degree to the nature of the offence. The sentence in each case and directions of the Judge or Magistrate, shall define it. Whipping, when it is provided for by the law, shall be inflicted as heretofore.

SEC. XXVII. Whenever, under any law, sentence imposing a fine is passed, if the fine and costs be not immediately paid, there shall be detention of the convict, and substitution of other punishment. If the offence should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for each dollar, and in the case of a person of color, enforced labor without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offence should be infamous, there shall be substituted for a fine, for imprisonment, or for both, hard labor, corporal punishment, solitary confinement and confinement in tread-mill or stocks, one or more, at the discretion of the Judge of the Superior Court, the District Judge or the Magistrate, who pronounces the sentence. In this act, and in respect to all crimes and misdemeanors, the term servant shall be understood to embrace an apprentice as well as a servant under contract.

SUPERINTENDENT OF CONVICTS.

SEC. XXVIII. The District Judge, when he may think it necessary, shall have power to appoint a Superintendent of Convicts, whose duty it shall be to superintend as many as he can of convicts sentenced to hard labor, to inflict corporal punishments directed upon all convicts within his reach, and to execute the orders of the Judge, Sheriff or Magistrate, in relation to these matters. The Superintendent shall, at his pleasure, have access to apartments in the jail for necessary confinement of convicts, and may, by all necessary means, enforce his authority over the convicts under his supervision, punish their disobedience, and overcome resistance, or attempted rescue offered by them, or any other person. When he shall deem it necessary, he may call upon the *posse comitatus*, with the same effect and under like penalties to those who disobey it, as the Sheriff might do. The Superintendent shall receive a suitable compensation, to be fixed by the District Judge, and paid from the District Court Fund. All wages received from the labor of convicts shall go into that fund, and from that shall be provided food and other necessaries for the convicts.

ARREST OF OFFENDERS.

SEC. XXIX. Upon view of a misdemeanor committed by a person of color, or by a white person toward a person of color, a Magistrate may arrest the offender, and, according to the nature of the case, punish the offender summarily, or bind him in recognizance, with sufficient sureties, to appear at the next monthly sitting of the District Court, or commit him for trial before the District Court.

SEC. XXX. Upon view of a misdemeanor committed by a person of color, any person present may arrest the offender and take him before a Magistrate, to be dealt with as the case may require. In case of a misdemeanor committed by a white person toward a person of color, any person may complain to a Magistrate, who shall cause the offender to be arrested, and, according to the nature of the case, to be brought before himself, or be taken for trial in the District Court.

SEC. XXXI. Upon view of a felony committed, or upon certain information that a felony has been committed, any person may arrest the felon and take him directly to the District Judge or a Magistrate, to be dealt with according to law.

SEC. XXXII. In the night time any person may be arrested by such efficient means as the darkness and the probability of his escape render necessary, even if his life should be thereby taken, in cases where he has committed a felony, or has entered a dwelling-house with evil intent, or has broken, or is breaking into an out-house, with a view to plunder, or has in his possession stolen property, or being under circumstances which raise just suspicion of his design to steal or to commit some felony, flees when he is hailed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER,

President of the Senate.

C. H. SIMONTON,

Speaker of the House of Representatives.

AN ACT TO ESTABLISH DISTRICT COURTS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

I. In each Judicial District of the State, except Charleston, there shall be established a District Court, which shall be organized by the Judge thereof as soon as possible after his election; except in the Judicial District of Charleston, there shall be established two District Courts, one for the Election District of Charleston, and one for the Election District of Berkeley.

II. The Judge of each District Court shall receive, from the Treasurer of the State, a salary of five hundred dollars a year, payable quarterly; and he shall be entitled, for a further compensation, to receive, annually, from the District Court Fund, as hereafter prescribed, an additional sum as follows: For Abbeville District, seven hundred dollars; Barnwell District, seven hundred dollars; Colleton District, one thousand dollars; Chester District, five hundred dollars; Darlington District, five hundred dollars; Edgefield District, eight hundred dollars; Fairfield District, five hundred dollars; Georgetown District, one thousand dollars; Laurens District, five hundred dollars; Newberry District, five hundred dollars; Orangeburg District, five hundred dollars; Richland District, one thousand dollars; Sumter District, seven hundred dollars; Union District, five hundred dollars; York District, five hundred dollars; Williamsburg District, five hundred dollars; Berkeley Election District, one thousand dollars; Charleston Election District, one thousand dollars; Beaufort District, one thousand dollars; Kershaw District, five hundred dollars; and for the District Judge of each of the other Judicial Districts of this State, the sum of five hundred dollars: *Provided, however*, That in case the District Court Fund in any District shall prove insufficient for the purpose for such additional compensation, as is herein provided, no claim for the whole, or any part, of such additional compensation upon the Treasury of the State shall arise by reason of such deficiency: *And provided, also*, That the time when the salaries herein provided for shall commence, shall be when the Court is organized, and the Judge empowered to execute this Act.

III. For each District Court, the Clerk and Sheriff of the District shall

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In obedience to the decree of the Court of Equity made in this case, I will sell, at York Court House, on the FIRST MONDAY in January next, a TRACT of LAND, situate in York District, on Sugar Creek, bounded by lands of J. T. Withers, Eliza Stewart and D. G. Bannet, and containing four hundred acres, more or less. This is a most desirable and highly productive plantation.

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