VOL XXIII.

## THE

CAROLTNA MPABTAN
THURESDAY MORNING.
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| $\quad$ Insertions, 75 cents, in Specie. |

GUVERNOR'S MESAAGE, NO. 1. xecutive departaent,
 sion of congratulation by the Execeutive,
uppon the continued happiness, propperity regret that no such greeting can be extend regret that no such greecing can be extend-
ed the prosent occosion. Wo no
longor hear the clash of arms, nor the tread Ionger hear the clash of arms, nor the tread
of hostilea armies, and our poople have es. which revele in the shocking crnivas death. Whilst the general health has not
been good, the virulenee and malignity of disease have been mititigated, and and a com
paratively small fatality has visited paratively, smanl fatality has visited the
sick room. For these bosssings.our hanks sick room. For these blessings, our thanks
are due the great Ruler of the Universe.
In tho depths of humiliation and contri: tion, let us invoke Him to overt the evils
that are upon us - to styy the hand ot our that are upon us-to styy the hand of our
persecuturs, to turn away the wrath, and would oppress and destroy us, and to restor to us the happiness und prosperity of for
mer yeara
1 therefore mendations as will, in ony judgument, pro mote

The third Article of the Constitutian of this State, in the third parayraph of the Assembly shall, as soon as passible, estab forior Court or Coantrs, to bo stylied the
District Courr'-the Judge whereof shail be resident in the District, whilo in office,
shanl be elected by the General $A$ ssembly shai be elected by the General Assembly
for four years, and shall be reeligiblefor four years, and shall be re-eligible
whioht Court shall have jurisdiction of ali causes wherein one or both of the parties
are perrous of color, and of all criminal cases, wherenin the eaccused is a persimon oo
eulor; and the Gearal Asembly in an eulor; and the General Assembly is em-
pourered to exxtend the , jurisdiction of the ${ }_{\text {Buid }}$ Court to other subjecta. It is unfor sunato that this clause was inserted in the
Coustigution. The first paragraph of the Section declars, thit "the judicial power
shatil be vested io such superior and infe
in eral Assembiy shall, froul time to time direct and establish;" and this is sufficient ly comprehansive to authorize the estab
lishmucnt of any interior Court which the wisdom of the Gene ineral Asseunt which the ternine, whether it be a Police, District.
Coointy, Cointy or Magistrate's Court. Here, the
lariest diseretion is given t, you; and such tribuapals may be established as expericnec
or neeessity may dictate; but the or necessity may dietate; but the clause
siready quoted requires the General As. sembly to "estabish District Courts, and
these Courts must be continued until the Constitution is amended in the prescribed manner, of the instrument itself will be
violated. In order thathe tat violated. In order that the largest discre.
tion may be allowed the General Assembly, in devising the best judiciary system to meet our wats in in the recently changed
relations of society, I recommend that the pres nt Gencral Assembly provide for an out the third paragraph in the Arriele atoresaid. The next General Assembly cunc consum wiate the amendment, and then,
the Levisistature will bo left, with uirestriet.
ed discretion ed discrotion, to establish such superior meet. Whilst thia amenendmeot is beeing put fully inted, the Distriet Courts may be
 they are adapled to the vants and meet
the necessities of the public. If they of too expensive, they may be abrogated We are tbrown upon novel times, and ail our legis ation to meet our new situation
is purely experimeatat, is purely experimentat, It would not te
wise to citceard and repeal the legislation to work smoothly or give entire satistiction. When defficiencies are diacovored, remody
them, by aniendment or modification. No human wisdom is equal to the task of $g$ ing a rarteet system of Courts and LLews,
When an ano ient syinten must be revolu
tionized, to eorrospond with radical chan. ges in social, domestio, industrial and po.

SPARTANBURG, S.C., THURSDAY, DECEMBER 6,1866
 with entirely, by taxing a Jury fee in every
case tried. All traverses and imparlance should be abrogated in the District Court and all indictments, recognizances an
other papers, in the Superior Court, n disposed of, and in which jurisdiction given to the District Court, should bo
transferred to the Distriet, and mad valid, as it originaly returned to that Court.
The Distriet Boards should be make their annual returns to the Distric Judge; and it should be made the duty force the law against them for misteasance, the Distriet Judge is interested in any case, civil or crimiaal, of which his Court
has cognizance, it should be transforred to he Superior Court for trial. The Court dietion. in cases over one handred dollars, only where the costract, express or implied agricultural labor. The law now provides or groundless prosecution, may be adjudg.
ed to pay the costs of such prosecution. Ti. is is an ample sate guard against ground
less prosecutions; and the law should be s before a Magistrate should be granted prosecute, withour
require
require secarity to prosecute, is to deny justice to the poor, the ignorant, the d
pendent and the friendless. These are th classes that it is the peculiar provinee and friends, can readily secure the protec
tion of the law.
Doubts have
Doubts have arisen whether the Supe
ior Courts of Law ean the any offence conmitted by a person ot colo ander the clause in the third Article
the Constitution, which declares that th Distriet Couri shall have jurisd etion
all cases in which a per-on of color is i
terested, or to which he Civil Rights Act, passed by Congress of
the United States, which must be respee ed and obeyed until pronounced unconsti
tutional ty the Supreme Court of th United States, gives the person of colo the same rights
State as well
the white race; and so long as white per sons are triable only
for flony, the sam
corded to persons of color the supposed prohibition in the State Con-
stitution, as the Constitu States, and the laws passed in conformity
thereto, is the supreme law of the land If the Civil Rights Aet should hereafter be declared unconstitutional by the Su-
preme Court, or should it be repealed by preme Court, or shoula it be repeaied by
Congress, the quesion under the State
Constitution might then be full of embarrassment.
The Governor then recommends mate rial changes in the punishment imposed in the Criminal Law. Murder, Aarson and Rape shou d be punished by detth. Num should be changed to confinement at hard labor in the Penitentiary. It should be Superior and District Courts, to punish by imprisonment at hard labor in the Peni tentiary or by whipping. He then eensures athe gross neglect of duty on the
part of some of the Sheriffs and Jailors in the State, in allowing prisoners to es.
down stairs, and at the landing his another excited man with a cudgel in
his hand, whked if the editor was in. 'Yes, sir,' was the prompt response. 'You
will find him up stairs reading a newspaper. The latter on entering the room, with a
furious oath, commeneed a violent assault upon the former, which was resisted with
qual ferocity. The fight was continued qual ferocity. The fight was continued
until they had both rolled to the foot of
the stairs, and pounded each other to their Taking A Reckipt-The Hartford
Times vouches for the truth of the following story:
"Pat Malone, you are fincd five dollars: for assault and battery on Mike Sweeney." Cil pay the fine, if your honor will give "We give no recepts here. We jnst
take the money. You will not bee called upon a secund time tor your fine
"But your honer, I'll not be wanting to pay whe do you want to do thith resat ?
"What If your hhonor will write one and give it "We, In tell you."
"Weil, there's your reecipt. Now what
do you want to do with it ?" III tell your bopor. You see, one of
ihese days I'll be after dying, and when I go to the gates of heaven III rap, and St.
Peter will say, "Who's there?" and I'll say, "It's me, Pat Malone," and he'll say
what do you want?" and I'll say I want to come in," and he'll say, "Did you beand pay all the fines and such things!
and I'11 say 'Yes, your holiness,' and then my hand in me pocket and take out my
hand in me pocket and take out my re hand ind me poeket and take out my re-
sate and give hand 'Ill not have
to go plodidin' all over hell to find your to go plodidin' all, over hell to find your
honor to get one." honor to get one."
Antiquity.-a lawyer and a doetor were discussing the antiquity of their re-
speotive professions, and each cited anthority to prove his most ancient.
" Mine," said the disciple of
"Mine," said the disciple of Lyourgus,
" commenced almost with tne world's era. "commenced almost with tne world's era.
Cain slew his brother Abel, and that vas rejoined Esculapius, "but my profession mother Eve was made out of a rib taken
from Adam's body, and that was a surgical
house and schools were opened early i
November, and they have now their long, sunpended funetions under the most favorable auspices. TEs schools are an carly dagg up, and promise to reach, al cofore attained. The reports of the Comsoon transmitted Superintendents will be mend this noble and humane charity to
The last subject in the Message refers y Congress. riefly, but, with great force and ability, reciting the various acts of duplicity by he surrender of our ermits States alver y that we cannot place before our readers of the Message. The Governor conclades by saying, that the subject of adopting been decided by the public opinion of the people of the State, and that he felt juatiim in saying, that, if the Constitutional by the irrespone ad let us preserve our own self numbers, and the respect of our posterity, by refusing to be
shame.
$\qquad$
A Surewd Editor.-At a Welsh eet ebration in New York, Dr. Jones told the "The speaker said the editors were like their eyes and ears open. He related the new village in the westarted a paper in a a source with gamblers whose presence was told the editor that if the entizens, who against them they would not patronize hia
paper. He replied that he would give hem a smasher, next day. Sure enoogh
his next , issue contained the promised 'smasher.' On the tollowing morning the
redoubtable cditor, with scissors in hand, was seated in his sanctum cutting out
nows, when in walked a large man with a
 read the papers; he will return in a minute. Down sat the indignant man of cards, crossed his legs, with his elab between the meantime the editor quietly net another excited man with a cudgel in hearts' content."
deficiency, and what will be needed siapply the absolute wants of the peod to
When you have fixed the grave question arises, how are you to sup
ply the funds to purchase it?
The fever ish and unsettled condition of public af it of the Southern States; and if the cre chase of a large amount of breadstufts, tor distribution among the poor, is to be ef-
fected by the sale of the State bonds, it cected by the sale of the State bonds, it
can only be accomplised at a ruinous dis-
count count. The quesiou is carnestly com
mended to your praveat deliberation.
The firm of Browne \& Schirmer The firm of Browne \& Schirmer, grain
merchants of Charleston ond Columbia, have made a proposition to furnish corn, and have requested me to lay it before you.
They propose that, if the State shall adlars, which they will give approved security to refund, they will engage to turnish
sixty thousand bushels of sixty thousand bushels of corn per month,
to be sold at actual cost, with transportation and two and one half per cent. com-
missions added, to the citizens of the Stat; ; invoices to be submitted to coun-
missioners, and the corn to be subject to inspection by the commissioners or by an
agent If a larger a mount needed monthly. that larger amount will he furnishod, upon condition that the State
make a pro rata increase of the loan. Th make a pro rata increase of the loan. The
money loaned is to be returned as soon as the contract terminates. It is proposed
by these gentlemen to establish depots for by theye gentemen to establish depots for
the sale of the corn in Charleston, Colum bia and Marion, from wheh points it may be readily distributed to every section of
the State. The members of the firm are enterprising and trustworthy, and if such
a contraci is a warded them, they will
doubtless fulfil its a contrace is awarded them, they will
doubtess fulfil its stipulations with flueli
ty. If the necessitics of the State shoul require the importation of one million of
bushels, to supuly the wats bushels, to supply the wants of those who
must buy and are able to pay must buy and are able to pay, the saving
to the peaple of the State, by such an arrangement, would not tial
hundred thousand dollars.
of he same sort will be submitted to you
by A. M. Riker, a by A. M. Riker, a grain merchant of
Charleston, who cat furnish you with sat
isfinctory testimonials of integrity and busi isfinctory testimonials of integrity and busi
veess capacity These plans for supplying weis capacity Whese plans for supplying
with corn tho. whole population, inoluding
the Dorrds oi Comaissoners of the 2oor, who win be compelled to provide for a
large number of indigent persons, at a
profit of two and a half per cent. to the
eontractor, on cost and expenses, are com-
mended to your favorable consideration.
$\qquad$
commendation, that imprisonment for debt
aks for ans
in all easos wherea defendant is sued and
makrs no defence to the action, no costs


Nost of the states have made much more
liberal and humane provisions than South Carolina for quarring the fanilies of un-
fortunate and improvident debtors against fortunate and improvident debtors against
being cast out upon the world, houseless the State Courts have affirmed the consti-
utional power of their Legislatures to pass levy and sale, even upon antecedent debts It is not by any means clear that you are
precluded trom enacting such a law, either
by reason, precedent, justice, or the con-
The insane asylear.
I communicate herewith the report of
Dr. Parker, Superintendent nud Physician of the Asylum. You will learn frum it
that there are now in the insitution patien's, of whom 56 are paying and 97
are charity patients. The latter list will soon be increased materially by transter
from the former, arising from the inabili ty of present paying patients to raise funds
further to support themselves. The institution is admirably managed in all its de-
partments, and I commend it to your con
the deaf and dumb and the blind The Commissioners of the $/$ sylum for
the Deaf and Damb and the Blind, at Cedar Springs, in spartauburg District,
met in Jnue last, and made the necessary arrangements for putting the sehools into
operation, under the supervision of Messrs.
Headerson and Walker.
 ployer should be held liable for every poll very thing that is now taxed on almos

On the subject of P . Heretofore, the in tat has been paid by the Bank of
tat South Carolina, but its loss ith its large outstatding circultition, pr The Treasurer, with the assistance of commend that an appropriation ; and made
o wett the salary of such clerk, and tha
one Th, Њoss of assets, and the impooition
by the keeneral banking law of Congress ther that National Banks, made it mani
ent Bank of the State of Souti or deciared forfeited, and its books, paper
and assets put in the hands of Comal
sioners for as early liquidation as principal and interest of this Staie, no
neluding tiee debts contracted for or on
missioners of Penitentiary to procure a
he estabishment of an agriculturat an
South Carolina, and savo the State all
quired to be furnished. The Message :
Che University of S. C., which now con
sists of thirt -nine members, to be ro
duced to seven.
Trie purcasse or cors.
Pursuant to the resolution of the $21_{\text {st }}$
of September last, passed by the Genera
Assembly, I appointed Col. D, Wyat
Aikea, Agent of the State to make pu
chases of corn. Having satisficed himson
fally that the doubie resiriction imposed
$\qquad$ ment. I concurred faily in his conclusion,
that the double restriction rendered the Whole selieme nugatory, and I have not,
therefore, appointed another A eent. The
resolution required that housand dollars of bonds should purchase
and deliver in the State three hundred thousand bushels of corn. It is ressona-
bly eertain that the boids could not have he dollar, and corn conld not be purchased, lar per bushel. The correspondence be
tween Col. Aiken and myself is herewith The grain crop of the State has been
gathered, and you are better prepared now,
than at the extra sessien, to determine the

