REDUCING COSTS OF COURT. An Act Important to Lawyess, Clients

An Act to amend an Act entitled "An Act to regulate the Costs of Plaintiffs' and Defendants' Attorneys and the Costs and Fees of Clerks of Court, Pro-bate Judges, Sheriffs, Trial Justices and other officers herein mentioned,"

approved March 22, 1878.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the

SECTION 1. That the Act entitled "An Act to regulate the costs of plaintiffs' and defendants' attorneys and the costs and fees of Clerks of Court, Probate Judges, Sheriffs, Trial Justices and other officers herein mentioned," approved March 22, 1878, be, and the same is hereby, amended by striking out Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 therein and inserting in lieu thereof the following sec-SEC. 2. Plaintiffs' Attorneys' costs:

For rule on sheriff or other officers of the court, three dollars; for issuing summons, four dollars; for issuing complaint, four dollars; for entering up judgment and issuing execution, three dollars; where special bail is required, one dollar; for every subpona, writ and ticket, one dollar; for every repewal of executions. one dollar; for every renewal of execution, one dollar; for every demurrer or joinder in demurrer, three dollars; for every motion for a new trial when granted, five dollars; for every trial of the cause in the circuit, five dollars; for every commission to examine witnesses or filing cross interrogations or for issuing writ of partition, eight dollars; proceedings before trial on appeal from trial justice court, three dollars; for trial of the cause; five dollars; when the amount sued for is under twenty dollars, only two dollars and fifty cents for trial; for all proceedings in dower, from beginning to end, twenty dollars; for cases in attach-ment in addition to common costs, ten dollars; for the jury in each case tried, one dollar; for examination of a party or witness before trial, three dollars; for issuing summons and complaint on the equity side of the court and necessary exhibits, twenty dollars; if for the partition of real estate valued at one thousand dollars or less, only ten dollars to be charged for the summons, complaint and exhibits; briefs for the circuit judge, five dollars; special matter and argument on the circuit, five dollars; for the appointment of a guardian or guardian ad litem for an infant, ten dollars; one attorney representing all the infants in a cause to charge only ten dollars for the appointment of a guardian ad litem for them; for exceptions to clerk's or referee's redollars; for each day attending port, five dollars; for each day attending before clerk or referee on reference, five or cases containing exceptions, ten dol-lars; for procuring an order for injunc-tion, five dollars; on appeal for the Su-preme Court, fifteen dollars; on argu-ment in Supreme Court, twenty dol-

SEC. 3. Defendants' attorneys' costs For giving notice of appearance when necessary, four dollars; for answer or demurrer, four dollars; for entering up judgment and issuing execution, three dollars; for trial of the cause on the circuit for dollars. and fifty cents to be charged for trial; for subpœna writ and ticket, one dollar: for answer on the equity side of the court and necessary exhibits, twenty dollars; briefs for Circuit Judge, five dollars reference before clerk or referee, five dollars: exceptions to clerk's or referee's ment in Supreme Court, twenty dollars.
SEC. 4. Clerks of the Courts of Common Pleas and General Sessions: For signing and sealing summons, fifty cents; for filing complaint, fifty cents; for filing and sealing subpœna writ, fifty cents; for the trial of a cause, whether civil or for final judgment on minutes of the

special matter and argument on circuit, five dollars; each day's attendance on ing a case or cases containing exceptions, ten dollars; for procuring an order for injunction, five dollars; on appeal to Su-preme Court, fifteen dollars; on argueach answer, demurrer or joinder in de-murrer, twenty-five cents; for signing docketing a cause, one charge only at each term, fifteen cents; for attending criminal, and swearing witnesses, fifty cents; for entering verdict or other order sessment on reference, twenty-five cents; for special order for bail, fifty cents; for filing and entering on the journal every rule or order for arbitration, twenty-five cents; for filing affidavits for continuance when ordered by the Judge, twenty-five judgment, seventy-five cents; for signing and sealing first execution, fifty cents for signing and sealing each renewal of execution, twenty-five cents; for entering satisfaction on judgment, twenty-five cents; for taking security for costs, en-tering order therefor, if made, fifty cents; for recording judgments, one dollar and fifty cents; for recording decrees of foreclosure, partition and reports, per copy sheets of ninety words, nine cents; for sheets of ninety words, nine cents; administering oath other than on trial of cause, proof of service on sheriff's return, cents; for taking and filing bonds in attachments, trover or in other cases, one dollar; for signing and sealing commission to examine witnesses, seventy-five cents; exemplification of proceeding or other office copy, per copy sheet of ninety words, nine cents; recording plat of land under order of the court or copying the same, fifty cents; rule of survey, fifty cents; each official certificate under seal of court not herein specified, fifty cents; issuing writ of attachment for contempt or other special writ, one dollar; signing and sealing writ of hab. fac. possessionem, fifty cents; receiving and paying over money officially, two per cent., if under three hundred dollars; if over that sum, two per cent, for the first three hundred dollars and one per cent. for the balance; every appeal from trial justice, all serinclusive, except for entering up judgment and issuing execution therein, one dollar; on bill nol. pros. before given out, one dollar; on bill thrown out by grand jury, or found and nol. pros., abated, discontinued or struck off, two dollars; on bill found and verdict by petit jury, three dollars; all orders for bastardy and taking recognizance, one dollar; issuing bench warrant, writ of habeas corpus, scire facius and each execucents; for issuing warrants, taking recognizance or other services in the sessions venire facias, including all services incident to summoning juries, two dollars; for preparing and issuing certificates for grand and petit jurors and constables and furnishing returns to county commission

mon Pleas and General Sessions, five dollars; for filing petition and signing writ de lunatico enquirendo, one dollar; three hundred dollars; if over that sum, for furnishing advertisements in cases of for furnishing advertisements in cases of escheat, exclusive of printer's bill, one dollar; for recording whole proceedings therein, two dollars; for license to an atfor filing and entering notice of alien's intention to become a citizen, one dollar; for filing and recording report of a lien, one dollar; for administering oath of inention, one dollar; for filing and enter-

ing application to become a citizen and administering oath, two dollars; for giv-ing certificate (over seal of office) of citi-zenship, one dollar; for taking renunciation of dower or inheritance, two dollars; for every search for a paper found (not to be charged to the parties or attorneys when for papers in a case pending,) fifteen cents; for every search necessary for a certificate that a paper is not to be found in office, twenty-five cents; for issuing execution or renewal, twenty-five cents; for issuing execution or renewal, twenty-five cents; report of case and taking bond to appeal, sixty cents; issuing attachment returnable to court or to trial justice, inguing certificates thereof, one dollar: for tion of dower or inheritance, two dollars;

for official certificates without the seal, twenty-five cents; each day engaged in holding reference, one dollar; making up and returning report, but no more than one report in each case, three dollars: deed of conveyance or mortgage, two dollars; for official record of estray and filing papers, one dollar; for recording and copying deeds or other papers, per copy sheets of ninety words, nine cents; for entering satisfaction on mortgage, twenty-five cents; for recording or copying plats of not more than six corn-ers, one dollar; and for every corner

over six, ten cents; for granting charter of incorporation, two dollars; for granting charter to church, one dollar. SEC. 5. Sheriffs' costs: For entering every writ, summons, process, execution or other paper in writ or execution book and making endorsement thereon, twen-ty-five cents; for serving every writ, summons, notice or rule, not otherwise herein specified, besides mileage, one dollar; mileage from court house to defendants' or witness' residence or place where found, going and returning, per mile, five cents; commitment and release of prisoner, each fifty cents; issuing each venire for grand jury, infifeen dollars; serving each venire for petit jurors, twenty-five dollars; serving subpoens writ and mileage on each ticket, fifty cents; serving bench or other warrants, scire facias from the Court of Sessions, or writ of attachment for contempt, besides mileage, one dollar and fifty cents; search for person or goods not found and returned on the execution of non est inventus or nulla bona, fifty cents; each execution returned to clerk's office on schedule, twenty-five cents; levying executions or attachments, besides mileage, one dollar; dieting prisoners in jail, per day thirtyfive cents; executing convict, including all charges for burying and other expenses, twenty dollars; bringing up prisoner under habeas corpus, to be paid by prisoner if able, if not, the county, beides mileage and necessary expenses, one

tising defendant's property, in addition to printer's bill, one dollar; drawing and executing a deed of conveyance or taking mortgage, two dollars; drawing and exe-cuting each bill of sale when required by purchaser, two dollars—no sheriff shall charge more than one bill of sale for charge more than one one of sale by the same party; for executing a writ of habere facias possessionem, besides mileage, one dollar; transferring money, bonds or other securities for money to party, one

under decree of Court, in lieu of commis-sions and all other charges, except for advertising, two dollars; for serving notice on each set of managers of election sides mileage, one dollar; summoning reeholders to try suggestions of fraud

ive dollars; for every fine paid befor evy, fifty cents; for every fine paid after evy and before sale, one dollar. SEC. 6. Probate Judges: For a citation, fifty cents; for qualifying executor, administrator or guardian, issuing letters to either and re-recording\* such letters, two dollars and fifty cents; for taking bond from administrator or guardian and recording same, one dollar; for issuing warrant of appraisement and oath, fifty cents; for proving a will in common form and filing and certifying the same, one dollar; for proving a will in solemn form and filing and certifying the same, five dollars; for recording will, probate and certificate, per copy sheet of ninety words, nine cents; for filing and entering renunciation of executor, fifty cents; for dedimus potestatem to prove will or quali fy as executor, one dollar; for recording each inventory and appraisement of acword, per copy sheet of ninety words, nine cents; for receiving, examining and filing the annual or final accounts of each administrator, executor or guardian, for first year, three dollars; for each succee ing year, one dollar; for recording said accounts, per copy sheet of ninety words nine cents; for hearing and filing peti one dollar; for hearing and filing peti-tion for guardianship and appointment of guardian or guardian ad litem, one dollar; for entering a caveat or with-drawing the same, fifty cents; for hear-ing every litigated case, three dollars for each day engaged, not to exceed twelve dollars in any one case; for swearing and examing each witness, fifteen cents; the cat in its coils. The snake measurfor certifying copy of any paper on file in his office, fifty cents; for copying such paper, per copy sheet of uinety words, nine cents; for every rule issued against defaulting witness or party failing to account, two dollars; for every attachment issued on the return of such rule,

one dollar; for furnishing and certifying

copy of proceedings in case of appeal, three dollars; for every search, fifteen

cents; for every certificate not hereinbe-

fore specified, twenty-five cents: for

of assets and granting order therefor, two dollars; for taking administrator's or

executor's bond, in each case, one dollar;

for final discharge of executor, adminis-

trator or guardian, two dollars; for pro-

ceedings in dower, inclusive of all

proceedings in lunacy are only

hearing petition to sell real estate in

dollars and one per cent. for the balance SEC. 7. Trial Justices: Oath and warrant in any criminal case, forty cents

each recognizance, forty cents; each commitment and release, twenty cents; administering and certifying oath in writing, other than above, thirty cents; issuing writ of habeas corpus, to the two trial justices jointly, one dollar and fifty cents; issuing summons and copy for defendant in civil cases, thirty-five cents; issuing summons for witnesses in any civil case, twenty cents, taking examina-tion of witnesses in writing in any case, swearing a trial justice or constable in office, taking constables' bonds and giving certificates thereof, one dollar; for every probate in writing, twenty-five cents; for signing and sealing dedimus potestatum, one dollar; for official certificates without ceedings on certifying indenture of application of record, one to the two trial justices, five dollars; pro-ceedings on certifying indenture of ap-prentice or assignment, one dollar; for the trial of any criminal case, inclusive of all costs, except for issuing papers, one dollar; for every preliminary examina-tion of any criminal case, fifty cents; proceedings on coroners' inquests as pre-scribed by law, eight dollars and fifty cents; proceeding on estray of horse or mule, fifty cents; proceedings on all other estrays, each fifteen cents; taking and certifying renunciation of dower or inheritance, two dollars; granting order inheritance, two dollars; granting order for special bail, fifty cents; for qualify-ing each appraiser in setting off home-stead, besides five cents per mile for all

> criminal case, twenty-one cents. SEC. 8. Constables: Summoning witness in a civil case, twenty cents; for summoning freeholders to try question before trial justices between landlord and tenant, to be paid by unsuccessful party, three dollars; for summoning coroner's jury and witness, to be paid by the county, two dollars; for serving a summons, rule or notice by a trial justice in a civil case, no mileage to be allowed, fifty cents; for serving attachment on persons cents; for serving attachment on persons absconding or about to abscond, and making inventory and return, besides commissions of five per cent. on sale of effects, but no mileage, one dollar; for selling estray, five per cent. on the proceeds; for levying execution, advertising sale and paying over proceeds, besides commissions at five per cent. on amount to be collected, but no mileage, to be paid by the defendant in execution, twenty cents: for every day in search for your peace and happiness?" The past

o costs or fees of constables or trial justices in criminal cases in those counties where they are entitled by law to annual

Approved February 20, 1880.

A CAT AND A RATTLESNAKE.-About three weeks ago during the beautiful sunny weather we have had which inluced the tress to bud and bloom, I was walking in my garden one morning, thinking about preparing for an early a large rattlesnake sunning. My first impulse was to go to the house, get a gun, and kill it. But looking around, I struck at the cat, thus breaking its coil. The cat went too far, and by the time it had turned to face its foe, the reptile was again coiled and ready for the at-tack. The same method was adopted and carried on four or five times occupying at least half an hour. The cat wished to catch the snake, but seemed aware that if it missed the neck it would be certain death. As at the sixth assault at least, be made? It is this question we they met, and instantly the snake was vrapped in several folds around the body of the cat, which used its sharp claws with deadly effect. The cat had been bitten on the head and neck several times, and both continued to fight. The snake was torn nearly to shreds, but did not unloose its coil around its victim. The position was swift and deadly, but before the cat died it caught the snake's head in its mouth and crushed it, and fighting they died, the snake enwrapping

ed four feet eight inches, and had thir-- A young man named Elmer Severance, at Princeton, Minnesota, bet one of his champions a quarter that he could place a dipper of cold water on the stove and hold his finger in the dipper until the water began to boil. The wager was accepted. Severance held his finger in the dipper quite a while, but was obliged seek to find relief from it. If war, or the to withdraw it before the water had mere prospect, has in three short months reached a boiling pitch; hence he lost his bet. On examination it was found that the finger was completely cooked It pained Severance so that he was ob-liged to quit work and come to town for medical treatment. The probability is that the finger will have to be amputa- the happiness and protection of society.

charges, where the amount is under two hundred dollars, five dollars; when over SHREWDNESS AND ABILITY.-Hop that amount, ten dollars; for proceedings in lunacy, ten dollars: Provided where pers, secular and religious, are having a ertificate of physicians, three dollars; medicines. There is no denying the virtues of the Hop plant, and the proprie-Provided, that in case the amount of tors of these Bitters have shown great estate in the Probate Court does not ex- shrewdness and ability in compounding ceed two hundred and fifty dollars, the a Bitters, whose virtues are so palpable stimulating an ignorant mob to denounce furnishing returns to county commission costs to be taxed on the case shall not to every one's observation.—ers for each term of the Court of Comerce one balf of the amount above and Chronicle.

FOR UNION AND PEACE.

The Address Delivered by Mr. Thomas F. Bayard at the Dover Peace Convention in 1861.

Dover on June 27, 1861, and concerning the tenor of which some recent controversy has arisen:

My Fellow Countrymen: By no narrow party name, in no narrow partisan spirit,

Important as are the issues we are here met to consider, one result is accomplished most gratifying to all fair minded men which we cannot pass by without notice.

I mean the right of meeting unrestrained and of free unrestricted discussion by free men of their government and the relieve and measures of these in and the policy and measures of those in-to whose hands it has temporarily been entrusted. It is well known to us all that a reign of terror was sought to be inaugurated in this State, as it has been throughout the entire North, and for this purpose troops, not of our state, were encamped upon our peaceful soil at the instance of those politicians among us whose insolence and oppressions are limited only by their fear and ability to do mischief. To-day we stand here in the spirit of freedom, to vindicate our prividespite the reiterated threats of profli-gate and lawless press of neighboring states upon the North echoed by papers in this State equally shameless and corrupt. It is known to us all that personal intimidation has been applied to each man present to deter him from coming here to-day—that many worthy but timid men have been affected by such miserable means is not to be denied—the best antravel actually necessary, twenty-five swer to these hounds of the mob who cents; issuing summons for jurors in a sought to prevent a lawful meeting call-

ed in the sacred name of our country's a stake in her fair name and prosperi-

ty as any others within her borders In times of danger and distress like the resent, the country needs most the intel-State we owe allegiance to the I paid by the defendant in execution, "My country, what can I do to restore twenty cents; for every day in search for your peace and happiness?" The past stolen goods, to be paid by party complaining, one dollar; for serving warrant in any criminal case, besides five cents of the cause or causes of our troubles a mile for each mile necessarily traveled, would not be within the scope of these

demurrer, four dollars; for entering up judgment and issuing execution, three dollars; for trial of the cause on the circuit, five dollars; for every commission to examine witnesses or filing cross interrogations, eight dollars; for trial of the cause, five dollars; for every commission to examine witnesses or filing cross interrogations, the court for the first three dollars; for trial of the cause, five dollars, two per cent, for the county shall be in sestion, together with five days to complete the lists and draw the juries, and also the court for the county shall be in sestion, together with five days to complete the lists and draw the juries, and draw the juries, and draw the juries, and also the cour -in letter and in spirit it has been faith-

fully kept by us. But the stern fact is still before us and but two alternatives present themselves. Shall we make war upon, and subjugate this new confederacy, or shall we peace-fully treat with them and consent to their self-government-trusting to time, which arrest the inauguaration of such a deis the great healer of all wrongs and passions, to bring them again, voluntarily

into a common government with us? Take the proposition of war-of horrid civil war, my countrymen! Grant to the Northern arms complete success-suppose that every Southern city is reduced to ghastly ruin, every peaceful Southern g around, I home desolated, and every Southern cautiously man slain or made captive. This is the evevery Southern saw a very large house cat cautiously creeping upon the reptile. Anticipating a fight, and equally desirous of getting rid of the cat, which killed chickens, I of conquest so horribly satisfactory to concluded to witness his attack upon the But what then? Will a union of slaves snake. The cat crawled upon its stom-ach, pulling along on its feet, whisking You do not and cannot expect love and its tail from side to side, and every now aid in time of your necessities from those and then stretching its neck to view the States you have so cruelly subdued. It snake. When about ten or twelve feet is too plain therefore that your success in off the snake suddenly coiled up, sprung such a war would be the most fatal injury its rattle, faced the cat and darted its to yourselves. And is such a war neces-

forked tongue out rapidly. The cat sary for the peace and happiness of the commenced a rapid circle around the United States? For half a century we snake, so fast, in fact, that the eye could hardly keep up with it. At last it got mear enough and made a dart at its enemer enough eno my, but through providential reasons it coholds her government, with no threats fairly to do, it has been to represent went high above the snake, which also of trouble to us or our citizens. Why truck at the cat, thus breaking its coil. exist side by side without conflict-each emulating the other in the progress of civilization?

The co-terminous kingdoms of Europe offer many examples of similar peace and prosperity.
With such a sickening alternative as

are to pass upon to-day. I believe with the late Senator Douglass who has already been quoted to-day, that "war is disunion, certain, final, inevitable,"

I believe solemnly, that the war in-augurated by Abraham Lincoln and his

and, so believing, I oppose it.

Cabinet is worse than fruitless-that it will prove more disastrous to the North than to the South and will never accom plish its professed objects. Already it has driven out of our Union four states, while others stand in doubt. When I take up the public papers and see the markets of the world disordered and depressd by the mere apprehension of this war-when I turn to our own business circles and see men of wealth reduced to povity, our merchants bankrupted, our echanics and laboring men theatened with absolute starvation, I would fain hide my face in grief. But confronting this wide scene of human distress, I sadly worked all this distress, what an increase

sorrow! Human governments were ordained for If peace will restore and secure these bless ings to the people of the United States even though a number of their former associates have gone off under a new in dependent organization, in the name of heaven let us raise our voice for it. Shall this earnest cry for peace be stifled at the bidding of a host of fanatical and cowardly editors, aided by an army of greedy army contractors and public leeches,

of trouble are we to anticipate should it

proceed in all its details of oppressive tax-

ation, destruction, demoralization and

proclaim our duty to our country, and our intention to perform it.

ANDERSON, S. C., THURSDAY MORNING, MARCH 11, 1880.

The Cabinet of Abraham Lincoln has affected to treat all the seceded States as still members of the Union. If so, surely they are entitled to all those privileges The following is the full text of the speech delivered by Mr. Bayard at the belaware Peace Convention held at they are also subject to its penalties. they are also subject to its penaltics. Yet, war in all its forms, by land and sea, with all its severities, has been levied against these States, and the forms and most positive limits of the Constitution, which is the supreme law of this land to do I address you, but as an assemblage of American freemen do I congratulate you upon your meeting this day.

He President and Cabinet as to the humblest private citizen, have been steadily and contemptuously disregarded in its prosecution. The act of war is a solemn act at any time; in a war against our brethren of the South it is surely tenfold so. By the express terms of the Constitution the right to declare war is delegated to Congress, the President has no such power; but he has, without even the forms of submission to Congress, in palpable violation of that charter of government, which is his guide, as it is ours summoned a gigantic army and that for an extent of time exceeding the term limited by the Constitution for appropria-tion to support armed forces. The question of peace or war, I say, was never re-posed in any President or Cabinet. Con-gress alone possesses the power of declaring war and, in the present case, I protest that our people have never been allowed any opportunity to vote and express their wishes on this momentous and terrible issue. Had it been given them last winter, I believe our beloved Union would this day have been firmly knit by the bonds of good-will and good faith which originally formed it and can alone preserve it. But the infractions of the Constitution by those officials into whose hands the reigns of government have passed, have not ended here—the inva-sions of personal liberty in our sister State of Maryland have been such as to justly alarm and almost dishearten those who believed our free institutions were not Never in this State has it been exceeded in number and respectability. We have, it is true, no high judicial officer to leave the bench and take part in the exciting scenes of politics—we have no delegation of persons from the city of Philadelphia—but we have the substantial citizens of Delaware with as great mere forms to be blotted out at the catial citizens of Delaware with as great only without color of law, but against express rights. You and I are citizens of Delaware; to her laws and govern-State we owe allegiance to the Federal government of which she is a member. But, as our State officials can command us to no duty unknown to State law terred by the wild passions and frenzied neither can any Federal officer claim any authority over us in matters not within his constitutional and legal control. A palpable infraction of our written charter of government by our rulers, justifies disobedience upon the part of the citizens, as much as lawful orders are entitled to lawful compliance a mile for each mile necessarily traveled, one dollar; for conveying prisoners to county jail, five cents per mile going and returning: Provided, That the constable be reimbursed for necessary ferriage.

Sec. 9. Jury commissioners, three dollars per day for every day's actual service performing his duties; such number of days not to exceed the number of days not to exceed the number of days not to exceed the number of days the court for the county shall be in session, together with five days to complete And fellow citizens, never in our nation's

the spectacle of Maryland before us, how long a trace of constitutional liber-ty will remain for the other States in the Union, and how soon a stern milita-

entitled to have his case removed from the State Court in which he has been indicted to the Circuit Court of the ry despotism may usurp the place of the United States. This Court holds that he Constitution and laws? Let us, as free men, stand prepared in all lawful ways to is so entitled; that the United States is a graded condition of affairs, no matter how plausible and specious may be the act through its officers and agents, and they must act within the States. If, plea in which it is urged. Let no man when thus acting and within the scope believe that he may even safely violate a great principle—the poisoned chalice may some day be commended to his own lips. And if we to-day pass lightly alleged offence against the laws of the State, yet one warranted by the Federal over the outrage upon the rights of John authority which they possess, and if the Merryman, we may to morrow mourn in General Government is powerless to inour own persons of similar wrongs to his erfere at once for their protection; if If he has transgressed the laws let them be fully vindicated. But it has been our their protection must be left to the action boast that the humblest person, nay the General Government may at any time be meanest felon, has civil rights preceding arrested at the will of its members. No his punishment which no ruler can justly such element of weakness is in the opindeprive him of. Let us stand by the ion of this Court to be found in the Constitution. If a case, whether civil or law.
[The Committee on Resolutions here criminal, be one to which the judicial power of the United States extends, its appeared upon the stand.]
A matter in conclusion I ask you to emoval to a Federal Court is no invahear and consider carefully.

A gentleman from New Castle counsion of State domain. On the contrary, a denial of the right of the General Go ty who has been your United States ernment to remove, to take charge of and try any case arising under the Constitu-Senator for more than ten years past I have the honor to call my father. If

will agree to that. The present issues which distract our country were not in existence when he was chosen as your representative; and of late as you are aware, having taken decided ground upon them, he has been civil war, why should not the experiment, called upon by voices many and loud to resign his seat in the Senate. The motives of those who have been most prominent in such requests are of little mo-ment, although their disguise is in many cases but flimsy. To a just man, however, a sense of good faith and and sel respect would prevent his remaining at any time in a false position. If, therefore, he profess to represent the people

there be one thing he has tried fully and

the people of this State. And you will

do him the justice to say he never de

ceived you, nor ever will. He worst foe

it must be in fact not in name alone. The Legislature now in existence were not elected with reference to present is sues, nor can they claim to represent public sentiment in regard to them. The proposition of Mr. Bayard then is, that the Legislature shall resign their seats, and he will then resign his seat in the Senate. The Governor, under the provisions of the constitution, can call a special election to fill the vacancies in the Legislature, at an extra session the next month the public sense can be fairly taken, and the will of the majority expressed. If it be then found that the people of Delaware are in favor of carrying on this war against the Confederate States they will elect such a legislature as will send such a policy and sustain the present Adproper man to the Senate to carry out ninistration-if not, they may elect whom they see fit to lend his powers to restore peace to our land. Let, us, fellowmen, follow peace as our bright north star whose radiance may be mild but never delusive nor uncertain, whilst in the calamities of war and in that worst of war, a civil war, we shall only reach by sheer exhaustion the peace we can

The constantly increasing popularity of Dr. Bull's Baby Syrup is a guarantee of its usefulness and and attack us as traitors and secessionists? children suffering from Wind Colic, Di-We know it shall not, and this day do we arrhea or Dysentery. Prize 25 cents. by common consent, was made a test mouth, Va.

now command in ten days by treaty.

STATE AND FEDERAL COURTS.

The Supremacy of the Latter Maintained. Washington, March 1. A decision was rendered in the Su-

reme Court of the United States to-day in the case of ex parte the Commonwealth

Vestern District of Virginia, to restore to the State authorities two colored pris-oners named Reynolds, indicted in the State courts for murder, and taken by Judge Rives out of the possession of the State officials, and held for trial in the State tribunals a trial by competent ju-rors, without distinction of race or color,

or such as the law of the State guaranteed to them. The removal of the case of the prisoners to the Federal Court was based on Section 641 of the Revised Statutes .-This court held that the section in question has reference to legislative and not law, and that the Constitution and laws of Virginia do not exclude colored citizens from juries. The petition for removal did not, therefore, present a case for removal under Section 641 of the Revised Statutes. The defendants in Revised Statutes. The defendants in this case demand that some part of the jury should be composed of their own race. The denial of that motion was a denial of the rights secured them by any law providing for equal civil rights of citizens of the United States or by any statute or by the fourteenth amendment. A mixed jury in any particular case is not essential to the equal protection of the laws. It is a right to which any col-ored man is entitled that in the selection f jurors to pass upon his life, liberty or property there shall be no exclusions of is race because of color, but that is a different thing from what was claimed as of right and denied in the State Court, viz: a right to have a jury composed in part of colored men. From these principles it follows that the Federal Court had no rightful jurisdiction of the case, and that the writ of Mandamus for the restoration of the prisoners to the State authorities must be granted, and the court so orders. Justice Strong delivered

THE LAW OF WEST VIRGINIA, EXCLUD-ING NEGROES FROM JURIES, PRO-NOUNCED UNCONSTITUTIONAL. A decision was rendered in the Su-preme Court of the United States, this fternoon, in the case of Taylor Strander, plaintiff in error, vs. the State of West Virginia. The question involved was the constitutionality of the Act of the West Virginia Legislature, excluding colored citizens from jury services in courts of that State. The court holds that when a colored citizen is tried for his life by a jury, from which citizens of his own race are, by a State statute, ex-pressly excluded, he is denied the equal rotection of law guaranteed by the third clause of the fourteenth amendment to the Constitution, and that the State statute denying him the right is repugnant to said constitutional provision. The judgment of the Supreme Court of Ap-

The State of South Carolina vs. James M. Davis. The question presented by this case is, whether an internal revenue officer who kills a citizen of a State in elf-defence while in the performance of his duties under the authority of the United States internal revenue laws is ion and laws of the United States, is a denial of the conceded sovereignty of committed to it. It is a denial of the doctrine necessary for the preservation of the acknowledged powers of the Govern-ment. The Court concludes, therefore, that the present case is properly remova-ble to the Federal Court, and that the trial of the guilt or innocence of the prisoner may therefore be had. Justice strong delivered the opinion, Justices

Field and Clifford dissenting. THE UNITED STATES COURTS HAVE THE RIGHT TO ARREST AND TRY A STATE JUDGE FOR OMITTING TO PERFORM A DUTY IMPOSED BY A STATE LAW.

Washington, March 2. The famous case ex parte the Com-monwealth of Virginia and J. D. Coles, petitioners, has been decided adversely o the petitioners. This was a petition for a writ of habeas corpus to bring be-fore this court the case of Judge Coles, of Virginia, indicted in the Federal Court for the western district of that State for violation of the Act of March 4, 1879, in excluding colored citizens from jury lists on account of race and

facts: Judge Rives, the United States District Judge for the Western District of Virginia, directed his grand jury, some time since, to find indictments against all judges of the State of Virginia within their district wherever it hould appear that such judges had never at any time placed negroes upon the lists of jurors made out by them. In the absence of evidence as to the motive of the lists, he thought it proper to assume in such case that there had been a purpose to discriminate on account of race and color. Pursuant to this charge of Judge Rives indictments were found in the Federal Court against certain State judges of Virginia, and various judges, in-cluding Judge Coles, have been arrested and held for trial. Judge Coles, not ad-mitting that the United States Court has any jurisdiction of the matter charged in the indictment, or that he is amenable to Judge Rives for the proper performance effectiveness for of his judicial functions, by advice of

This Court holds that the act under which Judge Coles was indicted is fully

authorized by the thirteenth and four-teenth amendments to the Constitution, and that it was Judge Coles' duty to obey that act, and if he failed to do so he was properly liable to indictment in the Fed-This was a petition for a writ of mandamus to compel Judge Rives, of the United States District Court for the United States District Court for the Justice Field, in a dissenting opinion, which was concurred in by Justice Clifford, holds that the act under which the petitioner was indicted, so far as it relates to jurors in the State Courts, is unconstitutional and void, and, even if it were

not, the indictment describes no offence Federal Court on the ground that they (the prisoners) had been denied in the holds that nothing can be found in the Constitution or its amendments which authorizes any interference by Congress with the States in the administration of their government and the enforcement of their laws with respect to any matter over which jurisdiction was not surrendered to the United States. Nothing, in his judgment, could have a greater tendency to destroy the independence and autonomy of the States and reduce them to a humiliating and degrading dependence upon the central government, engender constant irritation and destroy that domestic tranquility which it was one of the objects of the Constitution to insure. than the doctrine asserted in this casethat Congress can exercise coercive au-thority over the judicial officers of the States in the discharge of their duties under State laws. It will be only another step in the same direction toward consolidation, when it assumes to exercise similar coercive authority over the governors

and legislators of states.

After reviewing the history of the thirteenth and fourteenth amendments, and declaring that they afford no warrant for the Act of Congress under which Coles was indicted, Justice Fields says that those who regard the independence of the States in all their reserved powers as essential to the successful maintenance of our form of government, cannot fail to view with the gravest apprehension for the future any indictment in a court of the United States of a judicial officer of a State for the manner in which he has discharged his duties under her laws, and of which she makes no complaint.

The proceeding is a gross offence to the State. It is an attack upon her sovereignty in a matter over which she has never surrendered her jurisdiction.

The doctrine which sustains it, carried to its logical results, would degrade and sink her to the level of a mere municipal corporation. For if Congress can punish an officer of a State for the manner in which he discharges his duties under her laws, it can fix the nature and extent of life or punish by removal from office. To these results Justice Field thinks that the doctrine held by the majority of the Court necessarily lead.

Charter of the Auderson and Easley Railroad Company.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General

Child, A. T. Broyles, P. K. McCully, and such other persons and corporations as may be associated with them, and their successors and assigns be, and they are hereby, declared and created a body politic and corporate by the name and style of the "Anderson and Easley Railgovernment with authority extending over the whole Union; that it can only and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or in the United States; may make by-laws and appoint all necessary officers and of their authority, these officers can be and appoint all necessary officers and arrested and tried in State Courts for an prescribe their duties, and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned; may make contracts, have and use a common scal, and do all other lawful acts prop-erly incident to and connected with said of the State Court, the operations of the corporation and necessary for the control and transaction of its business: Provided. That their by-laws be not repug-

nant to the Constitution and laws of this State or of the United States. SEC. 2. That the said company be, and hereby is, authorized and empowered to construct, maintain and operate a railroad extending from the town of Anderson, S. C., to Easley, in the County of Pickens, S. C., and from thence across the mountains to such point in North Carolina as may be fixed by said com-pany: Provided, The State line shall be and the said railroad company are here-by authorized and empowered to connect with any railroad now built or hereafter to be built at Anderson and at Easley. and may combine or consolidate with any railroad now built or hereafter to be built at Easley upon such terms and condi-

tions as may be agreed upon. Sec. 3. That for the purpose of carrying out the intentions of this act the said "Anderson and Easley Railroad Company" is invested with all and singular the rights, powers and privileges granted in the Act entitled "An Act to harter the Savannah Valley Railroad Company," approved March 12, 1878. and the Acts amendatory thereof, passed before the date hereof, except that the same shall only apply to the territory embraced in the towns of Anderson, Easley and Pickens, and the townships of Broadaway, Garvin and Brushy Creek, in Anderson County, and Easley, in Pick-ens County, for the purpose of making corporate subscriptions, which said town-ships are hereby declared and created bodies politic and corporate under the said names respectively, and are vested with all of the powers and rights given to the townships named in the said Act to charter the Savannah Valley Railroad Company and the said Acts amendatory thereof; and the County Commissioners of Anderson and Pickens counties are hereby constituted and declared to be incorporated situate within the limits of heir respective counties.

Sec. 4. The said company may organ ize and begin the construction of said railroad as soon as the sum of twenty thousand dollars shall be subscribed to the capital stock.

SEC. 5. This Act shall be deemed a ublic Act, and take effect on and after ts passage: Provided, Its provisions hall cease and determine unless the construction of said railroad is begun on o efore the 1st day of January, A. D.

For a severe and aggravated cough ac

AN APPEAL TO JUDGE LYNCH.

Speedy Justice Meted to the George's VII-

Special Dispatch to the News and Courier. BRANCHVILLE, March 1.

As you have been already advised, an outrageous assault was perpetrated upon Mrs. Byrd, six miles from George's, on Saturday morning, by a one-armed negro. From the description he was believed to be the same man who committed a brutal assault and robbery on an old lady also named Byrd, a mile and a half from this place, on the 4th of February, and who has been prowling about this section, keeping the women, both white and colored, in constant terror. His evil reputation extended through this section of country for twenty miles in Colleton and Orangeburg, and the fear of him was widespread. He pursued two colored

women only last week.

On Saturday a regular hunt was organ ganized—the entire male population par-ticipating. Every road was picketed and the roads thoroughly searched. At 4 o'clock yesterday (Sunday) morning he was captured in the road, three miles from the scene of the previous day's out-rage and taken to Byrd's house, where he was identified by Mrs. Byrd, and confessed. Some seventy-men were present and a vote was taken as to the disposition of the prisoner. The colored men were in the majority, and they voted solidly, with two ex-ceptions, to let the law take its course. In obedience to this decision the man, who gave the name of Louis Kinder, having been variously known as Moses, Fulton, Gaillard and Skinner was taken to George's and turned over to Trial Justice Reid, who placed him in the town guardhouse, under a strong guard. An

unsuccessful effort was made during the night to take him out, the attacking party being repulsed. The prisoner was sent to Walterboro' this morning in charge of two special constables, with a commitment issued on the affidavit of Mrs. Byrd. When a met by a party of seven or eight men who forcibly took Kinder from the offi-cers and rode off towards Walterboro'. This party was said to consist lagely of the relatives of the Byrds. The consta-bles returned to George's and reported, and a posse was sent in pursuit. hint received there I took the Branchriding overtook the party three miles from here. They had the negro chained by the neck, walking behind a buggy, which was driven slowly, and they allowed him to ride occasionally. The party was composed of five men in two buggies and two or three on horseback.

The prisoner was taken to a secluded spot in the woods and kept until night, a number of men coming here and idling about. Kinder had stated that the as sault and robberry on Mrs. Byrd a month ago was done by his partner, Isaac Jen-kins, living near Williston, and the party sent after him. About 9 o'clock to-night Kinder was

brought in quietly and confronted with Mrs. Byrd, who recognized him as her assailant. He still denied this crime, Assembly, and by the authority of the however. It had been intended to bring same:

Jenkins from Williston and confront him peals of West Virginia is reversed. Justice Strong delivered the opinion, Justices
Field and Clifford dissenting.

THE RIGHT OF REMOVAL IN CERTAIN CASES FROM STATE TO THE FEDERAL COURTS MAINTAINED.

The State of South Carolina vs. James

Same:

SECTION 1. That Stephen McCully, J. William, S W. A. Neal, D. H. Russell, W. S. Pickens, J. W. Rosamond, J. S. Latham, T. H. Russell, J. R. Gossett, R. E. Bowen, W. T. Bowen, D. F. Bradley, R. A. Incomplete the scene by the camp-

> over a convenient limb and a buggy drawn under, on the seat of which Kir der stood bound, his one arm being strap-ped to his side. He was given ten minutes, during which he prayed fast and fervently in a muttering tone. His answers to interrogations were respectful but made in a firm voice, although he trembled violently. From his confession it appears that he was a native of Greenville, but had been living about Kings months had been continually prowling about the country at night, sleeping in the woods by day and existing solely by theft, disposing of the proceeds of his robberies at various places.

He acknowledges the commission of an outrage on a colored woman in New berry six years ago, the killing of a col-ored girl near Kingston last April, although he insisted that this was acci-dental; four burglaries and innumeramoment he acknowledged that he assaulted the elder Mrs. Byrd, having nied it previously, but claimed that Jenkins participated in that crime. He said he thought that he deserved death, and hoped that he had made his peace

with God. At a signal four men seized the shafts of the buggy and drew it from under him, giving a drop of two or three feet, which seemed to break his neck instantly. He hardly struggled at all. As well could be seen in the darkness he was swung at half-past 10, and after he had been hanging twenty minutes the crowd dispersed, leaving the body suspended, after firing a volley into it from their

Kinder alias Fulton, alias Skinner alias Gaillard, was a man apparently not more than twenty-seven years old, five feet nine inches in height, slenderly built, poorly dressed, being ragged and barefooted, and with a rather bad expression of countenance. He seemed to be a man of some education, speaking correctly and being able to read and write. Several colored men were present at the hanging and assisted. The colored citizens abou here, so far as I have seen, unanimously endorse the action of the Vigilants.

There was little or no excitement even on the ground. One or two derisive remarks from the crowd and some firing off pistols and cheering while returning to town were the only symptoms of dis order.

Kinder attributed his capture to the loss of a black cat, which, he stated, he had purchased from Gypsies, and would have insured him against being caught or losing at gambling. On his body was found a charm consisting of bones and roots sewed up in buck skin. He was armed with an immense revolver takeu.

- An Illinois schoolmistress was unable to chastise the biggest girl pupil, and called in a young school trustee to asfender was his own sweetheart, but his sense of duty triumphed over his love, and he whipped the girl. Not only did this result in losing him a sweetheart but her father sued him for damages, and got a verdict for \$50.

Assist the child in time. Do not wait companied by a sore chest. I have used cruited and the health of the child des Dr. Bull's Cough Syrup with the most satisfactory results, obtaining as I did seedy relief. John Glover, Portsfails to do the work well, if used accord-