

THE REVISED STATUTES

OF THE

STATE OF SOUTH CAROLINA,

Prepared by Commissioners under an Act of the General Assembly, Approved March 9, 1869,
to which is prefixed the

CONSTITUTION OF THE UNITED STATES

AND THE

CONSTITUTION OF SOUTH CAROLINA.



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CHAPTER CXXVIII.

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SECTION 1. Murder is the killing of any person with malice aforethought, either express or implied.

Co. Ent. 34; 2 Inst., 148; 2 Rol., 120; 2 Rice's Digest, 104-5; 2 Hill, 619; 1 Spears, 146, 384
 2 Stob. 77; 5 Str.-b., 91; 10 Rich., 341; 12 Rich., 402.

SEC. 2. Whoever is guilty of murder shall suffer the punishment of death.

SEC. 3. Whoever shall stab or thrust any person or persons that has not then any weapon drawn, or that has not then first stricken the party which shall so stab or thrust, so as the person or persons so stabbed or thrust shall thereof die within the space of six months then next following, although it cannot be proved that the same was done of malice aforethought, yet the party so offending, and being thereof convicted, shall suffer death as in the case of willful murder: *Provided*, That nothing herein contained shall extend to any person who shall kill any person or persons in self-defense, or by misfortune, or in any other manner than as aforesaid; nor to any person who, in keeping and preserving the peace, shall chance to commit manslaughter, so as the said manslaughter be not committed wittingly, willingly and of purpose, under pretext and color of keeping the peace; nor shall extend to any person who, in chastising or correcting his child shall, besides his or their intent and purpose, chance to commit manslaughter.

SEC. 4. All willful killing by poisoning of any person or persons, shall be adjudged, taken and deemed willful murder of malice pre-
 pense; and the offenders therein, their aiders, abettors, procurers and counsellors, shall suffer death, as in other cases of willful murder.

SEC. 5. Whoever shall unlawfully and maliciously administer to, or cause to be taken, by any person, any poison or other destructive thing, with intent to kill such person, every such offender, and every person counseling, aiding or abetting such offender, shall be guilty

Murder defined.

52 H. 3, c. 25;
 1712, II, 418.
 Keyling, 123;

Punishment.
 1868, XIV, 175,
 § 1.

Killing by stabbing, murder.

1 J. 1, c. 8;
 1712, II, 597, § 2;
 3: Stob., 86, 468; 1
 Hale's P. C., 468;
 Foster's Rep. of
 Crown Cases;
 Allen, 43, 44.

Killing by poisoning murder.

1 Ed. 6, c. 12;
 1712, II, 479.
 1 Bulstr., 87;
 Plowd., 473; 4
 Coke, 47.

Attempts to poison.

1859, XII, 832.

of felony, and shall be punished by imprisonment in the penitentiary not exceeding ten years nor less than two years.

Manslaughter.
1869, XIV, 175,
5 2.

SEC. 6. Manslaughter, or the unlawful killing of another without malice, express or implied, shall be punishable by hard labor in the penitentiary, not exceeding thirty years nor less than two years.

Challenging to
fight.
1812, V, 671,
§ 1; 1809, XIV,
232, § 1. (See
Con., Art. 1,
§ 32.) 3 Brev.,
233; 2 N. &
McC., 181; 2
Spears, 247; 2
McC., 334; 1
McC., 126.

SEC. 7. Whoever shall challenge another to fight at sword, pistol, rapier, or any other dangerous weapon, or who shall accept any such challenge, shall, for every such offense, on conviction thereof, be deprived of the right of suffrage, and be disabled forever from holding any office of profit or honor under this State, and shall be imprisoned in the penitentiary for a term not exceeding two years, at the discretion of the Court.

Carrying chal-
lenges, &c.
1b, § 2.
2 N. & McC.,
13; 2 Spears, 247.

SEC. 8. Whoever shall willingly or knowingly carry or deliver any such challenge, in writing, or verbally deliver any message intended as, or purporting to be, such challenge, or who shall be present at the fighting of any duel as a second or aid, or give countenance thereto, shall, for every such offense, on conviction thereof, be forever disabled from holding any office of profit or honor under this State, and shall be imprisoned in the penitentiary for a term not exceeding two years, at the discretion of the Court.

Any one con-
cerned in a duel
may give evi-
dence without
criminating him-
self.
1823, VI, 208,
§ 1; 2 N. & McC.,
13.

SEC. 9. Upon the trial of all indictments for duelling, any person concerned therein, either as principal or second, or as counseling, aiding and abetting in such duel, shall and may be compelled to give evidence against the person or persons actually indicted, without criminating himself, or subjecting or making himself liable to any prosecution, penalty, forfeiture or punishment on account of his agency in such duel.

If two are con-
cerned, one may
be used in evi-
dence.
1b.

SEC. 10. In every case where two or more persons shall be charged in any indictment for fighting a duel, or being concerned therein, either of such persons may be used as a witness or witnesses in behalf of the State, by having his or their names stricken out of the indictment, or otherwise, at the discretion of the Attorney General or Solicitor, or other attorney acting for the State, conducting such prosecution, of which an entry shall immediately be made on the minutes of the Court; and in case any such person or persons so used as a witness or witnesses in behalf of the State, in any prosecution for fighting a duel, or for being concerned therein, shall afterwards be indicted for the same offense, the fact of his or their being used as a witness or witnesses on the former prosecution for the same offense, shall and may be pleaded in bar to such subsequent indictment, and, on proof thereof, by competent evidence, such person or persons shall be thereof acquitted and discharged.

SEC. 11. Whoever shall make an assault upon another person

with any deadly weapon, carried concealed about the person, every such person, upon conviction, under indictment, shall be fined not less than two hundred, and not more than two thousand dollars, and shall be imprisoned for a period not exceeding six months, at the discretion of the Court, and shall, moreover, be required by the Court to find sureties for the peace, and for good behavior for one year after the termination of such imprisonment.

Assaults with
deadly weapons.
1838, XI, 743.

SEC. 12. Whoever shall ravish a woman, married, maid, or other, where she did not consent, neither before nor after, and likewise, where a man ravisheth a woman with force, although she consent after, he shall be deemed guilty of rape, and shall be punished by hard labor in the Penitentiary for life, or for a period not less than ten years, according to the aggravation of the offense.

Rape.
39 Ed. 1, c. 34;
1712, II, 422;
1869, XIV, 175,
§ 3.

SEC. 13. If any person shall unlawfully and carnally know and abuse any woman-child under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof, being duly convicted, shall suffer as for a rape.

Carnal know-
ledge of woman-
child under 10.
18 Eliz., c. 7;
1712, II, 498, § 1;
3 Brev., 339.

SEC. 14. Any attempt, by fraud or force, to ship, against his will, any person as a seaman, on board any vessel in any port of this State, is hereby declared a misdemeanor, to be punished by fine and imprisonment, at the discretion of the Court.

Kidnapping sail-
ors.
1855, XII, 402,
§ 1.

SEC. 15. If any person shall procure and carry without the limits of the State any minor or person under the age of twenty-one years, without the consent of the parents or guardian of such minor, such person shall, upon conviction thereof, be fined in a sum not less than one hundred, nor more than five hundred dollars, or be imprisoned in the Penitentiary of the State for a period of not less than one year.

Kidnapping mi-
nors.
1871, XIV, 346,
§ 2.

SEC. 16. If any person within this State shall suffer injury to life or limb, by the explosion of any boiler of a steamboat, or by reason of the unskillfulness, mismanagement or negligence of the person or persons having the charge or command of the said boat, or her engine, or by reason of any defect in the said engine or boat, or by reason of the deficiency or want of any matter or thing necessary and proper for the management or seaworthiness of the said boat, the captain, master or other person having the command or charge of such boat, shall, for every such injury, be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, at the discretion of the Court before which such conviction shall be had: *Provided, however,* That nothing contained in this Section shall be so construed as to prevent the defendant from showing, on the trial, that the injury arose from unavoidable accident, and without fault on his part, and that this Section shall not in any manner be construed to restrict the liability of any

Punishment for
injuries from
steamboat explo-
sions, &c.
1837, VI, 571,
§ 1.

person to be indicted, tried and punished, under any law now existing.

Willful neglect of railroad employees. 1857, XII, 634.

SEC. 17. Any engineer or conductor of any railroad company in this State who shall willfully neglect to observe, or shall willfully violate any rule or regulation of the company to which such engineer or conductor may belong, whereby any person or persons shall sustain, or be in danger of sustaining, any bodily injury, such engineer or conductor shall be liable to be indicted for every such offense, and, upon conviction thereof, be fined two hundred dollars, and imprisoned not exceeding one year, at the discretion of the Judge before whom such case may be tried: *Provided, however,* That nothing herein contained shall be so construed as to relieve such engineer or conductor from responsibility, in cases where the life of any person is destroyed, under the law as it now exists.

Proviso.

Obstructing railroads. 1850, XII, 101.

SEC. 18. If any person or persons shall willfully and maliciously place, or cause to be placed, on the track or other part of the passage way of any railroads, on which steam engines or hand cars are used, any timber, stone or other obstruction, with intent to injure or impede the passage of any cars or means of conveyance, such person or persons shall be deemed guilty of felony, and, on being thereof convicted, by due course of law, shall be sentenced as follows: Should such obstruction cause any hurt, maim or serious personal injury, to any human being, not causing death within a year and a day, the offender shall be sentenced to such fine and imprisonment as the Court may impose, and shall be adjudged a felon; and should the death of any human being result from said impediment, within a year and a day, the offender shall be adjudged guilty of murder, and shall suffer death: *Provided,* That nothing herein shall in any manner take away any right of action for damages for injuries to the person or property of any person or body corporate caused by any injury, obstruction or damage done to any railroad or its buildings, tracks or constructions.

Proviso.

Place of trial for certain injuries resulting in death. 1859, XII, 822, § 1.

SEC. 19. When any person shall be struck, wounded, poisoned, or otherwise injured or ill treated within the limits of this State, and shall die thereof beyond the limits of this State, whether on the high seas or elsewhere, the person so striking, wounding, poisoning, or otherwise causing death as aforesaid, shall be subject to indictment, trial and punishment in the County in which said stroke, wound, poisoning, or other injury or ill treatment was committed, in all respects the same as if the death had occurred in the said County.

When injury is inflicted beyond limits of State, &c. 1859, XII, 822, § 2.

SEC. 20. Where any person within the limits of this State shall inflict an injury on any person, who, at the time said injury is inflicted, is beyond the limits of this State, or where any person be-

yond the limits of this State shall inflict an injury on any person, at the time, within the limits of this State, and such injury shall cause the death of the person injured, in either case the person causing such death shall be subject to be indicted, tried and punished; in the first case, in the County of this State where the person inflicting the injury was at the time when the same was inflicted; and, in the second case, in the County in which it was received; and the procedure and punishment shall be in all respects the same as if both parties were within the said County at the time said injury was inflicted, and the homicide had been in all respects completed in said County.

SEC. 21. Where any injury is inflicted by any person within the bounds of one County of this State, on a person within the bounds of another County, and death shall ensue therefrom, and the party dies within this State, indictment, trial and punishment shall be the same as if the homicide had been committed altogether within the County where the party dies; and where the party dies without the jurisdiction of this State, indictment, trial and punishment shall be the same as if the homicide had been completed in the County where the injury causing death was received.

Where parties are in different Counties, &c. *Ib.*, §23, § 3.

CHAPTER CXXIX.

OF OFFENSES AGAINST PROPERTY.*

Sec.	Sec.
1. Burning houses and public buildings.	16. Stealing from the person.
2. Furning, &c., stacks of corn, &c., in night time.	17. Obtaining goods under false pretenses.
3. Burning, &c., stacks of corn, &c., in day time.	18. Buying and selling stolen goods.
4. Burning frames of timber prepared for building.	19. Malicious wounding and destruction of horses, &c.
5. Burning carts, wood, &c.	20. Malicious injury to trees, houses, &c.
6. Setting fire to grass, &c.	21. Criminal action only allowed.
7. Punishment of burglary.	22. Penalty for disfiguring animals.
8. Stealing of bonds, &c., punishable as stealing of goods of like value, &c.	23. Penalty for disfiguring sheep, hogs, &c.
9. Stealing from the field.	24. Obstructing creeks, &c.
10. Stealing or letting loose boats; infomer's share.	25. Obstructing fish sluices.
11. Breach of trust with fraudulent intent.	26. Entry on lands of another a misdemeanor.
12. Larceny of goods, &c.	27. Swindling.
13. Stealing horses, &c.	28. Proceedings to be taken under preceding Section.
14. Restitution of stolen goods.	29. Injuring bridges.
15. Stealing bedding or furniture from lodgings.	30. Obstructing ditches and drains.
	31. Cutting down shade trees on public road.

*NOTE.—For other offenses against property, see: *Highways*, Chapter 44, Sections 6, 9, 14 and 19; *Water Courses*, Chapter 46, Sections 9, 12, 13 and 14; *Bridges, Turnpikes and Ferries*, Chapter 47, Sections 2, 3, 5, 11, 12, 18, 19, 20, 21, 22, 25, 26, 28 and 29; *State Road*, Chapter 48, Sections 14, 15 and 17; *Drifted Lumber*, Chapter 72; *Of the Protection of Game*, Chapter 77, Sections 2, 10, 14, 15, 16, 21, 22 and 23; *Of the Protection of Oyster Beds*, Chapter 78, Sections 1 and 2.