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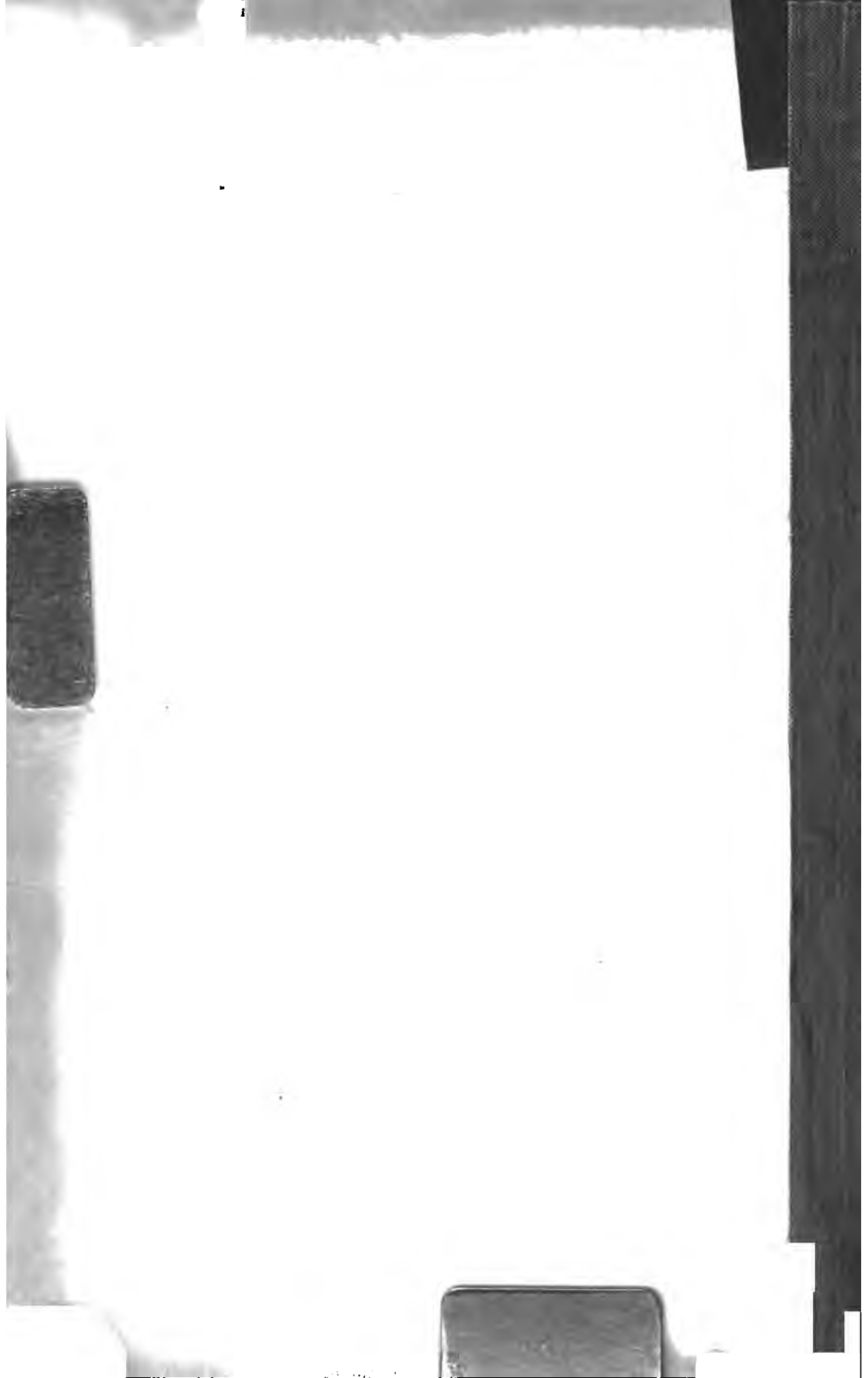

South Carolina Collection

ACTS

AND

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED AT THE

REGULAR SESSION OF 1889.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY, AND DESIGNED TO FORM A PART OF THE TWENTIETH VOLUME OF THE STATUTES AT LARGE, COMMENCING WITH THE ACTS OF THE REGULAR SESSION OF 1888.

COLUMBIA, S. C.
JAMES H. WOODROW, STATE PRINTER.
1890.

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ACTS AND JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA

Passed at the Regular Session which was begun and held at the City of Columbia on the Twenty-Sixth Day of November, A. D. 1889, and was adjourned without day on the Twenty-Fourth Day of December, A. D. 1889.

JOHN P. RICHARDSON, Governor. W. L. MAULDIN, Lieutenant Governor and *ex officio* President of the Senate. JAMES SIMONS, Speaker of the House of Representatives. HENRY A. GAILLARD, Clerk of the Senate. JOHN T. SLOAN, Clerk of the House of Representatives.

PART I.

General Laws and Joint Resolutions.

A. D. 1889.

No. 166.

AN ACT TO ACCEPT THE DEVISE AND BEQUEST OF THOMAS G. CLEMSON, AND TO ESTABLISH AN AGRICULTURAL COLLEGE IN CONNECTION THEREWITH.*

Preamble reciting terms of Mr. Clemson's will.

Whereas the Honorable Thomas G. Clemson departed this life on the sixth day of April, A. D. 1888, leaving of force his last will and testament, which was duly admitted to probate on the twentieth day of April, 1888, in the office of the Judge of Pro-

[*This Act was ratified at the regular session of the General Assembly in December, 1888, but was presented to the Governor less than three days before the adjournment of that body. He did not approve the Act and return it to the General Assembly until the second day of its regular session in November, 1889. While, therefore, this is an Act of the regular session of 1888, it is necessarily published with the Acts of 1889.—EDITOR.]

A. D. 1889.

bate for the County of Oconee, in the State of South Carolina, wherein he devised and bequeathed to his executor, Richard W. Simpson, of Pendleton, South Carolina, a tract of land situate on Seneca River, in Oconee County, in said State, containing eight hundred and fourteen acres, more or less, known as the Fort Hill plantation, as well as all of his other property, both real and personal, except certain legacies in the said will mentioned and provided for, all in trust to convey to the State of South Carolina when the said State shall accept the same for the purpose of establishing and maintaining an Agricultural and Mechanical College upon the aforesaid Fort Hill plantation upon the terms and conditions of said will; therefore,

SECTION 1. *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 same, That the State of South Carolina hereby expressly declares that it accepts the devise and bequest of Thomas G. Clemson subject to the terms and conditions set forth in his said last will and testament, and that the Treasurer of the State be, and he is hereby, authorized and empowered to receive and securely hold the said property, both real and personal, and to execute all necessary papers and receipts therefor as soon as the said executor shall convey and transfer the said devise and bequest to the said State.

Acceptance of the devise and bequest.

State Treasurer to take the property.

Establishment of an Agricultural and Mechanical College.

SEC. 2. That upon the execution of a deed and transfer of said property to the State by the said executor in accordance with the provisions of said will, an Agricultural and Mechanical College shall be, and the same is hereby, established in connection with the aforesaid devise and bequest, to be styled "The Clemson Agricultural College of South Carolina," and to be situated at Fort Hill, in Oconee County, on the plantation so devised, in which College shall be taught all branches of study pertaining to practical and scientific agriculture and other industries connected therewith, and such other studies as are not inconsistent with the terms of the said will.

Name and location.

Branches of study.

Board of Trustees.

SEC. 3. That said College shall be under the management and control of a Board of thirteen Trustees, composed of the seven members nominated by said will and their successors and six members to be elected by the Legislature in Joint Assembly every fourth year after the first election; said Board to elect one of their number to be President, and to elect a Secretary and fix his salary. They shall organize the College and put it in operation as soon as practicable after the passage of this Act; shall

President and Secretary.

Duties of the Board.

prescribe the courses of study, shall declare the professorships, elect the professors, of whom the number shall not exceed ten, and define their duties and fix their salaries, and make all rules and regulations for the government of the College. They may employ such superintendent, head workmen, laborers for the farm, shops and grounds as may be necessary, and fix their compensation. They shall charge each student a tuition fee of forty dollars per annum: *Provided*, That said fee shall not be charged until the funds arising out of the said bequest shall be exhausted in accordance with the terms of the said will: *Provided, further*, That indigent students shall not be required to pay said tuition fee.

Courses of study. Professors.

Superintendent and laborers.

Tuition.

Proviso.

Indigent students.

SEC. 4. That the said Board of Trustees is hereby declared to be a body politic and corporate, under the name and style of the Clemson Agricultural College of South Carolina. They shall have a corporate seal, which they may change at their discretion; and in their corporate name they may contract for, purchase and hold property, for the purposes of this Act, and may take any property or money given or conveyed by deed, devise or bequest to said College, and hold the same for its use and benefit: *Provided*, That the conditions of such gift or conveyance shall in no case be inconsistent with the purposes of this Act, and shall incur no obligation on the part of the State. They shall securely invest all funds and keep all property which may come into their possession, and may sell any of the personal property not subject to the trust, and reinvest the same in such way as they may deem best for the interest of said College. They may sue and be sued, plead and be impleaded, in their corporate name, and may do all things necessary to carry out the provisions of this Act, and may make by-laws for this purpose if they deem it necessary.

Incorporation and powers.

Property rights.

Proviso.

Investment of funds.

Other powers.

By-laws.

SEC. 5. That it shall require a two-thirds vote of the said Board of Trustees to authorize the expenditure of any moneys appropriated to the said College by the State, or to authorize the sale or transfer or reinvestment of any property or moneys arising from the sale of any property under the provisions of this Act.

Expenditure of moneys.

And sale of property.

SEC. 6. That for the purpose of erecting buildings on said Fort Hill plantation, and of purchasing stock and implements therefor, and paying expenses, as herein provided, the sum of three thousand dollars be, and the same is hereby, appropriated, if so much be necessary, to be paid by the State Treasurer upon the order of the Board of Trustees of said College, signed by

Appropriation for buildings, tools and stock.

A. D. 1889.

their President and Secretary: *Provided*, That not more than fifteen hundred dollars thereof shall be used in erecting buildings, fixtures or permanent improvements on said Fort Hill plantation pending litigation in respect to said property: *And provided, further*, That all personal property purchased with money appropriated by the State shall be taken and held by the Board of Trustees as property of the State of South Carolina, and it shall be the duty of said Board of Trustees to make to the Legislature an annual report of the College, and of all farming operations and tests and experiments, and of all receipts and expenditures, with a statement of the condition of the property and funds of said College, and of all receipts and expenditures of money appropriated thereto by the State.

Limit as to permanent improvements.

Property of the State.

Annual report by the Board.

Repealing clause.

SEC. 7. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved November 27th, A. D. 1889.

No. 167. AN ACT TO PROVIDE FOR THE SEPARATION OF GENERAL LAWS AND JOINT RESOLUTIONS FROM THOSE RELATING TO OTHER MATTERS IN THE BINDING AND INDEXING THEREOF.

SECTION 1. *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 same, That it shall be the duty of the editor or editors charged with the duty of preparing the Acts and Joint Resolutions for publication, in addition to indexing and making marginal notes of Acts and Joint Resolutions as now provided by Section 493 of the General Statutes, to arrange the same for the printer according to the subject matter thereof, so that all General Laws and Joint Resolutions shall be collected and bound together separately in the first part of the volume and be entitled "General Laws and Joint Resolutions;" and all Acts relating to matters other than public shall be collected and bound together in the latter part of the volume and be entitled "Special Acts and Joint Resolutions," and shall also index the same separately. And all local Acts and Joint Resolutions shall be arranged according to Counties in alphabetical order.

Separation of Acts and Joint Resolutions.

Separate Index.

Local Acts.

Approved December 23d, A. D. 1889.

AN ACT TO RATIFY THE AMENDMENT TO ARTICLE 4 OF THE CONSTITUTION OF SOUTH CAROLINA BY ADDING THERETO A SECTION TO BE KNOWN AS SECTION 20 THEREOF, IN LIEU OF SECTION 20 OF SAID ARTICLE AS IT NOW STANDS. A. D. 1889. No. 168.

SECTION 1. *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 same, That the amendment to Article four (4) of the Constitution of the State of South Carolina, which was submitted by Joint Resolution of the last past General Assembly, approved December 19th, 1887, to the qualified electors of the State, at the general election next thereafter, to be known as Section 20 of said Article of the Constitution, and to take the place and stand instead of Section 20 of said Article as it now stands, and upon which a majority of the electors qualified to vote for members of the General Assembly of this State, voting thereon at the last past general election, voted in favor of the said amendment, be, and the same is hereby, ratified and made a part of the Constitution of the State of South Carolina. That the said amendment so made a part of the said Constitution is as follows:

Declaring its adoption.

19 St., 1176.

Ratification.

"SECTION 20. A Court of Probate shall be established in each County, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors, and the allotment of dower, in cases of idiocy and lunacy and persons *non compos mentis*. The Judge of said Court shall be elected by the qualified electors of the respective Counties for the term of four years."

Section as amended.

Approved December 7th, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF STATE TO PURCHASE DESKS FOR THE ENGROSSING DEPARTMENT. No. 169.

SECTION 1. *Be it resolved* 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 same, That the Secretary of State be, and he is hereby, authorized and empowered to purchase for the use of the Engrossing Department eight suitable desks for the use of that Department, the said desks to be paid for out of any money in the Treasury not otherwise appropriated, on the warrant of the Comptroller General issued to the Secretary of State.

Desks to be purchased.

How paid for.

Approved December 7th, A. D. 1889.

A. D. 1889.

No. 170.

AN ACT TO FURTHER EMPOWER COUNTY COMMISSIONERS TO OPEN AND ESTABLISH PUBLIC HIGHWAYS.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, not met and sitting in General Assembly, and by the authority of the same, That in addition to the manner now provided by law for opening and establishing public highways, County Commissioners are hereby empowered to order out all hands liable to road duty residing within three miles of the line of the proposed highway, and require them to open and establish such, in the same manner that they are required to work upon and repair the common highways.

What hands to be ordered out.

Gen. Stat., § 1085, to apply.

SEC. 2. All the provisions and penalties of Section 1085 of the General Statutes shall apply to this Act.

Approved December 17th, A. D. 1889.

No. 171.

AN ACT TO AMEND THE MILITIA LAWS OF THIS STATE.

SECTION 1. *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 same, That the Governor is hereby authorized to organize into companies such of the reserve militia as, in his judgment, may be necessary, where application for such organization may be applied for in any County, and also to uniform, arm, and equip such companies with such uniforms, arms, and equipments as may be at the disposal of the Adjutant and Inspector General and not needed for the active militia of the State: *Provided,* Such companies shall not be entitled to any part of the appropriation provided in the Act of December, 1883, entitled "An Act to amend the Militia Laws of the State."

Reserve militia.

Not entitled to appropriation. 18 Stat., 456.

Uniform.

SEC. 2. That in addition to the uniform provided for by Section 4 of the Act to amend the Militia Law, approved 24 December, 1883, the Adjutant and Inspector General may authorize and permit any company or companies to be uniformed in the regulation uniform of the United States army.

Number of drills required.

SEC. 3. That all infantry companies shall drill for one hour at least twelve times a year, cavalry companies four times, and

artillery companies six times a year, at each of which drills there shall be present at least sixteen men. The report of said drills shall be made by the commanding officers to the Adjutant and Inspector General at the annual inspection and shall be attested by the oath of such commanding officers and the First Sergeants of companies. And no company shall be deemed to have maintained its organization in accordance with the provisions of Section 2 of the Act to amend the Militia Law, approved 24 December, 1883, and be entitled to share in the distribution of the State appropriation, which has not fully complied with the requirements of this Section.

A. D. 1889.

Report by officers.

Provision as to appropriation.

SEC. 4. That such appropriation as is made in aid of the maintenance of the militia shall be paid by the Adjutant and Inspector General to the commanders of companies entitled thereto, whose receipts therefor shall be filed in his office as vouchers therefor.

Money to be paid to commanders.

SEC. 5. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO APPROPRIATE THE FUND RECEIVED FROM THE UNITED STATES GOVERNMENT FOR RENT OF AND DAMAGE TO THE SOUTH CAROLINA MILITARY ACADEMY TO CERTAIN USES," APPROVED DECEMBER 22ND, 1888.

No. 172.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting General Assembly, and by the authority of the same, That Section 2 of an Act entitled "An Act to appropriate the fund received from the United States Government for rent of and damage to the South Carolina Military Academy to certain uses," approved December 22nd, 1888, be amended by adding to Section 2 the following: And the Governor, Attorney General and Comptroller General are hereby appointed a Commission, on the part of the State, to adjust such claims and order their payment from said fund, and that for the balance, if any, of said amount the Comptroller General is hereby authorized and

A. A. 1888, § 2, ante 20, amended.

Commission to adjust claims.

A. D. 1889.

directed to draw his warrant on the State Treasurer in favor of the Chairman of the Board of Visitors of the South Carolina Military Academy, to be applied by him to the permanent improvement and equipment of said Academy as they may deem best.

Surplus to go to improvements.

When to take effect.

SEC. 2. That this Act shall take effect immediately upon its approval by the Governor.

Approved December 23d, 1889.

No. 173. AN ACT TO MAKE APPROPRIATIONS FOR THE PAYMENT OF THE PER DIEM, MILEAGE AND STATIONERY CERTIFICATES OF THE MEMBERS OF THE GENERAL ASSEMBLY, THE SALARIES OF THE SUBORDINATE OFFICERS AND EMPLOYEES THEREOF, AND FOR OTHER PURPOSES HEREIN NAMED.

SECTION 1. *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 same, That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the General Assembly at the regular session beginning on the twenty-sixth day of November, 1889, to the close of the session, and for other purposes herein named, as is more specially indicated in the several succeeding Sections of this Act, that is to say:

General appropriation clause.

SENATE.

Senate expenses.

SEC. 2. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to pay the expenses of the Senate from the twenty-sixth day of November, 1889, inclusive, to the close of the session, as follows:

President and members.

For the per diem, mileage and stationery certificates of the members of the Senate and the presiding officer thereof, if so much be necessary, six thousand five hundred dollars; for the

Clerk and assistants.

pay of H. A. Gaillard, Clerk of the Senate, one thousand dollars; for the pay of A. L. Evans, Assistant Clerk of the Senate, two hundred and fifty dollars; for the pay of T. E. Horton for extra services rendered to the Assistant Clerk, made necessary in consequence of the illness of the Clerk of the Senate,

A. D. 1889.

thirty dollars; for the pay of L. T. Levin, Journal Clerk of the Senate, one hundred and forty-five dollars, and four dollars per day for the number of days he may be actually engaged in the work of the Senate after the adjournment thereof, not to exceed twenty days, said number of days of such engagement to be certified by the said Journal Clerk; for the pay of A. D. Goodwyn, Reading Clerk of the Senate, two hundred and fifty dollars; for the pay of J. D. Smith, Sergeant-at-Arms of the Senate, two hundred and fifty dollars; for the pay of F. S. Earle, Bill Clerk of the Senate, one hundred and forty-five dollars; for the pay of Clarence E. Johnson, Clerk of the Judiciary Committee of the Senate, one hundred and forty-five dollars; for the pay of T. C. Hamer, Clerk of the Finance Committee of the Senate, one hundred and forty-five dollars; for the pay of T. E. Horton, Clerk of the Committee on Railroads of the Senate, one hundred and forty-five dollars; for the pay of George E. Friday, Thomas Whittle and Javan Barnett, Doorkeepers of the Senate, each eighty-seven dollars; for the pay of E. L. Marshall, Mingo White and T. D. Dawkins, Laborers of the Senate, each fifty-eight dollars; for the pay of Adam Green, Porter in the office of the Clerk of the Senate, fifty-eight dollars; for the pay of A. Talley Fripp and W. C. Wharton, Pages of the Senate, each fifty-eight dollars; for the pay of W. B. Capers, Mail Carrier of the Senate, eighty-seven dollars.

Journal Clerk.

Reading Clerk.

Sergeant-at-Arms.

Bill Clerk.

Committee Clerks.

Doorkeepers.

Laborers and other employees

For the incidental or contingent fund of the Senate, thirteen hundred dollars, if so much be necessary, to be paid on certificates drawn by the President of the Senate and attested by the Clerk of the Senate, on accounts audited by the Committee on Contingent Accounts and passed by the Senate: *Provided*, That no part of said contingent funds be used in giving extra pay to any of the employees of the Senate.

Contingent fund.

Proviso.

HOUSE OF REPRESENTATIVES.

SEC. 3. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to pay the expenses of the House of Representatives from the twenty-sixth day of November, 1889, inclusive, to the close of the session, as follows:

House expenses.

For the per diem, mileage and stationery certificates of the members of the House of Representatives, twenty-one thousand five hundred dollars; for the pay of John T. Sloan, Sr., Clerk of the House of Representatives, one thousand dollars; for the pay of W. McB. Sloan, Assistant Clerk of the House of Representatives, two hundred and fifty dollars; for the pay of C. B. Northrop,

Members.

Clerk and assistant.

Journal Clerk.

A. D. 1889.

Journal Clerk of the House of Representatives, one hundred and forty-five dollars, and four dollars per day for the number of days he may be actually engaged in the work of the House of Representatives after the adjournment thereof, not to exceed twenty days, said number of days of such engagement to be certified by said Journal Clerk; for the pay of R. M. Anderson, Reading Clerk of the House of Representatives, three hundred and fifty dollars; for the pay of John D. Brown, Sergeant-at-Arms of the House of Representatives, two hundred and fifty dollars; for the pay of F. B. Gary, Bill Clerk of the House of Representatives, one hundred and forty-five dollars; for the pay of H. M. Davidson, Clerk of the Committee of Ways and Means of the House of Representatives, one hundred and forty-five dollars; for the extra pay of H. M. Davidson, Clerk of the Committee of Ways and Means of the House of Representatives, forty dollars, and sixty dollars for services rendered to the Assistant Clerk made necessary in consequence of the illness of the Clerk of the House; for the pay of R. W. Hutson, Clerk of the Judiciary Committee of the House of Representatives, one hundred and forty-five dollars; for the pay of W. B. R. Gasque, Charles Franks and Christopher Haynesworth, Doorkeepers of the House of Representatives, each eighty-seven dollars; for the pay of Robert Moorman, James Furse, Francis Cantwell and Julian B. Weston, Pages of the House of Representatives, each fifty-eight dollars; for the pay of Counts Cross, James Adamson, W. T. Fowler and Edmond Frayer, Laborers of the House of Representatives, each fifty-eight dollars; for the pay of William Gregg, Albert Nance and John Richter, Porters of the Committee Rooms of the House of Representatives, each fifty-eight dollars; for the pay of R. W. Butler, Keeper of the Speaker's Room and Porter to the Clerk of the House of Representatives, one hundred and sixteen dollars; for the pay of N. O. Pyles, Mail Carrier of the House of Representatives, eighty-seven dollars, and twenty-nine dollars for services rendered as Mail Carrier to the Engrossing Department.

Reading Clerk.

Sergeant-at-Arms.

Bill Clerk.

Committee Clerks.

Extra pay to temporary Assistant Clerk.

Committee Clerks.

Doorkeepers.

Pages.

Laborers and other employees

Contingent fund.

For the incidental or contingent fund of the House of Representatives, two thousand five hundred dollars, if so much be necessary, to be paid on certificates drawn by the Speaker of the House of Representatives and attested by the Clerk of the House of Representatives, on accounts audited by the Committee on Contingent Accounts and passed by the House of Representatives: *Provided*, That no part of said contingent fund be used to give extra pay to any of the employees of the House of Representatives.

Proviso.

ENGROSSING DEPARTMENT.

Expenses of Engrossing Department.

SEC. 4. That the sum of three thousand four hundred dollars, if so much be necessary, be, and the same is hereby, appropriated to pay the expenses of the Engrossing Department of the General Assembly from the twenty-sixth day of November, 1889, inclusive, to the close of the session, as follows:

Pay of Solicitors.

For the pay of M. F. Ansel, W. Perry Murphy, J. E. McDonald, J. M. Johnson, John S. Wilson, O. L. Schumpert, W. St. J. Jervey, and P. H. Nelson, each five dollars per day, Solicitors (in the Engrossing Department), office of the Attorney General; for the payment of W. T. Aycock, R. H. Colcock, T. B. Butler, T. S. Bonham, B. H. Harvin, R. W. Memminger, Jr., J. G. Capers, John Boyd, F. F. Covington and J. W. Smart, each five dollars per day, clerks (in the Engrossing Department), office of the Attorney General.

Pay of Clerks.

Mileage of Solicitors.

To pay the mileage of the Circuit Solicitors as follows: M. F. Ansel, twenty-eight 80-100 dollars: W. P. Murphy, thirty dollars; J. E. McDonald, seven dollars; J. M. Johnson, twenty 60-100 dollars; John S. Wilson, twelve 20-100 dollars; O. L. Schumpert, nine 40-100 dollars; W. St. J. Jervey, twenty-six dollars; P. H. Nelson, thirteen dollars; for the pay of James W. Williams, Porter, in the Engrossing Department), office of the Attorney General, fifty-eight dollars; for the pay of Edward J. Jones, flag keeper, fifty-eight dollars; for the pay of Nathan Chappell, temporary special assistant to the Keeper of the State House, fifty-eight dollars—to be paid on the joint certificate of the two Houses, signed by the presiding officer thereof, and attested by the Clerks; for the incidental or contingent expenses of the Engrossing Department, two hundred and fifty dollars, if so much be necessary, to be paid on certificates drawn by the Speaker of the House of Representatives and attested by the Clerk of the House of Representatives, on accounts audited by the Committee on Contingent Accounts and passed by the House of Representatives.

Porter.

Flagkeeper.

Special Assistant.

Contingent expenses.

MISCELLANEOUS.

Miscellaneous expenses.

SEC 5. That the following sums, if so much be necessary, be, and the same are hereby, appropriated for miscellaneous expenses, namely:

Extra clerical services.

For the pay of extra clerical services in the Engrossing Department, two hundred and fifty dollars, to be paid on the joint certificates of the presiding officers of the two Houses, signed by

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the presiding officers thereof and attested by the Clerks, upon the application of the Attorney General.

Preparing Acts for publication.

For preparing for the printer, indexing, and making marginal notes of the Acts and Joint Resolutions of the regular session of 1889, to be done under the supervision of the State Reporter, two hundred and fifty dollars.

Report of Davis memorial services.

For bill of F. F. Covington for stenographic report of addresses at memorial services of Jefferson Davis, to be paid on the joint certificate of the President of the Senate and Speaker of the House of Representatives, twenty-five dollars.

Pay certificates.

SEC. 6. That the President of the Senate and Speaker of the House of Representatives, respectively, shall furnish pay certificates for the amount of per diem and mileage due to each member of the Senate and House of Representatives, and to each officer and employee of that branch of the General Assembly to which such officer and employee shall respectively belong, signed by the respective officers and properly attested by the Clerk of such branch of the General Assembly.

When to take effect.

Repealing clause.

SEC. 7. That this Act shall take effect from and immediately after its date of approval, and all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are, for the purposes of this Act, hereby repealed.

Approved December 23d, A. D. 1889.

No. 174. A JOINT RESOLUTION TO AMEND ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE JUDICIAL DEPARTMENT, BY REPEALING SECTION NINETEEN (19), WHICH PROVIDES A BOARD OF COUNTY COMMISSIONERS.

Amendment submitted.

SECTION 1. *Be it resolved* 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 same, That the following amendment to the Constitution be submitted to the qualified electors of the State at the next general election, and if a majority of the electors qualified to vote for members of the General Assembly voting thereon shall vote in favor of such amendment, and two-thirds of each branch of the next General Assembly shall, after such election and before another, ratify

the said amendment by yeas and nays, Section nineteen (19) of Article IV of the Constitution, relating to the Judicial Department, which provides for the election of a Board of County Commissioners and prescribe the jurisdiction thereof, be repealed. A. D. 1889. Repealing Art. IV, § 19.

SEC. 2. That the question of adopting this amendment shall be submitted to the electors as follows: Those in favor of the amendment shall deposit a ballot with the following words plainly printed or written thereon: "Constitutional Amendment repealing Section Nineteen (19), Article IV, of the Constitution, which provides for a Board of County Commissioners and prescribing the jurisdiction thereof—Yes." Those opposed to said amendment shall cast a ballot with the following words plainly printed or written thereon: "Constitutional Amendment repealing Section Nineteen (19), Article IV, of the Constitution, which provides for a Board of County Commissioners and prescribes the jurisdiction thereof—No." Form of ballots.

Approved December 23d, A. D. 1889.

AN ACT RELATING TO THE PUBLIC PRINTING IN THIS STATE. No. 175.

SECTION 1. *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 same, That the Committees on Printing in the two Houses of the General Assembly be, and they are hereby, authorized and empowered to divide the contract for public printing in to so many separate contracts, and among so many contractors, as they may deem most advantageous to the State, and for this purpose they may receive bids for all or for parts of the public printing, and accept one or more of them as they deem best. Contract may be divided. Nature of bids.

SEC. 2. That the said Committees shall be authorized and empowered to prescribe a time within which the work shall be done, and to specify the same in the contract, or contracts, made by them, and to fix a penalty or forfeiture in such contract, or contracts, for a failure to comply with the same. Time within which work to be done. Penalty.

SEC. 3. That all contracts made at this session of the General Assembly for public printing shall be valid and effectual, not- Validation of existing contracts.

A. D. 1889. withstanding any irregularity in the publication of the advertisements for bids for the same.

When to take effect. SEC. 4. That this Act shall take effect immediately upon its approval by the Governor, and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they may conflict with the operation of this Act.

Repealing clause.

Approved December 23d, A. D. 1889.

No. 176. AN ACT TO CEDE TO THE UNITED STATES OF AMERICA SO MUCH LAND OF THE STATE AS MAY BE NEEDED FOR THE PERMANENT CONSTRUCTION OF THE SHORE END OF THE JETTIES IN CHARLESTON HARBOR LYING ON AND NEXT ADJACENT TO MORRIS ISLAND AND THE CREEKS AND MARSHES CONTIGUOUS THERETO; AND ALSO TO CEDE TO THE UNITED STATES OF AMERICA SO MUCH LAND CONTIGUOUS TO THE SHORES OF NORTH AND SOUTH ISLANDS, RESPECTIVELY, AND IN AND CONTIGUOUS TO GEORGETOWN COUNTY, S. C., AND NOW COVERED BY THE WATERS OF THE ATLANTIC OCEAN AND WINYAH BAY, AS MAY BE NECESSARY FOR THE CONSTRUCTION OF JETTIES TO BE BUILT FOR THE IMPROVEMENT OF THE BAR AT THE ENTRANCE TO WINYAH BAY.

Preamble. *Whereas,* By reason of the encroachment of the ocean the lands granted by this State to the United States for the purpose of the construction and erection of the jetties in Charleston Harbor have been and may hereafter be washed away, and the shore ends are nearly covered at high tide:

SECTION 1. *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 same, That

Land ceded for Charleston jetties. so much land of the State as may be needed for the permanent construction of the shore end of the jetties in Charleston Harbor lying on and next adjacent to Morris Island and the creeks and marshes contiguous thereto be, and the same are hereby, granted to the United States of America, for the purpose of the erection and construction of said shore end of said jetties:

Provisoes. *Provided,* The same do not exceed one hundred and fifty

acres: *Provided, further,* That nothing herein contained shall be construed to impair or affect the rights of owners or of any private individuals claiming the said lands, or any part thereof. A. D. 1889.

SEC. 2. Whereas, the following lands, formerly belonging to Bettie Mason Alexander and Edward P. Alexander, have been by them granted to the United States of America by deed, bearing date the 17th of September, 1889, recorded in the office of Register Mesne Conveyance for Georgetown County, in Book K, pp. 692-695, for the purpose of the erection of the shore line of the jetty for the improvement and deepening of the bar at the entrance to Winyah Bay, to wit: (1) On North Island, beginning at a point on the West side of the Southern point of said island, on the low water line, about (1600) sixteen hundred feet distant and South one and one-half (1½) degrees East from the centre of the Georgetown Lighthouse, and running thence East to the low water line on the East side of the said island point, thence with the various meanderings of the low water line between this point and Winyah Bay, around said point back to the point of beginning. (2) On South Island, beginning at a point on the beach of said island about twelve thousand five hundred and eleven (12,511) feet South of the Eastern end of the Southern boundary of land now belonging to W. C. Johnstone, and from which the Georgetown Lighthouse bears North 28½ degrees East, and the centre of the United States dyke across Lagoon Creek bears North 33½ degrees West, and running thence due West across the sand beach and hills about (1,000) one thousand feet, thence due South (2400) twenty-four hundred feet, thence due East to the low water line of Winyah Bay, thence along the meanderings of said low water line to a point due East of the point of beginning, and thence to the point of beginning.

Further preamble.

Description of land at entrance to Winyah Bay on North Island.

On South Island.

And whereas, by the General Statutes of South Carolina, year 1882, Chapter I, pages 14 and 15, Section 8, the jurisdiction of the State of South Carolina was thereby ceded to the United States over such land so long as those lands shall be used for the purposes aforementioned: therefore, 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 same, That there shall be, and is hereby, ceded to the United States of America for the same purpose of constructing jetties for the improvement of the bar at the entrance to Winyah Bay, S. C., any and all rights of the State to the adjacent water-covered territory extending from high water mark in the above

Gen. Stat., Ch. 1, § 8, recited.

Land ceded for Georgetown jetties.

A. D. 1889.

deeded lands outward about (500) five hundred feet, and also from the jetties to be constructed by the United States outward about five hundred feet in every direction into the Atlantic Ocean and Winyah Bay, respectively, and to any and all accretions to said territory growing out of the construction of said jetties, or from any other causes; this territory being at present bounded as follows, to wit:

Description of land ceded on North Island.

North Island: Beginning at a point on the West side of the Southern point of said island at the high water line, about (1600) sixteen hundred feet distant, and South 4 degrees 39 minutes East from the centre of the Georgetown Lighthouse; and running thence due West about (1,200) one thousand two hundred feet; thence South 47 degrees 16 minutes East (6200) sixty-two hundred feet; thence South 63 degrees 45 minutes East (2800) twenty-eight hundred feet; thence South 84 degrees East (10,200) ten thousand two hundred feet; thence North (1,000) one thousand feet; thence North 84 degrees West (9900) ninety-nine hundred feet; thence North 63 degrees 45 minutes West (2400) twenty-four hundred feet; thence North 47 degrees 16 minutes West (2700) twenty-seven hundred feet; thence North 45 degrees East (2500) twenty-five hundred feet; thence West to the high water line on the East side of North Island Point; thence around said point toward Winyah Bay, with the various meanderings of said high water line to the beginning.

Description of land ceded on South Island.

South Island: Beginning at a point on the beach of said island about (12,511) twelve thousand five hundred and eleven feet South of the Eastern end of the Southern boundary of land now belonging to W. C. Johnstone, and from which the Georgetown Lighthouse bears North 28½ degrees East, and the centre of the U. S. dyke across Lagoon Creek bears North 33½ degrees West, and runs thence in a Southerly direction (800) eight hundred feet to a point on the high water line; thence due East (22,100) twenty-two thousand one hundred feet; thence South (1,000) one thousand feet; thence due West to the high water line on South Island; thence with the various meanderings of said high water line to the second corner from the beginning (counting the beginning corner as the first corner): *And provided, also,* That all the above deeded lands and territory shall be exempted from all State taxes, assessments and other charges, as provided in Section 10, Chapter I, of the General Statutes of 1882, for the lands therebefore granted to the United States for similar purposes.

Exemption from taxes.

A. D. 1889.

Plat to be executed and filed.

SEC. 3. That the proper officers of the United States, in charge of said jetties, from time to time shall cause to be executed a plat of the lands which may be required for the purposes aforesaid, and file the same in the office of the Secretary of State of this State.

Approved December 23d, A. D. 1889.

A JOINT RESOLUTION. No. 177.

Preamble.

Whereas, it appears from the Report of the Board of the Sinking Fund Commissioners of the State of South Carolina for the fiscal year ending October 31, 1888, that the said Board of Sinking Fund Commissioners has among assets of the State certificates Nos. 246 and 251 for 2400 shares of the capital stock of the North Eastern Railroad Company, which said stock was transferred to the Cheraw and Salisbury Railroad Company, but the certificates were, from some omission or accident, not surrendered for cancellation, and that the State of South Carolina has no interest in said stock:

Certificates to be surrendered.

SECTION 1. *Therefore, be it resolved* 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 same, That the Agent of the said Sinking Fund Commission be, and he is hereby, authorized and directed to surrender and deliver certificates Nos. 246 and 251 for 2400 shares of the stock of the North Eastern Railroad Company to the said company to be canceled.

Approved December 23d, A. D. 1889.

AN ACT TO REQUIRE THE COMPTROLLER GENERAL TO KEEP ALL SETTLEMENTS WITH COUNTY TREASURERS UPON A BOOK TO BE KEPT FOR THAT PURPOSE. No. 178.

SECTION 1. *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 same, That

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Abstract to be entered in book.

And kept as a record.

hereafter the Comptroller General shall enter the abstract for settlement with the several County Treasurers of this State in a book to be kept by him for such purpose, and shall enter all settlements made with such Treasurers therein as to all taxes—State, school, County and special—and the same shall be a part of the records of his office.

Approved December 23d, A. D. 1889.

No. 179. A JOINT RESOLUTION TO PROVIDE FOR THE INDEXING OF ALL RECORDS IN THE OFFICE OF THE SECRETARY OF STATE.

Secretary of State to have index made.

SECTION 1. *Be it resolved* 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 same, That the Secretary of State is hereby authorized and required to have a full and complete index made of all records in his office.

Clerk and his salary.

SEC. 2. That for the purpose of doing the said work, the Secretary of State is authorized to employ a skillful person at a salary not exceeding one hundred dollars per month.

Appropriation.

SEC. 3. That the sum of twelve hundred dollars, if so much be necessary, is hereby appropriated to pay the salary of said clerk out of any money in the Treasury not specially appropriated, the same to be paid out on the warrant of the Comptroller General.

Approved December 23d, A. D. 1889.

No. 180. AN ACT TO REQUIRE TESTIMONY TAKEN BEFORE MASTERS OR REFEREES TO BE REDUCED TO WRITING.

Master or Referee to take testimony in writing.

SECTION 1. *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 same, That from and after the passage of this Act whenever any cause shall

A. D. 1889.

be referred to any Master or Referee by any Court in this State, and testimony be taken therein, it shall be the duty of such Master or Referee to reduce the testimony of the witnesses to writing and require the same to be read over and signed by the witness: *Provided, however,* That nothing herein contained shall be construed to prevent the use of stenographers for the purpose of taking testimony at such references, or to require that the testimony so taken by such stenographers shall be read over to or signed by such witnesses.

To be read and signed by witness.

Proviso as to Stenographers.

Approved December 23d, A. D. 1889.

AN ACT TO REGULATE AMENDMENTS TO THE STOCK LAW. No. 181.

SECTION 1. *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 same, That no Bill purporting to amend or alter the law regulating the fencing of stock in any portion of the State shall be considered unless the same be accompanied by a petition for such amendment or alteration signed by a majority of the freeholders of the section to be affected by such amendment.

Petition signed by freeholders.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER CERTAIN INCORPORATED TOWNS IN THE STATE OF SOUTH CAROLINA TO SUBSTITUTE HARD LABOR ON THEIR STREETS FOR FINE AND IMPRISONMENT IN CASES OF MISDEMEANOR WHICH COME UNDER THEIR JURISDICTION. No. 182.

SECTION 1. *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 same, That all incorporated towns in the State of South Carolina of three hundred inhabitants or more are hereby authorized and empowered to substitute hard labor on their streets for fine and imprisonment, in cases of misdemeanor which come under their jurisdiction: *Provided,* That in no case shall such sentence to hard labor exceed a term of thirty days, unless otherwise provided by law.

Hard labor as a punishment.

Limit.

SEC. 2. That this Act shall take effect from and immediately after the date of its approval.

When to take effect.

Approved December 23d, A. D. 1889.

A. D. 1889. No. 183.

AN ACT TO PROVIDE FOR THE REVISION, DIGEST AND ARRANGEMENT OF THE STATUTE LAWS OF THE STATE OF SOUTH CAROLINA.

SECTION 1. *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 same, That in pursuance of Section 3 of Article V of the Constitution of this State, one Commissioner learned in the law shall be elected by the General Assembly immediately after the approval of this Act, whose duty it shall be to revise, digest and arrange, under proper heads, the body of our laws of a civil character, general and permanent in their nature, which shall be in force at the time when he makes his final report, following as far as practicable the methods and digest pursued in the volume known as the General Statutes of South Carolina. He shall likewise, as provided in said Constitution, form a Penal Code by making a similar arrangement, revision and consolidation of all laws in force in this State relating to crimes and the punishment therefor, and shall revise, abridge and simplify the rules, practice, pleadings and forms of use in this State in the trial of crimes and misdemeanors.

Commissioner to be elected.

His duties.

Penal Code.

Report to General Assembly.

SEC. 2. When said Commissioner has completed the revision, digest, consolidation and arrangement of the Statutes and the formation of the Penal Code, as aforesaid, he shall cause a copy of the same, in print, to be submitted to the General Assembly, that the Statutes so revised, digested and arranged may be re-enacted, and the Penal Code so formed may be adopted and ratified, if the General Assembly shall so determine. And at the same time he shall suggest to the General Assembly, in a report separate and distinct from his said revision, such contradictions and imperfections as may appear in the original text, with the manner in which he proposes to reconcile the same: *Provided*, No amendment or alteration in the Statute or common law as the same exist shall be made or contained in his said report.

Recommendations.

When to be completed.

SEC. 3. The Statutes so revised, digested and arranged, and the Penal Code so formed, shall, if practicable, be reported to this General Assembly at the beginning of its session in November, 1891.

Compensation.

When payable.

SEC. 4. That the Commissioner so elected shall receive as compensation for his services the sum of five thousand dollars: twenty-five hundred dollars to be paid him out of the appropriation made by the State for the fiscal year ending the thirty-

first day of October, 1890, and twenty-five hundred dollars to be paid him out of the appropriation made by the State for the fiscal year ending the thirty-first day of October, 1891. He shall also receive for reasonable expenses for clerical services, books, stationery and other necessary matters an allowance not exceeding the sum of five hundred dollars, one-half thereof to be paid out of each of the said appropriations made for each of the said fiscal years; said expenditures to be accounted for to the Comptroller General on proper vouchers.

A. D. 1889.

Additional allowance.

Vouchers.

SEC. 5. That the Public Printer shall, and is hereby is required to, do such printing as the Commissioner shall require in the discharge of his duty.

Public Printer to print.

Approved December 23d, A. D. 1889.

AN ACT TO PROVIDE A PUNISHMENT FOR MAKING USE OF FALSE SCALES, WEIGHTS OR MEASURES IN BUYING OR SELLING. No. 184.

SECTION 1. *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 same That any person or persons who shall knowingly make use of any scales, weights or measures which fail to conform to the standard thereof prescribed by law, in buying or selling any goods, wares, merchandise or other articles, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not more than one hundred dollars, or be imprisoned in the County Jail for a period not exceeding thirty days.

Penalty for using false scales.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FACILITATE THE GIVING OF BONDS REQUIRED BY LAW," APPROVED DECEMBER 26TH, A. D. 1884. No. 185.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

A. A. 1884, §§ 1, 2, 18 Stat., 889, amended.

in General Assembly, and by the authority of the same, That an Act entitled "An Act to facilitate the giving of bonds required by law," approved December 26th, A. D. 1884, be, and the same is hereby, amended by striking out the proviso at the end of Section 1, and by striking out all of Section 2.

Approved December 23d, A. D. 1889.

No. 186. AN ACT TO REQUIRE THE COMMISSIONER OF AGRICULTURE TO NOTIFY THE COMPTROLLER GENERAL OF ALL LICENSES ISSUED BY THE BOARD OF AGRICULTURE TO DIG OR MINE PHOSPHATE ROCK OR PHOSPHATIC DEPOSITS IN THIS STATE.

SECTION 1. *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 same, That hereafter the Commissioner of Agriculture shall within twenty days after any license shall be granted by the Board of Agriculture to any person or persons to dig, mine or remove any phosphate rock or phosphatic deposits from the navigable streams or waters of this State, to notify the Comptroller General of this State of the issuing of such license, with the names of the persons to whom issued, the time of license, and the location for which it is issued.

Notification in 20 days.

Particulars.

Approved December 23d, A. D. 1889.

No. 187. AN ACT TO REQUIRE THE COMMISSIONER OF AGRICULTURE TO NOTIFY THE COMPTROLLER GENERAL OF ALL LICENSES ISSUED BY THE BOARD OF AGRICULTURE TO DIG OR MINE PHOSPHATE ROCK OR PHOSPHATIC DEPOSITS IN THIS STATE.

SECTION 1. *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 same, That

A. D. 1889.

hereafter the Commissioner of Agriculture shall within twenty days after any license shall be granted by the Board of Agriculture to any person or persons to dig, mine or remove any phosphate rock or phosphatic deposits from the navigable streams or waters of this State, to notify the Comptroller General of this State of the issuing of such license, with the names of the persons to whom issued, the time of license, and the location for which it is issued.

Notification in 20 days.

Particulars.

Approved December 24th, A. D. 1889.

AN ACT TO PROVIDE FOR THE BUILDING AND MAINTENANCE OF THE CLEMSON AGRICULTURAL COLLEGE OF SOUTH CAROLINA.

No. 188.

SECTION 1. *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 same, That one-half of the Land Scrip fund heretofore vested by Section 1045 of the General Statutes in the Board of Trustees of the University of South Carolina be, and the same is hereby, vested in the six members of the Board of Trustees of the Clemson Agricultural College of South Carolina elected by the General Assembly; and the State Treasurer is hereby authorized and required to take up and retire the certificate of State stock heretofore issued to the Board of Trustees of the said University in the sum of one hundred and ninety-one thousand eight hundred dollars, according to the provisions of Section 1045 aforesaid, and the State Treasurer is hereby authorized and required on or as soon after the first day of July, A. D. 1890, as this Act shall take effect, to issue a certificate of State stock in the sum of ninety-five thousand nine hundred dollars, bearing interest at the rate of 6 per centum per annum, payable semi-annually, to the six members of the said Board of Trustees of the said Clemson Agricultural College, to be held as a perpetual fund, the capital of which shall forever remain undiminished, the income of said fund to be used by said Board of Trustees for the building and maintenance of the said Clemson Agricultural College in accordance with the purposes for which the said Land Scrip

One-half of Land Scrip vested in Trustees of Clemson College.

Duties of State Treasurer.

Certificate of State stock to Clemson College.

Perpetual fund.

Use of income.

A. D. 1889.

was donated by the Acts of Congress of the United States in relation thereto: *Provided,* That the State Treasurer shall issue, and he is hereby authorized and required to issue, to the Board of Trustees of the University of South Carolina a certificate of State stock in the sum of ninety-five thousand nine hundred dollars, bearing interest at the rate of 6 per centum per annum from July 1st, A. D. 1889, payable semi-annually, to be held as a perpetual fund, the capital of which shall forever remain undiminished, the income of said fund to be used by said Board of Trustees for the use and maintenance of the South Carolina Agricultural College and Mechanics' Institute, now in operation for the benefit of colored students, as set forth in Section 1046 of the General Statutes.

Certificate to Trustees of S. C. University.

Perpetual fund.

Use of income for Claflin College.

Appropriation of Hatch Fund.

SEC. 2. That the annual grant of fifteen thousand dollars, commonly known as the Hatch Bill fund, made to the State of South Carolina by the Congress of the United States according to the terms of an Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Act supplementary thereto," approved March 2d, 1887, be, and the same shall be, on or as soon after the first day of November, A. D. 1890, as this Act shall take effect, withdrawn from the control of the Board of Trustees of the University of South Carolina, in whom it was vested by an Act entitled "An Act to amend Chapter XX of the General Statutes, entitled 'Of the University of South Carolina,'" approved December 22, 1887, and the said grant of fifteen thousand dollars is hereby vested in the six members of the Board of Trustees of the Clemson Agricultural College of South Carolina chosen by the General Assembly, and an agricultural experiment station shall be established in connection with the said Clemson Agricultural College, and under the direction of the Board of Trustees thereof, to be supported by said grant according to the provisions of the Act of Congress hereinbefore mentioned.

Withdrawn from S. C. University.
19 Stat., § 2, p. 805.

Vested in Trustees of Clemson College for experiment station.

Appropriation of $15,000.

SEC. 3. That the sum of fifteen thousand dollars be, and the same is hereby, appropriated to the building and maintenance of the said Clemson Agricultural College, and shall be paid by the State Treasurer to the Treasurer of the Board of Trustees of the said Agricultural College upon the order of said Board of Trustees signed by their President and Secretary; such sum to be paid out on the warrant of the Comptroller General as in the case of all other appropriations.

How paid.

A. D. 1889.

Appropriation of $10,000 of privilege tax on hand.

SEC. 4. That ten thousand dollars of the moneys arising from the privilege tax on fertilizers sold or offered for sale in this State collected by the Department of Agriculture during the fiscal year ending October 31st, 1889, and now on hand to the credit of said Department of Agriculture, shall be paid into the State Treasury, and are hereby appropriated to the building and maintenance of the aforesaid Clemson Agricultural College, and shall be paid by the State Treasurer to the Treasurer of the Board of Trustees of said Clemson Agricultural College upon the order of said Board of Trustees, signed by their President and Secretary.

How paid and to whom.

Appropriation of $15,000 of privilege tax of 1889-90.

How paid and to whom.

And fifteen thousand dollars of all moneys arising from the privilege tax on fertilizers sold or offered for sale in this State which shall hereafter be collected for the fiscal year ending thirty-first day of October, A. D. 1890, by the Department of Agriculture, or those upon whom the duty of collecting said privilege tax may by Act of Assembly be devolved, shall be paid into the State Treasury, and shall be kept on a separate account by the State Treasurer, and are hereby appropriated to the building and maintenance of the said Clemson Agricultural College; and the State Treasurer is hereby authorized and required to pay the same to the Treasurer of the Board of Trustees of the said Clemson Agricultural College, upon the order of said Board of Trustees, signed by their President and Secretary.

Convicts to be furnished for work on the College.

SEC. 5. That the Board of Directors of the State Penitentiary are hereby authorized and required, upon the order of the Board of Trustees of the said Clemson Agricultural College, signed by their President and Secretary, to furnish to said Board of Trustees able-bodied convicts, not to exceed fifty in number at one time, said convicts to be employed by said Board of Trustees in work connected with the erection of the buildings of said Clemson Agricultural College, or in the preparation of the ground and the materials therefor: *Provided*, That the said Board of Trustees shall defray the expense of the transportation of said convicts to and from the Penitentiary, the expense of medical attention, and the expense of furnishing such convicts with proper food and lodging.

Expenses of convicts.

Plans and estimates.

SEC. 6. That the Board of Trustees of the said Clemson Agricultural College are hereby authorized and empowered to procure forthwith from competent architects and contractors plans and estimates of buildings suitable for the purposes of the said Clemson Agricultural College, and to erect said college buildings upon a suitable site on Fort Hill plantation, situate in

A. D. 1889.

County of Oconee, and to defray the expenses incident to the erection of said college buildings, and to the proper maintenance of said Clemson Agricultural College, out of the funds and moneys hereby, in the preceding Sections of this Act, appropriated and made available, and out of such other funds and moneys as may by the General Assembly be hereafter appropriated and made available, and to do all other things necessary to carry out the provisions of this Act, and the provisions of the Act entitled "An Act to accept the devise and bequest of Thomas G. Clemson, and to establish an agricultural college in connection therewith," approved 27th November, A. D. 1889: *Provided*, That this Act shall not take effect until the executor of the will of the aforesaid Thomas G. Clemson shall have executed a deed and conveyance of the property so devised to the State: *Provided, nevertheless*, That of the funds and moneys by the several Sections of this Act appropriated, the sum of three thousand dollars shall, upon the approval of this Act, be immediately paid by the State Treasurer to the Treasurer of the Board of Trustees of the said Clemson Agricultural College to defray the cost of plans and specifications and estimates of suitable college buildings as aforesaid, said sum to be paid upon the order of the said Board of Trustees, signed by their President and Secretary: *Provided, further*, That said funds and moneys shall be paid by the State Treasurer to the Treasurer of the said Board of Trustees at such times and in such amounts as shall be determined upon by the said Board of Trustees, the same to be paid on the application of said Board of Trustees on the warrants of the Comptroller General.

Expenses of erection and maintenance.

Other duties of Trustees.

Ante p. 277.

When this Act shall take effect.

Immediate payment of $3,000.

How and when paid.

Secretary of Board to be Treasurer.

SEC. 7. That the Secretary of the Board of Trustees of the said Clemson Agricultural College shall also be the Treasurer of said Board, and for the faithful performance of his duties as such Treasurer he shall give to the said Board such bond as shall be determined upon by said Board, said bond to be approved by said Board.

To give bond.

Annual report by Trustees.

SEC. 8. That the Board of Trustees of the said Clemson Agricultural College shall make an annual report to the General Assembly of this State of their various proceedings during the year next preceding, together with a full and itemized statement of all moneys received and disbursed by them.

Itemized statement.

Repealing clause.

SEC. 9. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved December 23d, A. D. 1889.

AN ACT TO MAKE APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL COMMENCING NOVEMBER 1ST, 1889.

A. D. 1889.
No. 189.

General appropriation clause.

SECTION 1. *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 same, That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the ordinary expenses of the State Government for the fiscal year commencing November 1, 1889:

EXECUTIVE DEPARTMENT.

Executive Department.

SEC. 2. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the Executive Department, as follows:

Governor's Department.

2. For the salary of the Governor, thirty-five hundred dollars; for the salary of the Governor's Private Secretary, fifteen hundred dollars; for the salary of the Governor's Messenger, four hundred dollars; for the contingent fund of the Governor, for rewards and other purposes, five thousand dollars, from which amount the Governor is hereby authorized to pay all indebtedness incurred in excess of the contingent fund for the last fiscal year; for stationery and stamps for the Governor, two hundred and fifty dollars.

Secretary of State's Department.

3. For the salary of the Secretary of State, twenty-one hundred dollars; for the salary of the Clerk of the Secretary of State, fifteen hundred dollars; for the contingent fund of the Secretary of State, two hundred and fifty dollars; for stationery and stamps for the Secretary of State, two hundred and fifty dollars.

Comptroller General's Department.

4. For the salary of the Comptroller General, twenty-one hundred dollars; for the salary of the Chief Clerk of the Comptroller General, fifteen hundred dollars; for the salary of the Bookkeeper of the Comptroller General, fifteen hundred dollars; for the contingent fund of the Comptroller General, three hundred dollars; for stationery and stamps for the Comptroller General, two hundred and fifty dollars; for printing for the Comptroller General, two hundred dollars; for the use of the Comptroller General in examining the books and papers and accounts pertaining to the offices of the Auditors and Treasurers of the respective Counties, as required in Section 224 of the General Statutes, three hundred dollars, if so much be necessary, to be

A. D. 1889.

paid upon the warrant of the Comptroller General, who shall file as vouchers itemized statements of the actual expenses incurred in each inspection, sworn to by the person making the inspection.

Vouchers for inspection expenses.

State Treasurer's Department.

5. For the salary of the State Treasurer, twenty-one hundred dollars; for the salary of the Chief Clerk of the State Treasurer, fifteen hundred dollars; for the salary of the Bookkeeper (Loan Department) of the State Treasurer, fifteen hundred dollars; for the salary of the General Bookkeeper of the State Treasurer, fifteen hundred dollars; for the contingent fund of the State Treasurer, two hundred and fifty dollars; for stationery and stamps for the State Treasurer, two hundred and fifty dollars.

State Superintendent of Education's Department.

6. For the salary of the State Superintendent of Education, twenty-one hundred dollars; for the salary of the Clerk of the State Superintendent of Education, twelve hundred dollars; for the contingent fund of the State Superintendent of Education, two hundred dollars; for stationery and stamps for the State Superintendent of Education, one hundred and fifty dollars; for printing books and blank forms for the use of the public schools, six hundred dollars; for the traveling expenses of the State Superintendent of Education and the State Board of Examiners and board of the members of said Examining Board, three hundred dollars, if so much be necessary: *Provided*, That an itemized statement of such expenses be kept by the State Superintendent of Education and reported by him to the next General Assembly.

Traveling expenses.

Adjutant and Inspector General's Department.

7. For the salary of the Adjutant and Inspector General, fifteen hundred dollars; for the salary of the Clerk of the Adjutant and Inspector General, twelve hundred dollars; for the salary of the State Armorer and Watchman, seven hundred dollars; for the contingent fund of the Adjutant and Inspector General, one hundred and fifty dollars; for stationery and stamps for the Adjutant and Inspector General, one hundred dollars; for collecting arms, freight, advertising, printing, expenses of inspections, purchasing missing parts of arms and ammunition, seven hundred and fifty dollars, if so much be necessary; for repairing armory, one hundred dollars.

Military companies.

8. For the purpose of assisting companies to maintain their organizations, fourteen thousand dollars, to be disbursed by the Adjutant and Inspector General in accordance with the provisions of the Militia Laws of this State, if so much be necessary, to be paid on the order of the Adjutant and Inspector General upon the warrant of the Comptroller General.

A. D. 1882.

Attorney General's Department.

9. For the salary of the Attorney General, twenty-one hundred dollars; for the salary of the Assistant Attorney General, fifteen hundred dollars; for the contingent fund of the Attorney General, one hundred and fifty dollars; for stationery and stamps for the Attorney General, sixty dollars; for the expenses of litigation, fifteen hundred dollars, if so much be necessary; and the Attorney General is hereby authorized and required to conduct all litigation which may be necessary for any of the Departments of the State Government, or any of the Boards connected therewith; and all such Departments or Boards are hereby forbidden to employ any counsel for any purpose, except through the Attorney General and upon his advice: *Provided*, That this provision shall not apply to suits pending prior to December 22d, 1882: *Provided, further*, That out of the litigation fund the Attorney General shall also pay for dockets and blank indictments for the several Circuit Solicitors, and such other expenses incident to prosecutions as he may deem advisable.

Attorney General to represent all State officers.

Proviso.

Dockets and indictments for Solicitors.

State Librarian.

10. For the salary of the State Librarian, six hundred and twenty-five dollars; for the contingent fund of the State Librarian, one hundred and twenty-five dollars; for stationery and stamps for the State Librarian, two hundred dollars.

State House Keeper and grounds.

11. For the salary of the State House Keeper, five hundred dollars; for the contingent fund of the State House Keeper for work on State House grounds, one hundred dollars, if so much be necessary: *Provided*, That the Superintendent of the Penitentiary be required whenever called on by the State House Keeper to furnish such convict labor as he may need to keep said grounds in good order.

Convict labor.

Watchmen.

12. For the salary of two Watchmen for the State House and grounds, eight hundred dollars.

Janitor.

13. For the salary of the Janitor of the State House, two hundred and forty dollars.

Engineer and assistants.

14. For the salary of James R. Wilkerson, engineer of the State House heating apparatus, (for seven months during the year,) seventy-five dollars per month; for the pay of John Richter and Henry E. Smith, firemen of the State House heating apparatus, (for seven months during the year,) twenty-five dollars each per month; and the engineer be paid twenty-five dollars per month for the balance of the year, for keeping in order the engines, boilers, &c.: *Provided*, That he attend to them at least once in every fifteen days; this amount to be in full of all charges for labor.

Proviso.

A. D. 1889.

JUDICIAL DEPARTMENT.

Judicial Department.

SECTION 3. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the Judiciary Department, as follows:

Justices of Supreme Court.

2. For the salary of the Chief Justice, four thousand dollars; for the salary of two Associate Justices, seven thousand dollars.

Circuit Judges. Solicitors. Stenographers.

3. For the salary of the eight Circuit Judges, twenty-eight thousand dollars; for the salary of the eight Circuit Solicitors, twelve thousand five hundred dollars; for the pay of the Stenographers of the Circuit Courts, ten thousand two hundred dollars.

Clerk of Supreme Court. State Reporter. Other officers.

4. For the salary of the Clerk of the Supreme Court, one thousand dollars; for the salary of the State Reporter, one thousand dollars; for the salary of the Librarian of the Supreme Court and other officers to be appointed by the Supreme Court, thirteen hundred dollars; for the contingent fund of the Supreme Court, six hundred and fifty dollars; for the purchasing of books for the Supreme Court Library, one thousand dollars.

Contingent fund. Purchase of books.

S. C. Reports.

5. For purchasing one hundred copies each 31st and 32d volume of the Supreme Court Reports, nine hundred dollars; for the payment of insurance on the Supreme Court Library, two hundred dollars, if so much be necessary.

Insurance.

HEALTH DEPARTMENT.

Health Department.

SEC. 4. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the Health Department, as follows:

Charleston.

2. For the salary of the Quarantine Officer of Charleston, eighteen hundred dollars; for the expense of maintaining Quarantine Station, Charleston Harbor, one thousand dollars.

St. Helena.

3. For the salary of the Quarantine Officer at St. Helena, eight hundred dollars; for expenses of Quarantine Station at St. Helena, one hundred and fifty dollars.

Port Royal.

4. For the salary of the Quarantine Officer at Port Royal, eight hundred dollars; for the expenses of Quarantine Station at Port Royal, three hundred dollars; for the salary of the Keeper of the hospital buildings at Port Royal, two hundred dollars.

Georgetown.

5. For the salary of the Quarantine Officer at Georgetown, five hundred dollars; for expenses of Quarantine Station at Georgetown, one hundred and fifty dollars.

Lazaretto.

6. For the salary of the Keeper of the Lazaretto, four hundred dollars.

7. For the purpose of carrying out the provisions of the Act establishing a State Board of Health, two thousand dollars. State Board of Health.

8. For the cost of publishing tracts to be issued by the State Board of Health relating to contagious and infectious diseases, five hundred dollars. Publication of tracts.

9. For the cost of erecting buildings for the accommodation of the crews of vessels detained at Quarantine Station in Charleston Harbor, fifteen hundred dollars, if so much be necessary; and for the cost of constructing a cistern in connection with the plant and apparatus for fumigation and disinfection at the Quarantine Station in Charleston harbor, five hundred dollars. Buildings in Charleston harbor. Cistern.

10. For the purpose of carrying out the provisions of an Act for quarantining the State against contagious and infectious disease, the sum of three thousand dollars. To carry out provisions of Quarantine Act.

11. That the various amounts specified in this Section of this Act shall be paid on the application of the Chairman of the Executive Committee of the State Board of Health on warrants of the Comptroller General. How paid.

Tax Department.

Sec. 5. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the Tax Department, as follows: Tax Department.

2. For the salaries of the County Auditors, twenty-two thousand nine hundred dollars. Auditors.

3. For printing books, &c., for County Auditors and Treasurers, twenty-five hundred dollars. Printing books.

South Carolina University.

Sec. 6. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the South Carolina University, to wit: South Carolina University.

2. For the payment of the insurance and repairs on the University buildings, two thousand five hundred dollars, to be paid on the application of the Board of Trustees upon the warrants of the Comptroller General. Insurance and repairs.

3. For the salary of the Librarian of the South Carolina University, five hundred dollars, and for the purchase of books for the University library, one thousand dollars. Librarian.

4. For the purposes of the schools in the South Carolina University at Columbia, to be used in the manner prescribed by Schools in University at Columbia.

A. D. 1889.

law, thirty-four thousand five hundred dollars, to be paid upon the application of the Board of Trustees of the South Carolina University on the warrants of the Comptroller General; that the sum of four thousand dollars be appropriated for the use of the Mechanical Department; for the Claflin College at Orangeburg, five thousand dollars, to be used for said college by the Trustees of the University of South Carolina, and to be paid upon their application on the warrant of the Comptroller General.

Mechanical Department.

Claflin College.

Citadel Academy.

5. For the support of the beneficiary cadets at the Citadel Academy, twenty thousand dollars, to be paid on the warrants of the Comptroller General, issued upon the requisition of the Chairman of the Board of Visitors of said Academy.

Insurance on Citadel.

6. For the payment of the insurance on the Citadel buildings, four hundred dollars, if so much be necessary.

Winthrop Training School

7. That the sum of fifty-two hundred and fifty dollars, if so much be necessary, be appropriated for the scholarships provided by law for the Winthrop Training School, for the scholastic year beginning 25th September, 1890, and that the undrawn balance of the appropriation of 1888, amounting to twenty-seven hundred and twenty dollars, be, and the same is hereby, appropriated for the use of the Winthrop Training School as provided by law, in addition to the fifty-two hundred and fifty dollars mentioned in the first line of this Subdivision of this Act, and that the same may be drawn immediately in the manner prescribed by law for drawing said appropriation.

Scholarship for Florence County.

That the further sum of one hundred and fifty dollars be appropriated for the scholarship filled from the County of Florence for the scholastic year beginning 25 September, 1889.

Clemson Agricultural College.

That the sum of forty-three thousand dollars, if so much be necessary, be, and the same is hereby, appropriated to pay the appropriation of three thousand dollars made by an Act entitled "An Act to accept the devise and bequest of Thomas G. Clemson and to establish an agricultural college in connection therewith," and also the following sums appropriated by an Act entitled "An Act to provide for the building and maintenance of the Clemson Agricultural College of South Carolina," to wit: 1. A specific appropriation from the Treasury of the State for fifteen thousand dollars. 2. And an appropriation from the moneys arising from the privilege tax on fertilizers, and now on hand, ten thousand dollars. 3. An appropriation from the moneys arising from the privilege tax on fertilizers for the fiscal year 1889 and '90, fifteen thousand dollars, the same

Ante p. 277.

Ante p. 299.

Specific appropriation.

Privilege tax on fertilizers now on hand.

Privilege tax on fertilizers for 1889-90.

to be paid on the warrants of the Comptroller General issued upon the requisition of the Chairman of the Board of Trustees of the said Clemson Agricultural College, such requisition being authorized by the two-thirds vote of the said Board of Trustees, as required by Section five of an Act entitled "An Act to accept the devise and bequest of Thomas G. Clemson and to establish an agricultural college in connection therewith." A. D. 1889. How paid. Ante p. 277.

PENAL AND CHARITABLE INSTITUTIONS.

SEC. 7. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to meet the expenses of the penal and charitable institutions, as follows: Appropriation.

South Carolina Penitentiary.

2. For the salary of the Superintendent of the Penitentiary, twenty-one hundred dollars; for the salary of the Captain of the Guard, twelve hundred dollars; for the salary of the Physician of the Penitentiary, to be appointed by the Superintendent of the Penitentiary, twelve hundred dollars; for the salary of the Chaplain of the Penitentiary, to be appointed by the Superintendent of the Penitentiary, six hundred dollars; for the salary of the Clerk of the Penitentiary, twelve hundred dollars; for which amounts the Comptroller General is authorized and directed to issue his warrants, any law to the contrary notwithstanding. That any balance in the hands of the Board of Directors of the South Carolina Penitentiary on October 31, 1889, together with all other amounts received, or to be received, from the hire of convicts, or from any other source, during the current fiscal year, be, and the same are hereby, appropriated for the support of the Penitentiary, and for other purposes hereinafter indicated, and for any purposes required by law which are not herein indicated. For the per diem and mileage of the Directors of the South Carolina Penitentiary, each of whom shall be entitled to receive five dollars per diem for each day of actual attendance on the meetings of said Board, and five cents per mile for the actual distance traveled by the most direct route going to and returning from the home of said Director to the place of meetings of the said Board, and the Annual Report of the Superintendent of the South Carolina Penitentiary shall contain, in a separate account, an itemized statement of the amount expended for account of said per diem and mileage, showing the amount paid to each Director on each of said accounts, two Officers of Penitentiary. Income of Penitentiary. Per diem and mileage of Directors. Itemized statement.

A. D. 1889.

thousand dollars, if so much be necessary; for the current expenses in support of the Penitentiary, so much as may be necessary; for purchasing arms and ammunition, two hundred dollars; for the erection and equipment of a hospital within the Penitentiary walls, five thousand dollars, if so much be necessary, to be paid out of the earnings of the Penitentiary; for the purchase of Bibles and Testaments for the use of the convicts, the sum of forty dollars.

Current expenses.
Arms.
Hospital.
Bibles.

South Carolina Lunatic Asylum.

Superintendent and Regents.

3. For the salary of the Superintendent and Physician of the Lunatic Asylum, three thousand dollars; for the per diem and mileage of the Board of Regents of the Lunatic Asylum, each of whom shall be entitled to receive five dollars per day for each day actually engaged in attending the meetings of said Board, and a mileage of five cents per mile for each mile actually traveled, two thousand dollars, if so much be necessary; for the current expenses in support of the Lunatic Asylum, one hundred thousand dollars; for insurance, three thousand dollars, if so much be necessary; and for patients' library, one hundred dollars, to be paid as other appropriations; for the providing of temporary buildings or accommodations for the colored insane, three thousand dollars, if so much be necessary; and for expert teaching of feeble-minded children in the Asylum, five hundred dollars, if so much be necessary.

Current expenses.
Insurance.
Library.
Colored insane.
Teaching.

The Deaf, Dumb and Blind Asylum.

Cedar Springs Institute.

4. For the support of the Deaf, Dumb and Blind Asylum, thirteen thousand dollars, if so much be necessary; for insurance, four hundred and twenty-five dollars; for repairs, five hundred dollars, if so much be necessary; for the completion of the system of water works for said Asylum, six hundred dollars.

Catawba Indians.

Catawba Indians.

5. For the Catawba Indians, eight hundred dollars, to be paid on the application of the Agent upon the warrant of the Comptroller General: *Provided*, That the said Agent before receiving said warrant enter into bond in the sum of sixteen hundred dollars, with surety to be approved by the Governor, for the faithful discharge of his duty in the disbursement of any funds which hereafter may come into his hands.

Agent to give bond.

MISCELLANEOUS. A. D. 1889.

SEC. 8. 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated for miscellaneous expenses, namely: Appropriation.

2. For the Civil Contingent Fund, one thousand dollars, to be paid on the order of the Governor, upon the warrants of the Comptroller General. Civil Contingent Fund.

3. For the aid of the State Agricultural and Mechanical Society of South Carolina, two thousand five hundred dollars, to be paid on the application of the President of said society, upon the warrant of the Comptroller General: *Provided*, That no gambling, chance or raffling games shall be permitted upon the grounds occupied by said society. Agricultural Society. Proviso.

4. For the purposes of an Act entitled "An Act to provide for the payment of water used in the public institutions of the State located in Columbia," approved February 9th, 1882, two thousand dollars, to be paid on the warrants of the Comptroller General, issued in accordance with the provisions of said Act. Water in public buildings. 17 Stat., 944.

5. To pay the expenses of the Committee appointed to examine the books of the State Treasurer for the fiscal year ending October 31st, 1889, one hundred and fifty-nine dollars. Committee to examine Treasurer's books.

6. For defraying the expenses of the continuance of the consolidation of the bonded debt of the State, as provided by law, one thousand dollars, if so much be necessary, the same to be paid on the application of the State Treasurer, upon the warrant of the Comptroller General. Consolidation of bonded debt.

7. To pay the claims passed by the General Assembly at its regular session of 1889, fifteen thousand dollars, to be paid by the State Treasurer upon the warrants of the Comptroller General. Claims.

8. To pay for the public printing of this fiscal year, eighteen thousand dollars, if so much be necessary. Public printing.

9. For the salaries of the Railroad Commissioners, six thousand three hundred dollars; for the Clerk of the Railroad Commissioners, twelve hundred dollars, and three hundred and fifty dollars to pay the contingent expenses of the office for the year 1890, if so much be necessary, to be advanced by the State until the same shall have been collected from the railroad companies of this State in the manner prescribed by law, and when collected the same shall be replaced in the State Treasury; and the Commissioner of Agriculture is hereby required to furnish suitable office room for the said Railroad Commissioners and their Clerk in the Agricultural Building. Railroad Commission. Office of R. R. Commission.

A. D. 1889.

Supervisors of Registration.

10. For the salaries of the Supervisors of Registration, seven thousand two hundred dollars; that is to say, to pay the Supervisors of Registration for each County in the State except Charleston County, the sum of two hundred dollars for the services to be rendered during the fiscal year commencing November 1, 1889, and to the Supervisor of Registration for Charleston County the sum of four hundred dollars for services to be rendered during the same period, said amounts to be paid on the first day of June, 1890, out of any funds in the Treasury not otherwise appropriated.

Transportation of convicts.

12. For the transportation of convicts to the Penitentiary from the several Counties of this State, five thousand dollars, if so much be necessary, to be paid on the application of the Superintendent of the Penitentiary, approved by the Board of Directors, upon the warrants of the Comptroller General.

Governor's Mansion.

13. For repairs and improvements to the Governor's Mansion and for insurance and lighting, seven hundred and fifty dollars, if so much be necessary, to be paid on the order of the Governor upon the warrant of the Comptroller General.

Lighting State House and grounds.

14. For paying for lighting State House and grounds, twelve hundred dollars, if so much be necessary.

Fuel for State House, and repairing furniture.

15. To pay for fuel for the purpose of heating the State House, fourteen hundred dollars, if so much be necessary; for the repairing of the old furniture of the House and Senate, one hundred dollars, if so much be necessary.

Pensions. 19 Stat., 826.

16. For the purpose of an Act entitled "An Act to provide for the relief of certain soldiers, sailors, and widows of soldiers or sailors, of the late war between the States," approved December 24th, A. D. 1887, or Acts amendatory thereto, and clerical expenses incident thereto, not to exceed one hundred dollars per month up to November 1st, 1890, fifty-one thousand two hundred dollars, if so much be necessary, said appropriation, except as to clerical expenses, to be paid, one-half on the 15th March, 1890, and one-half on the 15th June, 1890: *Provided, further,* That the Pension Board shall, before paying out any of the amount hereby appropriated, revise the whole list of pensioners and pay only to those found to be in actual need of support whose names are now on the list, or may hereafter be put thereon: *Provided,* That the Governor be, and he is hereby, authorized to borrow from time to time such amounts as may be necessary to meet this appropriation.

Clerical expenses.

Revision of lists.

Loans.

Work on State House.

17. For the completion of the work to be done on the inside of the State House, sixty thousand dollars: *Provided,* That

before any part of this appropriation shall be available the architect for the completion of the State House shall submit to the State House Commission full and complete plans and specifications, with estimates of all work necessary to complete the inside of the State House, the same not to exceed the sum of sixty thousand dollars: *Provided, further,* That no contract or contracts shall be awarded for an amount larger than the estimate of the architect in respect thereto.

Plans to be first submitted.

No contract to exceed estimate.

18. For the pay of Commissioners and Managers of Election, fifteen thousand dollars; to pay for advertising notices of election, two thousand dollars: *Provided,* That all notices of election published in the newspapers throughout the State shall be printed unleaded and in type not larger than brevier, and no more shall be charged or paid for any such notices than one dollar per square for the first insertion and fifty cents per square for the second or subsequent insertion.

Election expenses.

Notices of election.

19. To pay for the balance due and unpaid for the public printing of the last fiscal year, two thousand nine hundred and fifty-nine 92-100 dollars.

Deficiency in public printing.

20. For the pay of Messengers of Election, twelve hundred dollars.

Messengers of Election.

21. To pay for books, blanks and stationery for general election, three hundred dollars.

Election books, &c.

22. To pay for books and certificates of registration, five hundred dollars.

Certificates of registration.

23. For the payment of a note of the Financial Board given to pay the American Bank Note Company for bonds printed by them in substitution for others of the same classes, the coupons of which had the name of the deceased State Treasurer (I. S. Bamberg) engraved thereon, the sum of one thousand and thirteen 97-100 dollars, to be paid upon the warrant of the Comptroller General issued upon the application of the State Treasurer.

Note to American Bank Note Company.

24. To pay the expenses of the Joint Committee appointed to investigate the system of bookkeeping in the offices of the State Treasurer and Comptroller General, as follows: E. B. Murray, $40.40; J. F. Rhame, $27.60; W. D. Evans, $38.80; B. L. Abney, $15.00.

Joint Committee to examine books.

25. To pay the per diem and mileage of the State Board of Equalization and compensation of the Clerk of the said Board, eight hundred dollars.

State Board of Equalization.

26. To pay the balance of salary due to the Hon. W. L. Mauldin as Lieutenant Governor of the State for the month of November, 1888, eighty-three dollars and thirty-three cents.

Salary to Lt Gov. Mauldin.

A. D. 1889.

Cases for flags.

27. To pay the expense of providing suitable cases for the preservation of the Confederate flags donated and to be donated to the State, two hundred dollars.

Wiring of State House for electric lights.

28. For the wiring of the Senate Chamber, Hall of the House of Representatives, library, main corridor and committee rooms with wire for electric lights, authorized to be done by the Secretary of State, the sum of one thousand dollars, if so much be necessary, the same to be paid upon the approval of the Secretary of State upon the warrant of the Comptroller General.

Accidents and ammunition in firing salutes.

29. To pay J. W. Fouche and J. C. Blanton, injured while firing a salute ordered by the General Assembly in honor of Jefferson Davis, three hundred dollars each; and to pay M. L. Bonham, Jr., Adjutant and Inspector General, for ammunition used in firing the salute, eighteen dollars; and to pay Jack Fields, injured while firing a salute in honor of Jefferson Davis, in the town of Aiken, in this State, fifty dollars.

J. E. Strom and T. J. Lyon.

30. To pay to J. E. Strom and Thos. J. Lyon for services rendered the State, in case of the State against Yeldell, two hundred dollars.

Interest on the Public Debt.

Interest on valid debt.

SEC. 9. That the sum of three hundred and eighty-three thousand dollars, if so much be necessary, be, and the same is hereby, appropriated to pay the interest on the valid debt of the State which shall mature and become payable on the first day of January and on the first day of July, in the year 1890, and for unpaid interest payable in prior years.

Salaries to be paid monthly.

SEC. 10. That the amounts specified in the several preceding Sections of this Act for salaries and clerical services shall be paid in monthly installments, and shall be paid upon the warrants of the Comptroller General, and the amounts specified for contingent funds and stationery, as shall be required, shall be paid upon the warrants of the Comptroller General on the application of the various officers entitled to the same: *Provided*, That the accounts and vouchers upon which said applications are made shall be filed with the Comptroller General before issuing his warrants on the State Treasurer for the same; and that for the amounts required by the various officers for the purchase of stamps, the Comptroller General is hereby authorized to issue his warrant to said officer.

Vouchers to be filed.

Stamps.

Moneys to be accounted for by public officers.

SEC. 11. That the moneys hereinbefore set apart to be used as contingent funds and for other purposes by the various officers of the State Government shall be duly accounted for, and such

officer shall make a detailed statement of the disposition made thereof to the General Assembly at the next regular session, on or before the first day of December, 1890: *Provided*, That no officer authorized to make contracts or draw funds from said appropriations shall expend or make contracts for expending more than has been specified for any purpose by this Act. A. D. 1889. No contract to exceed appropriation.

SEC. 12. That all moneys hereinbefore appropriated to the support of the Agricultural Department out of moneys arising from the privilege tax upon fertilizers shall be drawn on the warrant of the Commissioner of Agriculture, countersigned by the Governor and Chairman of the Board of Agriculture. Payment of appropriation for Agricultural Department.

SEC. 13. That this Act shall take effect from and immediately after its approval. When to take effect.

SEC. 14. That all Acts and Joint Resolutions, or parts of Acts and Joint Resolutions, inconsistent or conflicting with the provisions of this Act be, and the same are hereby, repealed. Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE FORMATION OF CERTAIN CORPORATIONS UNDER GENERAL LAWS." No. 190.

SECTION 1. *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 same, That Section 5 of an Act entitled "An Act to provide for the formation of certain corporations under general laws" be, and the same is hereby, amended, so that said Section, as amended, shall read: A. A. 1866, § 5, 19 Stat., 542, amended.

SECTION 5. Upon the completion of the organization of the company and the payment to the Treasurer of the company, or some officer designated for that purpose, in cash, of at least twenty per cent. of the capital subscribed payable in money and the payment of the remainder of the capital so subscribed for payable in money being secured to be paid in such installments and at such times as may be provided in the written declaration required by Section 1, and also the delivery to such officer or officers of at least twenty per cent. of the property so subscribed to the capital stock, with security for the delivery of Section as amended.

A. D. 1889.

the remainder of said property so subscribed to the capital as may be promised in said written declaration required by Section 1, the Board of Corporators shall, in writing, over their signatures, certify the same to the Secretary of State, who shall issue to the company a certificate that they have been fully organized according to the laws of South Carolina, under the name and for the purpose indicated in their written declaration, and that they are fully authorized to commence business under their charter; a copy of which certificate shall be recorded in the office of the Register of Mesne Conveyance for each County where such company shall have a business office. That in all charters heretofore or hereafter granted under this Act no irregularity in complying with the provisions of this Act shall be held to vitiate said incorporation until a direct proceeding to set aside and annul said corporation is instituted by the proper authorities of the State; and all acts done and contracts entered into shall have the same force and effect as if said irregularity had not existed.

Corporators to certify the organization.

Certificate of charter.

Record in R. M. C.

Effect of irregularities.

Direct proceeding to annul.

Approved December 24th, A. D. 1889.

No. 191. AN ACT TO AMEND SECTION 16 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE FORMATION OF CERTAIN CORPORATIONS UNDER GENERAL LAWS," APPROVED DECEMBER 23D, A. D. 1886.

SECTION 1. *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 same, That Section 16 of an Act entitled "An Act to provide for the formation of certain corporations under general laws," approved December 23d, A. D. 1886, be, and the same is hereby, amended by adding to said Section the following words: *Provided*, When any deposit is made by a person being a married woman or a minor, any corporation for banking purposes heretofore organized or hereafter to be organized under the provisions of this Act may pay to such person such sum or sums so deposited on the check, order or receipt of such depositor, which said check, order or receipt shall be a lawful discharge therefor.

A. A. 1886, § 16, 19 Stat., 545, amended.

Deposits by minors and married women

Approved December 23d, A. D. 1889.

AN ACT TO MAKE IT A MISDEMEANOR FOR ANY PERSON OR PERSONS TO IN ANYWISE TRESPASS UPON THE BEDS OF THE STATE HOUSE GROUNDS, TO CUT, DEFACE OR OTHERWISE INJURE THE TREES, SHRUBS OR FLOWERS ON SAID GROUNDS, OR COMMIT ANY TRESPASS UPON ANY OF THE STATE'S PROPERTY THEREON.

A. D. 1889.

No. 192.

SECTION 1. *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 same, That from and after the passage of this Act it shall be unlawful for any person or persons to trespass upon the grass plats or flower beds of the State House grounds, to cut down, deface, mutilate or otherwise injure any of the trees, shrubs, grasses or flowers on said grounds, or to commit any other trespass upon any property of the State, real or personal, located thereon.

Trespassing forbidden.

SEC. 2. That for the purpose of enforcing the provisions of this Act, the Watchmen of the State House, or either of them, shall have the power to arrest any person or persons committing said trespass upon said grounds, and to carry any person or persons so arrested before either of the Trial Justices of the city of Columbia, to be dealt with as shall be hereinafter directed; and for such purpose the said Watchmen shall have all the powers, privileges and immunities of Constables.

Watchmen made Constables.

SEC. 3. That any person or persons who shall violate the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof before either of the Trial Justices of the city of Columbia shall be fined no less than five or more than one hundred dollars, or be imprisoned not less than five or more than thirty days. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Punishment for trespass.

Repealing clause.

Approved December 23d, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE THE BOARD OF REGENTS OF THE LUNATIC ASYLUM TO ENQUIRE INTO AND REPORT UPON SUITABLE LOCALITIES FOR THE ESTABLISHMENT OF AN ASYLUM FOR THE COLORED INSANE, AND ALSO TO CALL FOR DONATIONS OF LANDS FOR SUCH PURPOSE.

No. 193.

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889. in General Assembly, and by the authority of the same, That the Board of Regents of the Lunatic Asylum be, and the same are hereby, charged with the following duties:

Board of Regents.

To advertise for bids for location.

First. That prior to the first day of July, 1890, the said Board of Regents shall cause to be advertised once at each County Court House in the several Counties of this State in one newspaper published at such County Court House, or if at any County Court House no newspaper is published, shall cause to be advertised as official notices are usually advertised at such places, a notice to the effect that the policy of establishing a separate State Asylum for the colored insane has been under consideration by the General Assembly, and that said Board of Regents has been empowered to receive from Counties, communities or persons in this State bids or proposals to donate at least three hundred acres of land, with or without suitable buildings, or money to be used in the purchase of the same, one or more, or all, for the purpose of establishing such institution within the County which shall submit a bid or proposal which may be accepted by the General Assembly, and the said Board of Regents shall report to the next General Assembly all such bids or proposals as may be submitted pursuant to such notice.

Of asylum for colored insane.

Report to General Assembly.

To inquire and report as to suitable lands.

Second. That the said Board of Regents shall also make enquiry in at least two of the Counties of this State for tracts of land, of the area above named, adapted for such purposes, and shall report to the next Gener al Assembly the result of such enquiries, and the price of such lands as they may mention in their report.

Approved December 23d, A. D. 1889.

No. 194. AN ACT TO AMEND SECTIONS 3 AND 4 OF AN ACT ENTITLED "AN ACT TO DEFINE THE DUTIES OF COUNTY COMMISSIONERS, COUNTY SCHOOL COMMISSIONERS AND COUNTY TREASURERS IN REFERENCE TO THE AUDITING, ALLOWING AND PAYMENT OF CLAIMS, AND TO REQUIRE ANNUAL REPORTS OF ALL CLAIMS AUDITED, ALLOWED AND PAID BY THEM TO BE MADE TO THE COURT OF GENERAL SESSIONS.

SECTION 1. *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 same, That Section 3 of an Act entitled "An Act to define the duties of County Commissioners, County School Commissioners and County Treasurers in reference to the auditing, allowing and payment of claims, and to require annual reports of all claims audited, allowed and paid by them to be made to the Court of General Sessions," approved February 9th, 1882, be amended by striking out the word "first," in the fourth line of said Section, and substituting the word "second" in the place thereof, so that the said Section shall read:

A. D. 1889.

A. A. 1882, § 3, 17 Stat., 892, amended.

"SECTION 3. That County Commissioners and County School Commissioners shall make an annual report of all claims filed, audited and allowed and ordered paid by them during each fiscal year to the presiding Judge at the second term of the Court of General Sessions for each County which shall be held after the first day of January in each year, which report shall be submitted by said Judge to the Grand Jury for their examination, with the assistance, if necessary, of some competent persons to be appointed by the presiding Judge at a compensation of five dollars per day for each day so engaged: *Provided*, That no pay shall be received under this Section for more than four days. After examination the Grand Jury shall report thereon to the presiding Judge any matter growing out of or pertaining to said annual report which to them may seem worthy of the attention of the Court. The said report shall thereupon be filed by the Clerk of said Court and kept as papers of said Court for inspection by any citizen desirous of examining the same."

Section 3 as amended.

To make annual report of claims.

To be examined by Grand Jury.

Pay of assistant.

Report by Grand Jury.

Report to be filed.

SEC. 2. That Section four of an Act entitled "An Act to define the duties of County Commissioners, County School Commissioners and County Treasurers in reference to the auditing, allowing and payment of claims, and to require an annual report of all claims audited, allowed and paid by them to the Court of General Sessions," approved February 9th, 1882, be amended by striking out the word "first" in the fifth line of the said Section and substituting the word "second" in the place thereof, so that the said Section shall read:

Section 4 amended.

"SECTION 4. That the County Treasurers of the several Counties of said State shall not pay any claims against their respective Counties upon orders of County Commissioners except as herein provided for; and they shall make an annual report to the presiding Judge at the second term of the Court of General Sessions in their respective Counties which shall be held after the first day in January in each year of the number, character

Payments by County Treasurers regulated.

Report to the Judge.

A. D. 1889.

and amount of said claims paid by them on orders of County Commissioners and County School Commissioners, and to whom paid, which report shall be submitted by said Judge to the Grand Jury for their examination, and shall be filed by the Clerk of said Court, and kept in his office for public inspection."

To be examined by Grand Jury and filed.

Approved December 23d, A. D. 1889.

No. 195. AN ACT TO AMEND THE LAW IN REGARD TO THE LEASING AND HIRING OUT OF CONVICTS AND TO PROVIDE FOR THE PURCHASE OF A STATE FARM OR FARMS AND FOR THE EMPLOYMENT OF THE CONVICTS THEREON.

SECTION 1. *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 same, That the Board of Directors of the State Penitentiary be, and they are hereby, authorized and empowered to purchase, out of the surplus earnings of the Penitentiary, a suitable farm or farms to be worked and planted by convicts under the superintendence of said Board of Directors: *Provided*, That the price paid therefor shall not exceed forty thousand dollars, and the said Board is authorized to retain in its hands and apply to such purchase all surplus moneys received and to be received by it from the operations of said institution during the past fiscal year: *Provided, further*, That no farm or farms shall be purchased in which said Directors or any of them shall or may be directly or indirectly interested.

Purchase of farms.

Price limited.

Use of receipts.

Proviso.

SEC. 2. That no contracts for the hiring or leasing of convicts to be employed in phosphate mining shall hereafter be made by said Board of Directors.

No convicts to work in phosphate mines.

SEC. 3. That said farm provided for in Section 1 shall have sufficient elevation to prevent the same from floods and overflows as near as practicable.

Farms to be upland.

Approved December 23d, A. D. 1889.

AN ACT TO PROHIBIT THE SALE OF OR FURNISHING OR GIVING OR PROVIDING TO MINORS OF CIGARETTES, TOBACCO OR CIGARETTE PAPER, OR ANY SUBSTITUTE THEREFOR, AND TO PROVIDE PENALTIES FOR THE SAME.

A. D. 1889.
No. 196.

SECTION 1. *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 same, That from and after the passage of this Act it shall not be lawful for any person or persons, either by himself or themselves, to sell, furnish, give, or provide any minor or minors under the age of eighteen years with cigarettes, tobacco, or cigarette paper, or any subsitute therefor.

Supplying minors with tobacco or cigarettes forbidden.

SEC. 2. That any person or persons violating the provisions of the preceding Section, either in person, by agent, or in any other way, shall be held and deemed guilty of a misdemeanor, and upon indictment and conviction therefor shall be punished by a fine not exceeding one hundred dollars, nor less than twenty-five dollars, or by imprisonment for a term of not more than one year, nor less than two months, or both, in the discretion of the Court; one-half of the fine imposed to be paid to the informer of the offense, and the other half to be paid to the Treasurer of the County in which such conviction shall be had.

Punishment.

Half of fine to informer and half to County.

SEC. 3. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO RAISE SUPPLIES AND MAKE APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING NOVEMBER 1ST, 1889.

No. 197.

SECTION 1. *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 same, That a tax of five and one-fourth (5¼) mills, exclusive of the public school tax hereinafter provided for, upon every dollar of the value of all taxable property of this State, be, and the same is hereby, levied for the purpose of meeting appropriations to defray the current expenses of the government for the fiscal year commencing November 1, 1889, and to meet such other indebt-

General levy for State purposes.

A. D. 1889. edness as has been or shall be provided for in the several Acts and Joint Resolutions passed by this General Assembly at the regular session of 1889 providing for the same.

Levy for County purposes. SEC. 2. That a tax is hereby levied upon all taxable property in each of the Counties of this State for County purposes for the fiscal year commencing November 1, 1889, to the amounts hereinafter respectively stated, that is to say:

Abbeville 4¼ mills. For the County of Abbeville, for ordinary County purposes, three mills and one-fourth of one mill, and a special levy of one mill for paying the past indebtedness of said County: *Provided,* That any balance left of the proceeds of said special levy of one mill after paying said past indebtedness may be applied by the County Commissioners to ordinary County purposes, and the County Commissioners of said County are hereby authorized to pay interest on claims for bridge building at a rate not exceeding seven per centum per annum; and the said County Commissioners are hereby further authorized to borrow such sums of money as may be necessary, not to exceed four thousand dollars, at a rate of interest not exceeding eight per centum per annum, as the same may be needed, for the purpose of paying Court expenses.

County Commissioners may borrow.

Aiken 3¾ mills. For the County of Aiken, for ordinary County purposes, three and three-fourths mills; and the County Commissioners are hereby authorized to apply any surplus to the payment of back indebtedness of said County.

Surplus.

Anderson 3¾ mills. For the County of Anderson, for ordinary County purposes, two and one-half mills; for past indebtedness, one and one-fourth mills.

Barnwell 4½ mills. For the County of Barnwell, for ordinary County purposes, four mills, of the proceeds of which the sum of four thousand dollars shall be held and appropriated exclusively for the payment of the certificates of jurors, State witnesses and Court Constables during the present fiscal year, and any surplus thereof be carried over to the credit of the same special fund for the next ensuing fiscal year; and one-half of one mill for the payment of the past indebtedness of said County to November 1, 1889; any surplus to be applied to ordinary County expenses.

Surplus.

Beaufort 4½ mills. For the County of Beaufort, for ordinary County purposes, three and one-fourth mills; for past indebtedness, one mill; for roads and bridges, one-fourth of one mill. And the proceeds derived from the issuing of liquor licenses shall be applied, first to the payment of the Court expenses (General Sessions

Proceeds of licenses.

A. D. 1889.

and Common Pleas), and the remainder, if any, to the fund for ordinary County purposes. That the residue of the proceeds derived from liquor licenses during the last fiscal year now in the hands of the County Treasurer shall be applied to the payment of the ordinary County expenses for the said last fiscal year ending on the 31st October, 1889.

Berkeley 5 mills.

For the County of Berkeley, for ordinary County purposes, two mills; for Court expenses, two mills; for Poor House and poor, five-eighths of one mill; and three-eighths of one mill for retiring bonds and paying interest on bonds. And the County Commissioners are hereby authorized and required to apply the surplus (if any) in their hands to the payment of the past indebtedness of the County.

Surplus.

Charleston 2¼ mills.

Militia.

Main road to Charleston.

For the County of Charleston, in which it shall be two and one-fourth mills. That the proceeds of one-eighth of one mill of said levy, if so much be necessary, shall be set apart and applied to the uses of the militia in said County, in accordance with the special Act relating thereto. That the remainder of said levy shall be applied as follows: The sum of three thousand dollars, if so much be necessary, is hereby appropriated to meet the cost of such work and repairs as may be necessary to be done on the main road leading to the city of Charleston, such sum to be expended entirely and directly in such work and repairs on said road and not in the payment of salaries of any officials connected with such road; and the remainder of the proceeds of said levy shall be used for general County purposes, including therein Court and jail expenses and the cost of necessary repairs to roads and bridges, also the sum of three thousand six hundred dollars to pay the interest, to mature during the fiscal year commencing November 1st, 1889, on the six per cent. bonds issued by said County, and also the sum of eleven thousand one hundred and twenty dollars to pay the matured and maturing indebtedness of the County, also one hundred dollars ($100) to be paid to the Superintendent of Highways on James Island and fifty dollars ($50) to the Superintendent of Highways at McClellanville to pay their salaries for the years 1889 and 1890. That out of the proceeds of the liquor license fund there shall be paid the amount of the installment of the County bonds which mature in the year 1890 with interest thereon and any matured certificates of past indebtedness, and also such sums as may be necessary to pay in full whatever balance may remain due and unpaid on the notes of the said Treasurer given by him under authority of law or any deficiency caused by the

County purposes.

Interest on bonds.

Indebtedness of County.

Superintendents of Highways.

Liquor license fund.

Bonds.

Past indebtedness.

A. D. 1889.

payment of such notes out of any other funds. And also the following amounts, to wit: To the Sheriff of Charleston County, the sum of twenty-two hundred and thirty-seven 10-100 dollars; to the City Hospital, the sum of four hundred and fifty-three 60-100 dollars; to the City Alms House, the sum of two hundred and twenty-eight 60-100 dollars; to the Commissioners of Public Lands, the sum of one hundred and sixty-eight dollars; to the Equalization Board, the sum of one hundred and seventeen dollars; to pay the expenses of special guards at the stockade, four hundred and sixty-three 50-100 dollars; to pay election expenses of 1888, the sum of nine hundred and sixty 85-100 dollars; to Oliver & Carter, balance on original contracts, one hundred and eighty-six 25-100 dollars; to James J. Carey, balance on original contract, one hundred and thirty-eight dollars. The balance of the liquor license fund shall be held by the County Treasurer and paid out by him proportionately towards salaries due by and claims accrued or to accrue against the said County for the fiscal year 1889-90 in the manner hereinafter provided, without preference the one over the other. That all other funds and balances in the hands of or to the credit of the County Commissioners not otherwise appropriated, or herein appropriated and not required, are hereby appropriated to general County purposes. That the City Treasurer of the city of Charleston shall levy, and collect when the first installment of the city tax is paid, in addition to the one mill tax now provided by law, an additional tax of three-quarters of one mill, to be accounted for and paid over by the said City Treasurer as the said one mill tax is now accounted for and paid, but the proceeds of said additional tax shall be used to meet the deficit caused by the cost of completing and furnishing the new school house erected on Meeting street in said city. That the sum of five hundred dollars of the public school fund appropriated to the support of the public schools in the city of Charleston shall be used in aid of the Art School in the city of Charleston, in consideration that the instructor of such school shall give to the pupils of the city public schools such instruction in drawing as the Board of Commissioners of the Public Schools of the City of Charleston may require. That the County Treasurer of Charleston County be, and he is hereby, authorized and directed to borrow, from time to time, and as the same may be required, on his official note as County Treasurer, or other similar official evidences of indebtedness, a sum or sums not exceeding in all thirty-two thousand dollars, at a rate of interest not exceeding

Sheriff.

Hospital and Alms House.

Commissioners of Public Lands.

Equalization Boards.

Guards.

Election expenses.

Miscellaneous.

Salaries and claims.

Funds on hand and balances.

Tax by City Treasurer for schools.

Art School.

Loans authorized.

A. D. 1889.

seven per cent. per annum, for the purpose of paying the salaries and commissions of all County officers whose salaries and commissions are fixed by law, also to pay the Court expenses, also to pay the installment and interest on the County debt to mature in 1890 should there be any deficiency therein after the payment hereinbefore directed from the liquor license fund, and also such expenditures for ordinary County purposes as require immediate payment; said sum so borrowed to be repaid, with interest thereon, by the said County Treasurer, from the taxes levied upon and to be collected in the said County for the present fiscal year, as they are collected, and as soon as the same may be collected, and to constitute a valid claim against said County and a prior lien on all of the County taxes levied except the school tax and the tax for the use of the militia in said County, for the present and future fiscal years, until the same are paid and discharged in full, such amounts to be borrowed to be paid on such salaries and claims without any preference whatsoever. That all claims against the County, except the salaries and commissions of County officers whose salaries and commissions are fixed by law and the County Treasurer's notes herein provided for, shall be paid upon the warrant of the County Commissioners, as now provided by law, the salaries and commissions of such officers whose salaries and commissions are fixed by law to be paid by the County Treasurer monthly, on the receipt of such officers, and said County Commissioners are hereby required to audit all claims, except such salaries and Treasurer's notes, presented to them, within ten days from the date of such presentation, and forthwith to draw their warrant on the County Treasurer for the amount so found due: *Provided*, The money to meet the same is in the hands of the County Treasurer.

Limit and purposes.

Pledge of taxes.

Exceptions.

How payments are to be made.

Audit of claims.

Warrants.

Proviso.

For the County of Chester, for ordinary County purposes, four and one-eighths mills; and for retiring and paying the interest on County bonds, two and seven-eighth mills.

Chester 7 mills.

For the County of Chesterfield, for ordinary County purposes, five and one-half mills; and for interest on railroad bonds, one-half of one mill.

Chesterfield 6 mills.

For the County of Clarendon, for ordinary County purposes, four and one-half mills, to be disbursed as follows: For Auditor, Treasurer's commissions, Clerk of Court, Jury Commissioner and Board of Equalization, one thousand five hundred dollars; for jurors, witnesses and Constables, twelve hundred dollars; for Trial Justices and their Constable, eleven hundred

Clarendon 4½ mills.

Appropriation of moneys.

A. D. 1889.

dollars; for Sheriff, one thousand dollars; for the County Commissioners and Clerk, eight hundred and fifty dollars; for Poor House, five hundred dollars; for books, stationery and printing, two hundred dollars; for contingent expenses, one hundred and seventy dollars; for attorneys' fees, one hundred and twenty-five dollars; for repairs of public buildings, two hundred dollars; for repairing bridges, eight hundred dollars; for raising

Causeways.

causeways over Black River: for the one near Manning, one thousand dollars; for the one near Midway, five hundred dollars.

Colleton 3½ mills.

For the County of Colleton, two and one-half mills for ordinary County purposes; for past indebtedness, one-eighth of one mill; for Poor House and poor, one-eighth of one mill; one-fourth of one mill for roads and bridges; for deficiencies, one-

Surplus.

fourth of one mill: *Provided*, That the County Commissioners are authorized and directed to apply the surplus arising from any fund whatever to general County purposes. All money

Liquor license fund.

arising from liquor licenses shall be applied as follows: One-half, if so much be necessary, to the building of the Sullivan's

Bridges.

Ferry bridge, at or near Sullivan's Ferry, on the Edisto River, and a bridge at Owen's Ford, on Buckhead; for the payment of

Clerk of Court.

the Clerk of Court for reindexing judgments and decrees, the sum of four hundred dollars, the balance of which shall be set

Sheriff, jurors, Constables and Clerk of Court.

apart for the payment of the costs of dieting prisoners, for the pay of jurors and Constables in attendance at Court, and for the payment of the Clerk of the Circuit Court and Sheriff, if so much be necessary, surplus, if any, to ordinary County pur-

Interest on R. R. Bonds.

poses; for interest on County railroad bonds, one and one-quarter mills, surplus, if any, to ordinary County purposes; and the

Loans authorized.

County Commissioners of the said County are hereby authorized and empowered to borrow such amounts of money as may be necessary to pay at maturity the interest on said County rail-

Limit.

road bonds as it becomes due: *Provided*, That no greater rate

Notice of payment of interest.

of interest than seven per cent. shall be paid. And the said Commissioners are hereby instructed to give public notice of the time when and place where such interest will be paid.

Darlington 4 mills.

For the County of Darlington, for ordinary County purposes, three mills; and to pay for building new jail, one mill.

Edgefield 2 mills.

For the County of Edgefield, two mills for ordinary County purposes; five-eighths of one mill to be set apart and used exclusively to pay jurors', witnesses' and Constables' certificates; one and one-eighth mills for past indebtedness, and three-fourths

Loans authorized.

of one mill for repairing and building bridges. And the County Commissioners of Edgefield County are hereby authorized to

borrow money for the purpose of building and repairing bridges, pledging for the payment of the same the proceeds of the three-fourths of one mill herein authorized to be levied for that purpose. A. D. 1889.

For the County of Fairfield, three and one-half mills for ordinary County purposes, and one-fifth of one mill for past indebtedness. And the County Commissioners of said County are hereby authorized and empowered to borrow money upon such terms and at such rate of interest as may seem to them reasonable for the purpose of paying in cash the jail fees of the Sheriff of said County, the Court expenses of said County for and during the fiscal year 1889, and also any deficiency there may be for the fiscal year 1888; for the purpose of paying past due school indebtedness in School Districts Numbers 5, 7, 8, 10 and 21 of said County there shall be levied a tax of one and one half mills upon all the taxable property of said School Districts, if so much be necessary, to be applied exclusively to the payment of said past indebtedness, and the balance remaining, if any, shall be held by the County Treasurer to the credit of said School Districts respectively, to be used by said School Districts for school purposes during the next school year. Fairfield 3 7-10 mills. Loans authorized. Purposes. Special school levies.

For County of Florence, for ordinary County purposes, three mills; and for furnishing the Court House and replacing the books destroyed by fire, and for building bridges, one mill. Florence 4 mills.

For the County of Georgetown, two mills for Court expenses, to wit: for the pay of jurors, witnesses and Constables in attendance on the Court, and to pay the accounts of the Sheriff for dieting prisoners and other services; one and one-quarter mills to pay Trial Justices and their Constables and the County Commissioners and their clerk; one-half of one mill for roads and bridges; three-fourths of one mill for the support of the poor of the County; one-fourth of one mill for books, stationery, printing and advertising; one and three-fourths mills for all other County expenses: *Provided*, That any surplus remaining from the amount appropriated to any of the above mentioned purposes may be applied to any other of said purposes as to which there may be a deficiency; three-fourths of one mill to pay the valid past due school indebtedness of said County contracted prior to the scholastic year 1886–7; one and three-fourths mills to pay the valid past indebtedness of said County for the fiscal years 1885–6 and 1886–7. Georgetown 9 mills. Surplus. School claims. Past due indebtedness.

For the County of Greenville, three mills for ordinary County expenses; three-fourths of one mill for past indebtedness; one Greenville 3½ mills.

A. D. 1889.

mill for retiring Atlanta and Richmond Air Line Railroad bonds; two mills for paying interest on Atlanta and Richmond Air Line Railroad bonds; and three-fourths of one mill to pay interest on the Greenville and Laurens Railroad bonds; and one mill for building a County jail.

Hampton 5¼ mills.

For the County of Hampton, four and three-fourths mills, which shall be applied by the County Commissioners to the payment of ordinary County purposes; and one-half of one mill for past indebtedness for the fiscal year ending 31st October, 1889: *Provided*, That any deficiency in the past indebtedness may be

Surplus.

paid out of the appropriation of ordinary County purposes: *Provided*, That any balance in the treasury arising from any tax levies of the present fiscal year not specifically appropriated shall be applied in the next fiscal year to paying certificates of jurors and witnesses, and of such Constables as may be in attendance on the Courts of General Sessions and Common Pleas.

Horry 4½ mills.

For the County of Horry, three mills for ordinary County expenses; one-third of one mill for contingent fund; one-sixth of one mill for books, stationery and printing; one-fourth of one mill for roads and bridges; and three-fourths of one mill for County poor.

Lancaster 7 mills.

For the County of Lancaster, for ordinary County purposes, four mills, and three mills for interest on railroad bonds.

Kershaw 4.86 mills.

For the County of Kershaw, for Auditor, Clerk of Court and Coroner, one-fourth of one mill; for County Commissioners and clerk's salaries and County Board of Equalization, one-third of one mill; for County Treasurer's commissions, (for County only) one-fifth of one mill; for Sheriff, three-fifths of one mill; for Trial Justices and their Constables, twenty-nine-sixtieths of one mill; for Poor House and poor, two-fifths of one mill; for repairs on roads and bridges, one-fifth of one mill; for repairs on public buildings, and books, stationery and printing, one-fifth of one mill; for interest on funds borrowed by the County, one-third of one mill; for contingent expenses, one-fifth of one mill; for jury, witnesses' and Constables' tickets, four-fifths of one mill; and for interest on railroad bonds, two and four-fifths

Surplus.

mills: *Provided*, That any surplus remaining from the amount appropriated to any of the above mentioned purposes may be applied to any other of said purposes as to which there may be a deficiency.

Laurens 6 mills.

For the County of Laurens, for ordinary County purposes, two and one-half mills; and three and one-half mills for railroads.

A. D. 1889.

For the County of Lexington, for ordinary County purposes, three and one-half mills: *Provided*, That in anticipation of the collection of said tax the County Commissioners be, and they are hereby, authorized and empowered to borrow, on the credit of the County and upon the pledge of taxes first collected, and turn over to the County Treasurer, the sum of six thousand dollars ($6,000), if so much be necessary, for the current expenses of the County for the fiscal year ending October 31st, 1890, at a rate of interest not exceeding seven (7) per cent. per annum, and the County Treasurer and County School Commissioner of Lexington County be, and they are hereby, authorized from time to time during the fiscal year to borrow such sums of money as may be necessary to pay the school claims of said County, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest thereon: *Provided*, That the aggregate sum so borrowed shall not exceed the sum of seven thousand dollars, at a rate of interest not to exceed seven per cent. per annum: *And provided, further*, The money so borrowed shall be held and paid out by the County Treasurer as now provided by law.

Lexington 3½ mills.

Loans authorized.

Limit.

Loans for schools.

Limit.

For the County of Marion, two and seven-tenths mills for ordinary County purposes, and three-tenths of one mill for past indebtedness; and the County Treasurer is hereby authorized to transfer any balance arising from payment of commutation for road duty to the fund for repairing roads and bridges; and the proceeds of said levies shall be disbursed as follows: For County Auditor, two hundred dollars; for County Commissioners' and clerk's salary, seven hundred dollars; for County Treasurer, two hundred and seventy-five dollars; for Board of Equalization, one hundred and fifty dollars; for jurors', witnesses' and Constables' tickets, one thousand three hundred and fifty dollars; for Clerk of Court, four hundred dollars; for Sheriff, two thousand dollars; for Trial Justices and Constables, nine hundred and fifty dollars; for Coroner, one hundred dollars; for Poor House and poor, one thousand seven hundred dollars; for repairs of roads and bridges, seven hundred and fifty dollars; for repairs on public buildings, two hundred dollars; for books and stationery, one hundred and seventy-five dollars; for contingent expenses, one hundred dollars; for past indebtedness, one thousand dollars; for physician of Poor House and Jail, seventy-five dollars; for *post mortem* and lunacy claims, one hundred dollars.

Marion 3 mills.

Appropriation.

A. D. 1889.

Marlboro 5 mills. For the County of Marlboro, three and one-half mills for ordinary County purposes, and one and one-half mill for deficiencies on past fiscal years, to be paid in the order of their priority only; that is, the oldest claim due by the County first, and in the same order until all are paid.

Newberry 3½ mills. For the County of Newberry, three mills for ordinary County purposes, and one-half of one mill for building a bridge across Enoree River, and for improvements on the Poor Farm: *Provided*, That any surplus may be applied to ordinary County purposes.

Surplus.

Oconee 4 mills. For the County of Oconee, three and one-half mills for ordinary County expenses, and one-half of one mill for Court expenses for the fiscal year beginning November 1st, 1890.

Orangeburg 4¼ mills. For the County of Orangeburg, three and one-fourth mills for ordinary County purposes; three-fourths of one mill for past indebtedness; and one-fourth of one mill shall be levied in those

Special school levies. School Districts having a past due school indebtedness, to pay the same.

Pickens 3¾ mills. For the County of Pickens, for ordinary County purposes, three mills; for past indebtedness, two and one-half mills, if so much be necessary, the surplus, if any, to be applied to current fund; for interest and retiring Air Line Railroad bonds, three and one-fourth mills.

Surplus.

Richland 4 mills. For the County of Richland, for ordinary County purposes, three mills; for improvements and repairs on the Court House and other public buildings, one-fourth of one mill, if so much be necessary; for the payment of jurors', witnesses' and Constables' tickets for the fiscal year commencing November 1, 1890, three-fourths of one mill, and in addition thereto there

School levy in Columbia 2¼ mills. shall be levied a tax of two mills in the School District of Columbia in lieu of any special tax authorized to be levied by "An

17 Stat., 404. Act to provide for the establishment of a new School District in Richland County, and to authorize the levy and collection of a local tax therein," approved December 24, 1880; and also in addition thereto there shall be levied a tax of one-half of one mill in said School District, the proceeds of which shall be applied exclusively to the payment of the balance of the cost of permanent improvements on the school buildings of said district;

Interest on township bonds. and also an additional tax of one-half of one mill in Columbia Township for railroad purposes.

Sumter 3½ mills. For the County of Sumter, three mills for ordinary County purposes, and one-half of one mill for past indebtedness. That the County Commissioners for Sumter County do pay out of

the amount of the taxes collected for ordinary County purposes the sum of one hundred and fifty dollars to the Treasurer of Sumter County for clerk hire during the present fiscal year.

Treasurer's clerk.

For the County of Spartanburg, for ordinary County purposes, three mills; for interest on railroad bonds, three mills; for retiring railroad bonds, one mill; and for deficiencies, one-fourth of one mill.

Spartanburg 7¼ mills.

For the County of Union, four and one-half mills for ordinary County purposes; for interest on railroad bonds, three and one-half mills; for retiring railroad bonds, one mill; for past indebtedness, one and one-half mills. And the County Commissioners for Union County are authorized, in anticipation of the collection of the tax for interest on railroad bonds and for ordinary County purposes, to borrow a sum of money equal to the amount of the levies for said purposes, and to pledge the same for the amount so borrowed: *Provided,* No more than seven per centum per annum shall be paid as interest upon any amount borrowed.

Union 10½ mills.

Loans authorized.

Rate of interest.

For the County of Williamsburg, for rebuilding Court House, two and one-half mills; for jurors, witnesses and Constables, three-fourths of one mill; for ordinary County purposes, three mills. And the County Commissioners of Williamsburg County are hereby authorized and required to borrow the sum of eight thousand four hundred and ninety dollars immediately to pay for the building of the Court House, and to hold the balance in the hands of the County Treasurer to pay the jurors, witnesses and Constables for the February and May Terms of the Courts for the year 1890. In order to borrow the said amount the Board of County Commissioners are hereby authorized to pledge the levies made for the payment of Court House and Court expenses for the year 1890 to pay the amount so borrowed, and the said Board are hereby authorized and empowered to pay as high as ten per cent. per annum interest for the said loan, provided they cannot borrow the same at a lower rate of interest.

Williamsburg 6¼ mills.

Loan for C. H. authorized.

Pledge of taxes.

Rate of interest.

For the County of York, for ordinary County purposes, two and one-half mills; for interest on bonds issued by York County in and of the Chester and Lenoir Narrow Gauge Railroad, and for retiring said bonds, one and one-half mills.

York 4 mills.

SEC. 3. That the Board of Directors of the State Penitentiary are hereby directed to pay into the Treasury of the State at the end of each month, or within five days thereafter, all amounts received by them from the hire of convicts and from other sources, after first paying the necessary expenses of the

Profits of Penitentiary to be paid into State Treasury.

A. D. 1889.

said institution and all other disbursements authorized by law; the said amounts so paid into the Treasury to be held subject to warrants of the Comptroller General to pay amounts appropriated by the General Assembly in the same manner as other funds in the Treasury. And the Board of Directors are hereby instructed as far as practicable in hiring out or working convicts to hire or work the same upon farms in healthy locations and which are exempt from danger of overflow.

Location of convicts.

Deposit of State moneys.

SEC. 4. That all the proceeds of the taxes levied for and on account of the State as specified herein shall be deposited and kept by the State Treasurer in such bank or banks or places of special deposit as in the judgment or discretion of the Governor, the Comptroller General, and the State Treasurer, or any two of them, shall afford sufficient protection to the interests of the State.

Auditors and Treasurers to collect taxes.

SEC. 5. That the County Auditors and County Treasurers of the several Counties of this State are hereby required, under the direction and supervision of the Comptroller General, to make collection of the taxes levied under and pursuant to the provisions of this Act, in the manner and at the time and under the conditions hereinafter provided, and they are hereby forbidden to collect any other tax whatsoever levied for the fiscal year unless herein expressly authorized so to do, except the taxes authorized by law to meet the interest and retire the bonds issued by Counties and townships in and of railroads or taxes voted by towns or Counties or assessed upon townships as subscriptions to railroads and taxes to build fences under Statutes authorizing and directing the same, and except, also, the special school tax authorized to be levied in any School District of this State, and except such special tax or collection as is authorized by any Act or Joint Resolution of the General Assembly. And the County Treasurers of the several Counties of this State are hereby expressly prohibited from collecting any tax except such as have been first entered on the tax duplicates of their respective Counties, or upon the orders of the Auditors of said Counties: *Provided*, That said County Treasurers shall furnish the County Auditor of their respective Counties with the names of all taxpayers as may apply to pay their taxes against whom no taxes shall have been entered on the tax duplicates. And any State or County officer who shall fail to comply with, or shall evade or attempt to evade, the provisions of this Act shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine not to exceed five thousand dollars or imprisonment for

No other taxes to be collected except, &c.

List of taxpayers not on duplicate.

Penalties for violations of this Act.

a period of not more than five years, or both, in the discretion of the Court.

Poll tax.

SEC. 6. That there shall be assessed upon all taxable polls in this State a tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes. Every male citizen between the ages of twenty-one and fifty years, except those incapable of earning a support from being maimed or from other causes, and except those who are now exempt by law, shall be deemed taxable polls; and should any person fail or refuse to pay said poll tax, he shall be deemed guilty of a misdemeanor, and on conviction thereof before any Trial Justice or other Court having jurisdiction of the same shall be punished by a fine which shall not exceed ten dollars, together with the cost of said suit, or by imprisonment in the County jail for a term not exceeding thirty days.

Who liable.

Penalty for non-payment.

In what funds payable.

SEC. 7. That all taxes assessed and payable under this Act shall be paid in the following kinds of funds and no other: gold and silver coin, United States currency, national bank notes, and coupons which shall become payable during the year 1890 on the consolidated bonds of this State known as "Brown Bonds," and the bonds of this State known as "Blue Bonds," and on any other State bonds which may be issued by authority of any Act of the General Assembly the coupons of which are by such Acts made receivable for taxes: *Provided, however,* That jury certificates and the per diem of State witnesses in the Circuit Court shall be received for County taxes, not including school taxes.

Jury certificates.

When payable.

SEC. 8. That all taxes herein assessed shall be due and payable from the fifteenth day of October to the fifteenth day of December, 1890, and the several County Treasurers shall collect the same in the manner prescribed by law, and give receipts therefor to the several parties paying the same, in which the real estate paid on shall be briefly described, and the value of the personal property paid on shall be stated, together with the time such taxes are paid and the amount of the same.

Receipts.

Notice to be given by County Treasurers.

SEC. 9. That the County Treasurers immediately upon receipt of the tax duplicate for the year from the County Auditors shall cause a notice to be inserted twice in one daily newspaper published at the County seat of their County, and if no daily paper be published at such County seat then in one weekly paper published in such County, and if no paper be published in the County then such notice shall be given in such manner as the County Treasurer may direct, stating the rate per centum of the

A. D. 1889. levy for State purposes and the rate per centum for all other purposes on the duplicate for the present fiscal year, and if any special levies have been made on the property of a school or other district not affecting an entire County, the total rate of levies in such districts shall also be stated in such notice.

Collection from delinquents. SEC. 10. That when the taxes and assessments or any portion thereof charged against any property or party on the duplicate for the present fiscal year shall not be paid on or before the fifteenth day of December, 1890, the County Treasurer shall proceed to collect the same together with the penalty of fifteen per centum on the amount so delinquent; and if the amount of such delinquent taxes, assessments and penalties shall not be paid on or before the second day of January, 1891, or be collected by distress or otherwise, then the same shall be treated as delinquent taxes on such real and personal property and shall be collected by sale of such real and personal property according to law.

Sale of property.

Personal property delinquent. SEC. 11. That all personal property subject to taxation shall be liable to distress and sale for the payment of taxes and assessments as provided by law.

Real property delinquent. SEC. 12. That all real property returned delinquent by the County Treasurer upon which the taxes shall not be paid by distress and sale of personal property or otherwise shall be seized and sold as provided by law.

School tax. SEC. 13. That the County Commissioners in each of the several Counties of this State shall levy a tax of two mills on the dollar upon all taxable property of their respective Counties for the support of public schools in their respective Counties, which shall be collected at the same time and by the same officers as the other taxes for this year, and shall be held in the County treasuries of the respective Counties and paid out exclusively for the support of public schools as provided by law.

Mines and mining claims. SEC. 14. That all personal property used in connection with mines and mining claims, and all land not actually mined connected with mines and mining claims, shall be assessed for taxation and be taxed as is done in the case of other personal and real estate. That in all cases where land is actually mined such land shall not be assessed for taxation or taxed, but in lieu therefor the gross proceeds alone of such mines and mining claims shall be assessed and taxed, and such gross proceeds shall be ascertained and determined by the cash market value of the material mined.

A. D. 1889.

SEC. 15. That in anticipation of the collection of the taxes hereinbefore levied, the Governor and the State Treasurer be, and they are hereby, empowered to borrow on the credit of the State so much money as may be needed to meet promptly at maturity the interest which shall mature during the year 1890 on the valid debt of the State and to pay the current expenses of the State Government for the present fiscal year: *Provided*, That the sum so borrowed shall in no event exceed the amount of three hundred thousand dollars.

Governor and State Treasurer may borrow money.

Limit.

SEC. 16. That this Act shall take effect from and immediately after its approval.

When to take effect.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND THE LAW IN RELATION TO THE TIME WITHIN WHICH, AND THE PARTIES TO WHOM, THE ACTS OF THE GENERAL ASSEMBLY SHALL BE DISTRIBUTED, AND WHEN THE SAME SHALL GO INTO ACTIVE OPERATION. No. 198.

SECTION 1. *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 same, That hereafter the Acts of each session of the General Assembly of this State shall be printed, bound and delivered to the keeper of the Legislative Library, ready for distribution, within thirty days from the adjournment *sine die* of each of its several sessions, whether annual or extra, and the said keeper of the Legislative Library shall within five days thereafter deposit in the mail or express one or more copies thereof, addressed to each officer, person or corporation as now provided by law, and as hereinafter prescribed.

When to be printed.

And distributed.

SEC. 2. That hereafter there shall be distributed one copy of the Acts of each session of the General Assembly, now sitting or hereafter holden, to each of the Circuit Judges and Circuit Solicitors, County Sheriffs, County Auditors, County Treasurers, County School Commissioners, and County Commissioners in the State, within the same time, in the same manner, and by the same officer, as copies thereof to the other officers and persons are now required by law to be distributed.

To be sent to certain officers.

SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 199.

A JOINT RESOLUTION TO AUTHORIZE THE COMPTROLLER GENERAL TO DRAW HIS WARRANT IN FAVOR OF THE PUBLIC PRINTER, AND THE STATE TREASURER TO PAY THE SAME, FOR THE COST OF THE PUBLIC PRINTING OF THIS GENERAL ASSEMBLY AND THE PRINTING OF THE REPORTS OF THE STATE OFFICERS.

SECTION 1. *Be it resolved* 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 same, That the Comptroller General be, and he is hereby, authorized and directed to draw his warrant upon the State Treasurer in favor of the Public Printer for the cost of the public printing of this General Assembly and of printing the Reports of the State officers required by law to be made, and that said warrant be paid by the State Treasurer upon the vouchers as now required by law, and out of any funds now in the State Treasury for the fiscal year 1888–89.

Comptroller General to issue warrant.

State Treasurer to pay.

Repealing clause.

SEC. 2. That all Acts or parts of Acts, Joint Resolutions or parts of Joint Resolutions, in conflict with the provisions of this Joint Resolution be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 200. AN ACT PROVIDING A MODE OF ASCERTAINING THE NAMES OF REGISTERED VOTERS CONVICTED OF DISQUALIFYING CRIMES AND REQUIRING THEIR NAMES TO BE ERASED BY THE SUPERVISOR OF REGISTRATION FROM THE REGISTRATION BOOKS.

SECTION 1. *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 same, That the Clerks of the Courts of General Sessions and Common Pleas in the several Counties in this State be, and they are hereby, required, on or before the fifteenth day of October, A. D. 1890, to make out and report to the Supervisors of Registration for their respective Counties a complete list of the names of all male persons convicted of treason, murder, robbery or dueling from the sixteenth day of April, 1868, up to the first day of January, A. D. 1883, and of all male persons convicted of any of the fol-

Clerks to furnish lists under original Constitution.

A. D. 1889.

And under amended Constitution.

lowing offenses, to wit: Treason, murder, burglary, larceny, perjury, forgery, or any other infamous crime, or dueling, since the first day of January, 1883, and biennially thereafter, on or before the fifteenth day of October, they shall make out and report to the said Supervisors of Registration for their respective Counties a like list for the two preceding years up to the first day of October. All such reports shall be accompanied by the certificate of the Clerk making the same, under the seal of his office, that such report is correct as appears from the records of his office. Any Clerk of the Court who shall fail or neglect to comply with the provisions hereof shall forfeit and pay to the County in which he holds his office the sum of fifty dollars for each and every failure so to report.

Certificate by Clerk.

Penalty for neglect.

Trial Justices to furnish list of petit thieves.

SEC. 2. That every Trial Justice in this State shall make out under his hand and seal a certified list of all male persons convicted before him, or such of his predecessors whose trial docket is in his possession, of petit larceny, and submit the same to the Supervisor of Registration for the County in which he holds his office on or before the fifteenth day of October, A. D. 1890, and biennially thereafter on or before the 15th day of October furnish such a list of such convictions for the period following the next preceding report. Any Trial Justice going out of office shall furnish such list immediately upon retiring up to the date of going out of office, and any Trial Justice hereafter appointed shall furnish such list from the time of his entry upon the duties of such office. Any Trial Justice who shall fail or neglect to furnish such reports as herein required shall forfeit and pay to the County in which he holds his office the sum of ten dollars for each and every such failure to report.

Penalty for neglect.

Lists to be *prima facie* evidence.

SEC. 3. All such reports shall be received by the Supervisor of Registration as *prima facie* proofs of the facts stated therein, and he shall immediately erase the names of all such persons from the registration books in his County, and they shall not be allowed thereafter to register or vote in any elections in this State: *Provided*, That if any such persons whose names are so furnished shall present to such Supervisor of Registration, within sixty days after the next following general election, a pardon from the Governor, or within such time prove to the satisfaction of such Supervisor of Registration that he was not convicted of the crime or misdemeanor stated in such certificate, his name shall be restored to the list of registered voters as completely and effectually as if the same had not been stricken therefrom.

Persons listed may disprove.

A. D. 1889.

Repealing clause.

SEC. 4. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far as they may conflict herewith.

Approved December 24th, A. D. 1889.

No. 201. AN ACT TO AMEND SECTION 12 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR AND REGULATE THE INCORPORATION OF TOWNS OF LESS THAN ONE THOUSAND INHABITANTS IN THIS STATE."

SECTION 1. *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 same, That Section 12 of an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, 1885, be, and the same is hereby, amended by striking out the word "and" on the third line and inserting in lieu thereof the word "or," so that said Section, when amended, shall read as follows:

A. A. 1885, § 12, 19 Stat., 177, amended.

Extent of punishment.

SECTION 12. The said Town Council shall have power to arrest and commit to the town guard house, for a space of time not exceeding ten days, or to fine not exceeding twenty dollars, any person or persons who may be guilty of disorderly conduct in said town to the annoyance of the citizens thereof, and it shall be the duty of the Marshal of the town to make such arrest, and to call to his assistance the *posse comitatus*, if necessary, and upon failure to perform said duty he shall be fined in a sum not exceeding twenty dollars for each and every offense.

Duty of Marshal.

When to take effect.

SEC. 2. That this Act shall take effect from and after its approval.

Approved December 24th, A. D. 1889.

A. D. 1889.
No. 202.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE TRAFFIC IN SEED COTTON IN THE COUNTIES OF ABBEVILLE, AIKEN, SUMTER, YORK, EDGEFIELD, BERKELEY, KERSHAW, RICHLAND, ORANGEBURG, CHARLESTON, CHESTER AND UNION," SO FAR AS SAID ACT RELATES TO THE COUNTY OF EDGEFIELD, AND TO EXTEND THE OPERATION OF SECTION (1) ONE OF SAID ACT TO THE COUNTIES OF LEXINGTON, LANCASTER, FAIRFIELD AND CHARLESTON.

SECTION 1. *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 same, That Section 2 of an Act entitled "An Act to regulate the traffic in seed cotton in the Counties of Abbeville, Aiken, Sumter, York, Edgefield, Berkeley, Kershaw, Richland, Orangeburg, Charleston, Chester and Union," approved 19th December, 1887, be, and the same is hereby, amended so that said Section, when amended, shall read as follows:

A. A. 1887, § 2, 19 Stat., 795, amended.

SECTION 2. That the Clerk of the Court of Common Pleas for the Counties in this State respectively named in the first Section of this Act be, and are hereby, authorized and empowered to issue licenses to traffic in seed cotton by purchase, barter or exchange, within the period beginning the 15th of August and ending the 15th of December of each year except in the County of Edgefield, where it shall be within the period beginning the 15th of August and ending the 22d of December of each year, to such person or persons as shall file with said Clerks respectively a written application therefor, the granting of which shall be recommended by at least ten land owners resident within the township wherein said applicant intends to do business. Such license shall specify the exact place whereat the said business shall be carried on, and the period within which such traffic is permitted, and shall continue in force for the space of one year from the date of issue, and for such license, if granted, a fee of three hundred dollars shall be paid by the applicant to the County Treasurer, for the use of the said Counties respectively.

Clerk to issue licenses.

Period.

Edgefield.

Applications.

Requisite of license.

License fee.

SEC. 2. That all of the provisions of the first Section of said Act of 1887 shall be extended to and made operative in the Counties of Lexington, Lancaster, Fairfield and Charleston, except that in the County of Charleston the license fee shall be fifty dollars per annum, and all moneys received for such licenses in said County of Charleston shall be held by the County

Provisions of Section 1 extended to Lexington, Lancaster, Fairfield and Charleston.

License fees in Charleston.

A. D. 1889.

Treasurer thereof, subject to the order of the County Commissioners, who shall apply the same exclusively to the repair of the roads and bridges in those townships where such licenses have been granted.

Aiken and Berkeley excepted.

SEC. 3. That nothing in this Act contained shall apply to the Counties of Aiken and Berkeley.

When to take effect.

SEC. 4. That this Act shall take effect from and after its approval.

Repealing clause.

SEC. 5. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved December 24th, A. D. 1889.

No. 203. AN ACT TO AMEND THE LAW IN RELATION TO THE LOCATION AND NAMES OF VOTING PRECINCTS IN THIS STATE.

SECTION 1. *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 same, That from and after the passage of this Act the names and locations of the voting precincts in this State shall be and remain the same as provided by law before the passage of this Act, except in the Counties hereinafter mentioned, in which the names and location of voting precincts shall be as hereinafter established.

Voting precincts to remain as now, except as follows.

Anderson.

Anderson—In the County of Anderson there shall be voting precincts as follows: Anderson Court House, Pendleton, Sandy Springs, Centreville, Bethany, Hopewell School House, Greenwood, Williamston, Belton, Honea Path, Clinkscales, Millford's, Cedar Wreath School House, Moffattsville, Williford's Store, Broyles' Mill, G. W. Maret's Store, Starr, Piedmont Factory, Holland's Store and Pelzer.

Berkeley.

Berkeley—In the County of Berkeley there shall be voting precincts as follows: In Christ's Church Parish, Mount Pleasant; in the Parish of St. Thomas and St. Dennis, Muster House and Ben Potter's, (at Halfway Creek); in the Parish of St. James Santee, Thirty-two Mile House and Henderson's Store; in the Parish of St. Stephen's, St. Stephen's Depot and Gumville; in the Parish of St. John's Berkeley, Calamus Pond, Black Oak, Strawberry Ferry, Pinopolis, Mount Olivet and Biggin Church; in St. Andrew's Parish, Brick Church; on

John's Island, Haut Gap; on Wadmalaw Island, Enterprise Post Office; in the Parish of St. John's Colleton, Camp Ground on Edisto Island; in the Parish of St. James Goose Creek, Holly Hill, Cross Roads, Cooper's Store, Summerville, (in Berkeley County, at or near the South Carolina Depot,) and Ten Mile Hill. A. D. 1869.

Chesterfield—In the County of Chesterfield there shall be voting precincts as follows: Chesterfield Court House, Cheraw, Brown Springs, Bethel Church, Cole Hill, Mount Croghan, Dudley, Fox Place, Jefferson, Hebron Church, McKay's Cross Roads Church and Catarrh. Chesterfield.

Clarendon—In the County of Clarendon there shall be voting precincts as follows: Manning, Fork, New Zion, Foreston, Jordan, Summerton, Pinewood and Packsville. Clarendon.

In the County of Colleton there shall be voting precints as follows: Reevesville, George's, Murray's Cross Roads, Beach Hill, Summerville, Knightsville, Delemar's Cross Roads, Adams Run Depot, Jacksonboro, Green Pond, Gloversville, Maple Cane, Horse Pen, Walterboro, Hendersonville, Snider's Cross Roads, Rice Patch, Preacher's Mill, Carter's, Bell's Cross Roads, Smoak's Cross Roads and Doctor's Creek. Colleton.

Darlington—In the County of Darlington there shall be voting precincts as follows: Darlington Court House, Society Hill, Mechanicsville, Lydia, Clyde, Hartsville, Lamar, Leavensworth. Darlington.

Florence: In the County of Florence there shall be voting precincts as follows: Florence, Ebenezer, Timmonsville, Cartersville, James' Cross Roads, Elim, Mars Bluff, Evergreen, Hymansville, Stone's, Hinson and Motte's. Florence.

Kershaw—In the County of Kershaw there shall be voting precincts as follows: Camden Market House, Rabon's Cross Roads, Cureton's Mill, Lang's Mill, Schrock's Mill, Lyzenby, Westville, Buffalo, Brewer's Store, Liberty Hill, McLean's Branch, Antioch, Turkey Creek School House, Stockton Place, Kirkley's Store, Raley's Mill and Shaylor's Hill. Kershaw.

Lancaster—In the County of Lancaster there shall be voting precincts as follows: Lancaster Court House No. 1, Lancaster Court House No. 2 (for Cane Creek and Waxhaw Townships,) New Cut School House, Tradesville, Taxahaw, Dr. C. C. Welch's, J. S. McCardell's, Philip Cauthen's Store, Belair, Primus, Carnes' School House and Kershaw in Flat Creek Township. Lancaster.

Marion—In the County of Marion there shall be voting precincts as follows: Ariel, Berry's Cross Roads, Mount Nebo, Campbell's Bridge, Friendship, High Hill, Little Rock, Marion, Marion.

A. D. 1889. Mullins, Old Ark, Carmichael, Temperance Hill, Nichols, Dillon and Centreville.

Oconee. Oconee—In the County of Oconee there shall be voting precincts as follows: Fair Play, South Union, Tokeena, Haley's Store, Sitton's Mills, Seneca City, Richland, Westminster, Cleveland, Toogalo Academy, Holly Springs, Damasus, Mrs. Barker's, Rowland's, Little River, Jocassee, Salem, High Falls, West Union and Walhalla.

Orangeburg. Orangeburg—In the County of Orangeburg there shall be voting precincts as follows: Orangeburg Court House, Branchville, Rowesville, Jamison's, St. Matthew's, Fort Motte, Washington Seminary, which shall be located at Taylor's Mill, Parler's, Ziegler's, Bull Swamp, Gleaton's, Corbettsville, Easterling's, Cedar Grove, Ayer's, near Ayer's shop in Middle Township, and Connor's, near Connor's store in Cowcastle Township.

Pickens. Pickens—In the County of Pickens there shall be voting precincts as follows: Easley Station, Central Station, Liberty Station, Pickens Court House, Dacusville, Pumpkintown, Eastatoe, Cross Plains in Easley Township, Foster's Store in Dacusville Township, Mile Creek at Mile Creek Church, and Six Mile in Hurricane Township.

Sumter. Sumter—In the County of Sumter there shall be voting precincts as follows: Sumter Court House, Statesburg, Providence, Rafting Creek, Bishopville, Mannville, Bossard, Mayesville, Lynchburg, Shiloh, Concord, Privateer, Smithville, Wedgefield and Corbett's Store.

York. York—In the County of York there shall be voting precincts as follows: Yorkville, Hickory Grove, Blacksburg, Buffalo, (at Moore's Cross Roads,) Clark's Fork, (at McGill's Store,) Bethany, Clay Hill, Fort Mill, Rock Hill, Coat's Tavern, Antioch Church in Bethesda Township, McConnellsville, Blairsville, Bullock's Creek, (at McNeel's Store,) Bethel, Clover, Thompson's Mill in Bethel Township, and New Port in Ebenezer Township.

Greenville. Greenville—In the County of Greenville there shall be voting precincts as follows: Two in the city of Greenville, to be located by the Commissioners of Election, W. K. Grant's, Reedy Fork, A. W. Ware's, G. W. Sullivan's Store, T. Henry Stokes', Old Fairview Academy, Fountain Inn, Jonesville Academy, Butler's Cross Roads in Austin Township, Batesville, James Green's, Taylor's Station, Double Springs Church, T. J. Mitchell's, Bates' Old Field, S. W. Barton's, (in Glassy Mountain Township,) John H. Goodwin's, Jenning's Mill, the Old School House near Lima, Reedy River Church, Piedmont Factory, Gowensville, Marietta in Bates Township, and Greer Station.

A. D. 1868.

Horry.

Horry—In the County of Horry there shall be voting precincts as follows: Conway, Dusenberry and Sarvis' Store, Dog Bluff, Muster Shed, Gallivant's Ferry, Floyd's School House, Blanton's Cross Roads, Bayboro, Round Swamp Store, Little River Village, Dogwood Neck at Hardee's Store near Hardee's Mill in Dogwood Neck Township, Martin's Hill, Cedar Grove Church, Hammondsville, Loris, Grahamville at Grahamville in Dogwood Neck Township, and Ebenezer at a school house near Ebenezer Church in Simpson's Creek Township.

Chester.

Chester—In the County of Chester there shall be voting precincts as follows: Chester Court House, Lowrysville, Fishing Creek Church, Rossville, John Simpson's, Carmel Hill, J. E. Wiley's Store, Landsford, Cornwell, Richburg, Nunnery's School House, Fishing Creek Factory and Baton Rouge.

Laurens.

Laurens—In the County of Laurens there shall be voting precincts as follows: Laurens Court House, Clinton, Reynosa, Dr. W. A. Shand's, Pleasant Mound, Parson's Store, Dial Church, Tumbling Shoals, Daniel's Store, Mount Pleasant, Cross Hill, Fuller's Creek Mill, Brewerton and Penner's Shop.

Lexington.

In the County of Lexington there shall be eighteen voting precincts as follows: Lexington Court House, T. J. Draft's Store, Leesville, Lewiedale, Goodwin's Mill, Boynton Academy, Red Store, Huffman's, Burnt Mill, New Brookland, Spring Hill, Grange Hall, Lexington Fork Cross Roads, Efird's Store, Peak's Station, P. W. Shealey's, Wessenger's Store, Samaria and Batesburg.

Spartanburg.

In the County of Spartanburg there shall be voting precincts as follows: Spartanburg, Glendale, Pacolet, White Plains, Macedónia, Gaffney City, Grassy Pond, Ezell's, Arrowood School House, New Prospect, Cherokee Springs, McKelvy's, Calvin Foster's, Campobello, Holly Springs, Duncan's, Crawfordsville, Reidville, Cashville, Woodruff, Hobby's, Walnut Grove, Hebron, Cross Anchor, Glenn Springs, Ralph Smith's, Johnson's, Welford, Cowpens, Inman, Cannon's Camp Ground, Fingerville, Boiling Springs, Valley Falls, Fair Forest, Landrum's, Drummondsville, Clifton, Carin's, Cedar Hill Factory, James Allen's in White Plains Township, Trough Shoals, Paris, Whitney and Enoree, the last named precinct to be at Hill's Store.

Williamsburg.

Williamsburg—In the County of Williamsburg there shall be voting precincts as follows: Trio, Earle's, Sutton's, Gourdin's, Greeleyville, Salters, Kingstree, Cedar Swamp, Cade's, Black Mingo, Indian Town, Muddy Creek, Scranton, Prospect Church, Bloomingdale, Lake City, Altman's Store, McAllister's Mill and Midway, the last named precinct to be at or near Harvey Baker's.

A. D. 1889.

Exchange of registration certificates.

SEC. 2. The Supervisor of Registration is hereby authorized and directed to exchange the registration of such electors as may apply to him for that purpose from other precincts to the precincts established by this Act, whenever it shall appear to him that the elector so applying resides within a reasonable distance from the same.

Repealing clause.

SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 204. A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE STATE TREASURER TO INVEST CERTAIN MONEY ARISING FROM THE ESCHEATED ESTATE OF T. W. MALONE, DECEASED, IN STATE SECURITIES.

Preamble.

Whereas the State Treasurer has received ten thousand five hundred and sixty-four dollars and twenty-four cents ($10,564.24), the same being the net proceeds from the sale of the property of T. W. Malone, deceased, which was adjudged to be escheated to the State; and whereas there is no provision of law authorizing or directing the manner in which such funds shall be invested: therefore:

Be it resolved 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 same, That the State Treasurer be, and he is hereby, authorized and directed to invest the said ten thousand five hundred and sixty-four dollars and twenty-four cents, which said amount was received by him as the net proceeds arising from the escheated estate of T. W. Malone, deceased, and also such interest as he may receive thereon until the same shall have been duly appropriated according to law, in such securities of the State of South Carolina as said Treasurer may deem most advisable.

State Treasurer to invest $10,564.24.

In State securities.

Approved December 24th, A. D. 1889.

A. D. 1889.

No. 205.

A JOINT RESOLUTION TO AUTHORIZE AND DIRECT THE COMPTROLLER GENERAL OF THIS STATE TO DRAW HIS WARRANT ON THE STATE TREASURER TO PAY THE REV. JOHN JOHNSON THE SUM OF FOUR HUNDRED DOLLARS FOR ONE HUNDRED FULL-BOUND COPIES OF HIS RECENTLY PUBLISHED HISTORICAL NARRATIVE OF THE DEFENSE OF CHARLESTON HARBOR, INCLUDING FORT SUMTER AND THE ADJACENT ISLANDS, TO BECOME THE PROPERTY OF THE STATE AND TO BE PLACED IN THE LIBRARIES AND OTHER PUBLIC INSTITUTIONS OF THIS STATE.

SECTION 1. *Be it resolved* 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 same, That the Comptroller General of this State be, and he is hereby, authorized and directed to draw his warrant on the State Treasurer for the sum of four hundred dollars in favor of the Rev. John Johnson, of Charleston County, for the payment of one hundred full-bound copies of his recently published historical narrative of the defense of Charleston harbor, including Fort Sumter and the adjacent islands; said one hundred copies of said work to be the property of this State, and to be placed in the libraries and other public institutions of this State, and all colleges in this State, both male and female.

Comptroller General to draw warrant for $400.

Distribution of books.

SEC. 2. That the State Treasurer do pay the said sum out of any funds in the Treasury not otherwise specifically appropriated.

State Treasurer to pay.

Approved December 24th, A. D. 1889.

No. 206.

AN ACT TO AMEND THE LAW IN RELATION TO LANDS FORFEITED PRIOR TO DECEMBER 24, 1887, AND NOW DELINQUENT FOR THE LEVY OF 1887.

SECTION 1. *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 same, That immediately after the passage of this Act it shall be the duty of the County Auditors to eliminate from the tax duplicate all lands which, pursuant to an Act entitled "An Act in relation

Lands to be dropped from tax lists.

19 Stat., 864.

A. D. 1889.

to forfeited lands, delinquent lands and collection of taxes," approved December 24th, 1887, were from the forfeited land list placed upon the tax duplicate, charged with the levy of 1887, and upon which the levy of 1887 has not been paid; and under the direction of the Comptroller General the Auditors shall prepare and forward to the Secretary of State an accurate and complete list of the same.

Auditors to forward lists.

Prior lien to State.

SEC. 2. That to secure and recover the entire debt due the State for prior taxes or other dues accrued to the State to and including the levy of 1886, or for any other cause whatsoever, and for the levy of 1887, and for all subsequent levies as they may have accrued or accrue upon each parcel of said land, and the costs and penalties due thereon, the State of South Carolina shall have a prior and preferred lien upon said land, to be enforced and asserted in any Court of competent jurisdiction by the Commissioners of the Sinking Fund in such cases, at such time and to such extent as they may deem most advantageous to the interests of the State.

How enforced.

Repealing clause.

SEC. 3. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved December 23d, A. D. 1889.

No. 207. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT IN RELATION TO FORFEITED LANDS, DELINQUENT LANDS AND COLLECTION OF TAXES."

SECTION 1. *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 same, That Section 1 of an Act entitled "An Act in relation to forfeited lands, delinquent lands and collection of taxes," approved December 24th, 1887, amended by an Act entitled "An Act to amend an Act in relation to forfeited lands, delinquent lands and collection of taxes," approved December 24th, 1888, be, and the same is hereby, further amended, so that paragraph one of said Section amended shall read as follows:

A. A. 1887, § 1, 19 Stat., 863, amended.

Ante p. 51.

Paragraph 1 as amended.

"And the Sheriff to whom such warrants shall be directed shall take from such defaulter the following fees in the execution of his office, viz.: For serving each warrant, $1.00, besides

A. D. 1889.

mileage at the rate of five cents for each mile actually traveled in executing the warrant; for advertising sale, 25c.; for making sale and executing deed of conveyance, and putting purchaser in possession, $3.00; and for all sums levied as aforesaid, five per cent.; and the County Treasurer for every such warrant he shall issue shall have from such defaulter $1.00: *Provided*, That the printer's charges for advertising shall not exceed fifty cents for each tract of land, and twenty-five cents for personal property, levied on under each execution, and the Sheriff is prohibited from demanding or collecting any greater sum therefor than is hereby allowed: *Provided, further*, That neither the Sheriff nor County Treasurer shall receive fees upon *nulla bona* returns.

Fees to Sheriff.

Treasurer's fees.

Charge for advertising.

No *nulla bona* costs.

Approved December 24th, A. D. 1889.

A JOINT RESOLUTION TO PROVIDE FOR THE PAYMENT OF NULLA BONA COSTS ON TAX EXECUTIONS HERETOFORE ISSUED TO THE SHERIFFS OF THE SEVERAL COUNTIES OF THE STATE. No. 208.

SECTION 1. *Be it resolved* 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 same, That all the claims of the Sheriffs of the several Counties of the State for services heretofore rendered under an Act entitled "An Act to amend an Act in relation to forfeited lands, delinquent lands and collection of taxes," approved December 24th, 1888, be referred to the Comptroller General for examination, with instructions to investigate the same.

Sheriff's bill of fees referred to Comptroller General.

Ante p. 51.

SEC. 2. That for all such claims, or so much thereof as he shall find correct, he shall draw his warrant upon the State Treasurer in favor of the holders of the same, and report the amounts paid out and also the claims rejected to the next meeting of the General Assembly.

Valid claims to be paid.

Report to General Assembly.

Approved December 24th, A. D. 1889.

AN ACT IN RELATION TO ABANDONED LANDS NOT UPON THE TAX DUPLICATE OR FORFEITED LAND LIST. No. 209.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

in General Assembly, and by the authority of the same, That the Commissioners of the Sinking Fund be, and they are hereby, authorized to have surveyed any lands that they are informed or believe have been continuously for ten or more immediately preceding years upon neither the Tax Duplicate or Forfeited Land List of this State; and if after such survey the said absence from said tax books be found to exist, to cause the said land to be placed upon the Tax Duplicate in the owner's name if known, or in the name of "Unknown" if the owner's name be not known, charged and taxed with the entire costs of the survey and investigation, and fifty per cent. penalty additional thereto, and with the taxes for five years immediately preceding, and collecting the same under existing law for collection of taxes. County Treasurer shall pay to the Sinking Fund Commission said costs of survey and said fifty per cent. penalty additional thereto from amount collected, and apply the residue as provided by law.

Lands not on tax books to be surveyed.

And placed on tax lists.

Charges and past taxes.

Duty of County Treasurer.

Discretion of Sinking Fund Commission.

SEC. 2. That this law shall be by the Sinking Fund Commission applied to such extent and in such cases as they may deem most advantageous to the State.

Repealing clause.

SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and they are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 210. AN ACT TO REGULATE THE ANNUAL SETTLEMENTS OF COUNTY COMMISSIONERS, COUNTY SCHOOL COMMISSIONERS AND COUNTY TREASURERS FOR COUNTY AND SCHOOL TAXES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PRESCRIBE THE FORM UPON WHICH SAID SETTLEMENTS ARE MADE AND THE SYSTEM OF BOOKKEEPING IN SAID OFFICES.

SECTION 1. *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 same, That on and after the passage of this Act the County Commissioners and County School Commissioners of the several Counties of this State shall report to the Comptroller General quarterly from the beginning of each fiscal year the number, character and amount of each claim audited, allowed and ordered paid by

County and school claims to be reported to Comp. Gen.

them, the numbers and amounts actually paid, the names of the person or persons in whose favor the claim is allowed, and the person to whom paid, upon a form to be prescribed and furnished by the Comptroller General.

Form to be prescribed by Comp. Gen.

SEC. 2. That when the County Treasurers of the several Counties shall have disbursed all the County and school funds of each fiscal year, and are ready to make their settlements with their respective County Auditors for the County and school taxes charged against them upon the Treasurer's tax duplicates, they shall so notify the County Auditors, whereupon the County Auditors shall notify the County Commissioners and School Commissioners of their respective Counties of the day of such settlement, and the said County Commissioners and School Commissioners are hereby required to produce, in the office of the Auditor of their respective Counties, the claims allowed and ordered paid by them, and vouch thereby each amount presented by the County Treasurer for a credit in his settlement with the Auditor for the amount of County and school taxes which are charged against him on the Treasurer's duplicate for each year.

County Treasurers to notify Auditors of time for settlement.

Auditor to notify County Commissioners and School Commissioner.

Who shall produce list of approved claims.

SEC. 3. That at the close of each fiscal year, to facilitate said settlements, the Comptroller General shall prepare from the quarterly reports made to him by the County and School Commissioners, as required in the first Section of this Act, statements for each County, showing the number and amount of claims audited by the County and School Commissioners, as reported to him, and the names of the persons in whose favor allowed, and to whom paid, which statement shall be sent by the Comptroller General to the County Auditor of the County where said claims were allowed and paid, to be used in the settlement with the Treasurers.

Comptroller General to send statement to Auditors.

SEC. 4. That it shall be the duty of the County Auditor of each County to notify the Foreman of the Grand Jury thereof and the Comptroller General of the day upon which said settlement is to be made, and the Comptroller General, or some one duly authorized by him, and the Foreman of the Grand Jury of each County are hereby required to be present and witness said settlements.

Auditor to notify Foreman of Grand Jury.

Who shall attend settlement.

SEC. 5. That when said settlements shall have been completed, the settlement sheets shall be signed by the County Commissioners and County Treasurers, the County School Commissioners and County Treasurers in duplicate, and certified by the County Auditor, one copy of which shall be filed in the County Audit-

Settlements to be signed in duplicate.

And filed with Auditor and Comp. Gen.

A. D. 1889.

or's office and the other mailed to the Comptroller General, to be by him reported to the General Assembly.

Comp. Gen. to furnish copies to County officials.

SEC. 6. That it shall be the duty of the Comptroller General to mail each year a copy of his report containing such settlements to the Clerk of the Court, County Commissioners, School Commissioners and County Auditors of each County of the State, to be filed and kept by said officers in their several offices.

Comp. Gen. to prescribe system of bookkeeping.

SEC. 7. That the Comptroller General shall prescribe the system of bookkeeping to be used in the offices of County Commissioners, School Commissioners, County Treasurers and County Auditors of the State, so that the same shall be uniform, and in making his visit to witness the settlements herein required he shall examine the books of the said several offices and report the results of his examination to the General Assembly.

Examine books and report to General Assembly.

Irregularities and violations to be reported to Court of Sessions.

SEC. 8. That if in the making of said settlement there shall be discovered any irregularities or violations of law by any of said officers, the Comptroller General and the Foreman of the Grand Jury shall report the same to the Court of General Sessions of the County where such irregularities or violations of law shall have been discovered.

Day for settlement.

SEC. 9. That the day fixed for the settlement provided for in Sections 2 and 4 hereof shall be at least twenty days after the publication of the Treasurer's report as now provided by law.

Penalties.

SEC. 10. That any County Commissioner or County School Commissioner who shall fail to comply with the provisions of Section 1 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in each instance of such failure in a sum not less than fifty dollars nor more than one hundred and fifty dollars, in the discretion of the Court.

Approved December 24th, A. D. 1889.

No. 211. AN ACT TO PROVIDE FOR THE REDEMPTION OF THAT PART OF THE STATE DEBT KNOWN AS THE BROWN CONSOL BONDS AND STOCKS BY THE ISSUE OF OTHER BONDS AND STOCKS.

SECTION 1. *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 same, That

A. D. 1889.

the State Treasurer be, and he is hereby, authorized and required to receive from the holders thereof, who shall surrender the same before the first day of July, A. D. 1893, all coupon bonds and all certificates of stock commonly known as Brown Consol Bonds and Stocks, issued under the provisions of an Act of the General Assembly of this State entitled "An Act to reduce the volume of the public debt and provide for the payment of the same," approved December, A. D. 1873, and Acts amendatory thereto, and other Acts providing for the funding of bills of banks of this State, and Acts to fund past due interest on consols, and an Act to provide for the settlement of the consolidated debt of the State, in accordance with the decision of the Supreme Court of South Carolina approved 23d December, 1879, and an Act amending the same approved 19th February, 1880, and other Acts authorizing the issue of said consols, and also any other like bonds and stock which may be hereafter issued in pursuance of said Acts of the General Assembly, and shall thereupon, in exchange for and in lieu of said bonds and certificates of stock so surrendered, issue to said holder other coupon bonds and certificates of stock of equal face value with those so surrendered, and of the kind, class and description the issue of which is provided for in Section 2 of this Act, or the State Treasurer may issue to such holders as shall require it all bonds or all stock, or part bonds and part stock, of said authorized issue in making such exchange; and further, at the time of such surrender the State Treasurer shall pay to the holder of such bonds and stock, in cash, the difference in interest from the date of exchange up to the date of maturity of such bonds and stock, that is to say, two (2) per centum per annum interest from the date of exchange up to the first day of July, A. D. 1893. If the bonds and certificates of stock the issue of which is hereinafter provided for shall not be exchanged for the aforesaid Consolidated Bonds and Stock at par on or before the first day of July, A. D. 1892, then, and in such case, the State Treasurer, in the manner hereinafter provided, is authorized to sell the same to the highest bidder, but in no case less than their face value, and out of the proceeds of such sale to pay the aforesaid Consolidated Bonds and Stock at maturity, which will be on the first day of July, A. D. 1893: *Provided*, That the State Treasurer shall be authorized to reject any or all bids for said bonds and certificates of stock. And the State Treasurer, immediately after the approval of this Act, shall, by advertisement for such length of time as he may deem advisable, in one newspaper pub-

State Treasurer authorized to receive Brown Bonds and coupons and stock.

15 Stat., 518.

17 Stat., 112, 221, 472.

17 Stat., 191, 261.

17 Stat., 104, 240.

And issue in exchange new bonds or stock at par.

And pay difference in interest up to July 1, 1893.

All not issued in exchange by July 1, 1892, to be sold.

At not less than par and pay old bonds and stock.

Bids may be rejected.

Advertisement.

A. D. 1889.

lished in the city of Greenville, Columbia, Charleston and New York, respectively, give notice of the provisions made in this Act for the said exchange.

Blank bonds and stocks to be prepared.

SEC. 2. That for the redemption of the bonds and certificates of stock the surrender of which is provided for in Section 1 of this Act, the State Treasurer shall cause to be prepared a sufficiency of blanks of coupon bonds and certificates of stock of

Colored brown.

uniform design and appearance, to be colored brown, as will provide for a total issue of an amount (face value) in the aggre-

Limit.

gate of such bonds and certificates of stock not to exceed the aggregate amount of consol stocks and bonds that have been, or may be, issued under the Acts authorizing same, as stated in

Denomination.

Section 1; said bonds to be of the denomination of five hundred dollars and one thousand dollars, and said certificates of stock to have their respective face values left blank, so that the same may be filled as may be most convenient for the purposes of the

To bear 4 per cent. interest, payable semi-annually.

exchange hereinbefore provided for. That said bonds and certificates of stock shall bear interest, from the date of their issue until the date of their maturity, at the rate of four (4) per centum per annum, payable semi-annually, from and after said date, on the first day of July and the first day of January in

Where interest is payable.

each year, at the State Treasury, in the city of Columbia, and at such other places as shall be designated by the Governor, Comptroller General, and State Treasurer, or as shall be provided for by law, which place shall be expressed on the face of the same, and said bonds shall have coupons attached thereto for the interest which shall become due on said bonds, as hereinabove stated, and the interest on said certificates of stock shall be paid semi-annually, in the manner now provided by law.

Bonds and stock payable July 1st, 1940.

That said bonds and certificates of stock shall become payable at the end of the term of fifty years from the first day of July, A. D. 1890, which fact shall be expressed on their face. That

How executed.

said coupon bonds and certificates of stock shall be signed by the Governor of the State, countersigned by the Comptroller General, and have the great seal of the State affixed thereto by the Secretary of State, which signing and sealing shall be made and done at the time of their issue, and not before; the coupons shall bear the signature of the State Treasurer, his name being lithographed, or engraved, thereon. That the said coupon

Bonds and stock to be interchangeable.

bonds and certificates of stock shall, at all times, be exchangeable, one for the other, upon application to the State Treasurer.

A. D. 1869.

SEC. 3. That all bonds and certificates of stock surrendered as hereinabove provided for shall, immediately upon such surrender, be canceled and filed by the State Treasurer with the permanent records of his office, and a correct registry shall be kept by the State Treasurer of all exchanges made under the provisions of this Act, so as to exhibit in a separate account and convenient form the names of the holders thereof, and the number and amounts of all such bonds and stocks received into the Treasurer's office, together with the numbers and denominations of all bonds and stocks issued in exchange therefor, or sold by him under the provisions of this Act. And the Secretary of State is hereby required to keep, at all times, a correct registry of all the bonds sealed by him under the provisions of this Act. And the Governor is in like manner hereby required to keep a similar registry of all bonds signed by him, each registry to be accessible to public inspection at all times.

Cancellation and record of surrendered bonds and stock.

Registry of exchanges by State Treasurer.

Secretary of State and Governor to keep registry.

SEC. 4. That all coupons of the said bonds, and all interest orders of said certificates of stock, the issue of which bonds and certificates of stock is hereinabove provided for, shall be receivable in payment of all taxes which shall become payable to the State during the year in which such coupons and interest orders shall become payable, except for the tax levied for the support of the public schools, and the fact that said coupons are so receivable shall be expressed on the face of said coupons.

Interest receivable for taxes.

Exception.

SEC. 5. That the faith, credit and funds of the State are hereby solemnly pledged for the punctual payment of the interest and final redemption of said bonds and certificates of stock; that the faith and credit of the State are hereby further solemnly pledged, that from the date of the issue of said bonds and certificates of stock until the final payment of the principal and interest thereof there shall be levied annually, at the time of the levy of the tax to raise supplies for the support of the State Government and other like purposes, a tax of three mills, or such portion thereof as may be necessary, upon the entire taxable property of the State to meet the semi-annual payment of the interest to become due upon the bonds and certificates of stock the issue of which is hereinabove provided for, and this pledge is hereby declared to be a contract between the State of South Carolina and every holder of said bonds and certificates of stock, which pledge shall be expressed on the face of said bonds and certificates of stock.

Faith, credit and funds of State pledged for payment.

And for annual tax levy of 3 mills.

Declared to be a contract.

SEC. 6. That in case a sale of the bonds or certificates of stock the issue of which is hereinabove provided for shall

By whom sale shall be made.

A. D. 1889.

become necessary, such sale shall be made by the said Treasurer, with the advice and concurrence of the Governor and Comptroller General, and a correct registry of such bonds and certificates of stock as may be sold shall be kept in the same manner provided for in Section 3 of this Act, and the proceeds of such sales shall be kept as a separate fund, to be used exclusively for the final redemption of such consolidated bonds and consolidated certificates of stock hereinbefore described as shall not be exchanged for the bonds and certificates of stock the issue of which is provided for in this Act.

Registry of sales.

Proceeds to be used for redemption of old debt.

Appropriation of $10,000 to defray expenses.

SEC. 7. That for the purpose of defraying the expenses to be incurred in carrying out the provisions of this Act, the sum of ten thousand dollars, if so much be necessary, be, and the same is hereby, appropriated, to be drawn on the warrant of the Comptroller General, to be approved by the Governor.

Appropriation for payment of difference in interest.

SEC. 8. That the State Treasurer be, and he is hereby, authorized to use so much of the general fund as may be necessary for the payment of the difference in interest on exchange of bonds, and the receipt of the person receiving the said difference in interest shall be the State Treasurer's voucher therefor.

Receipts.

Exempt from taxation.

SEC. 9. That said bonds and certificates of stock shall be free from all State, County and municipal taxes whatsoever.

Powers of Governor and State Treasurer.

SEC. 10. That the Governor and State Treasurer are hereby authorized, in their discretion, to perform all and singular every act necessary to carry out the provisions of this Act, not herein specifically given, and which are not inconsistent with the provisions thereof.

When to take effect.

SEC. 11. That this Act shall take effect from and immediately after the date of its approval.

Repealing clause.

SEC. 12. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 212. AN ACT TO PREVENT THE KILLING AND DESTRUCTION OF FISH IN THE FRESH WATERS OF THIS STATE BY THE USE OF DYNAMITE, GIANT POWDER, OR OTHER EXPLOSIVE MATERIAL.

SECTION 1. *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 same, That

A. D. 1889.

on and after the passage of this Act it shall be unlawful for any person to kill, injure or destroy any fish in the fresh waters of this State by the use of dynamite, giant powder, or other explosive material, and any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and be imprisoned for not more than six months, or be fined not more than one hundred dollars, or both fine and imprisonment, at the discretion of the Court: *Provided*, That nothing herein contained shall be construed to forbid the use of such explosive material by the officers of the State or United States Government in the discharge of their official duties: *And provided, further*, That nothing herein contained shall be construed to prevent the use of any of such explosives by any persons or corporations mining phosphate rocks in any of the navigable streams of this State under license from the State.

Injuring of fish in fresh waters by explosives prohibited.

Punishment.

Exception as to officers.

Exception as to phosphate mining.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SECTIONS 345 AND 356 OF THE CODE OF PROCEDURE, IN RELATION TO APPEALS TO THE SUPREME COURT. No. 213.

SECTION 1. *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 same, That Section 356 of the Code of Procedure be, and the same is hereby, amended by striking out the first proviso thereof and inserting in lieu thereof the following: "*Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause, unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment." So that the said Section, when amended, shall read as follows:

Section 356 amended in the proviso.

SECTION 356. In cases not provided for in Sections 346, 350, 351, 352 and 353, the notice of appeal shall stay proceedings in the Court below upon the judgment appealed from, except that where it directs the sale of perishable property the Court below may order the property to be sold and the proceeds thereof to be deposited or invested in this State or United States bonds,

Appeal to stay proceedings.

Exception as to perishable property.

A. D. 1889.

to abide the judgment of the Supreme Court: *Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment: *Provided, further*, That nothing contained in the preceding proviso shall be construed to prevent a review upon appeal from the final order or judgment in the cause of any judgment or decree on demurrer.

Provisoes as to appeal from order overruling demurrer.

Section 345, ¶ 1, amended.

SEC. 2. That Section 345 of the Code of Civil Procedure be, and the same is hereby, amended by striking out Subdivision 1, and by amending Subdivision 2, so as to read as follows:

Paragraph as amended.

1. In every appeal to the Supreme Court from an order, decree or judgment granted or rendered at Chambers from which an appeal may be taken to the Supreme Court, the appellant or his attorney shall, within ten days after written notice that such order has been granted, or decree or judgment rendered, give notice to the opposite party or his attorney of his intention to appeal; and in all other appeals to the Supreme Court the appellant or his attorney shall, within ten days after the rising of the Circuit Court, give like notice of his intention to appeal to the opposite party or his attorney, and within thirty days after such notice the appellant or his attorney shall prepare a case with exceptions and serve them on the opposite party or his attorney. The respondent, within ten days after service of such case, may propose any objection thereto or alteration thereof, and the case shall be settled in such mode as may be provided in the rules of the Supreme Court.

Time for giving notice of appeal in vacation.

In other appeals.

Time for serving case with exceptions.

Time for proposing amendments.

Settlement of case.

Change in numbering.

SEC. 3. That Subdivisions 3, 4 and 5 of said Section shall hereafter be designated as Subdivisions 2, 3 and 4.

Approved December 24th, A. D. 1889.

No. 214. AN ACT TO FIX THE TIME OF THE SITTING OF THE CIRCUIT COURTS IN THE THIRD JUDICIAL CIRCUIT.

SECTION 1. *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 same, That the Circuit Courts of the Third Judicial Circuit of this State shall be held as follows:

Third Circuit.

A. D. 1889.

Florence.

1. The Court of General Sessions at Florence, for the County of Florence, on the last Monday in January, the fourth Monday in May and the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays following the first Monday in February and the third Monday in September, the first term of said Circuit Court to be held on the last Monday in January, 1890.

First term.

Georgetown.

2. The Court of General Sessions at Georgetown, for the County of Georgetown, on the second Monday in February, the second Monday in May and the seventh Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place, except the May Term thereof.

Williamsburg.

3. The Court of General Sessions at Kingstree, for the County of Williamsburg, on the third Monday in February, the third Monday in May and the fifth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof.

Clarendon.

4. The Court of General Sessions at Manning, for the County of Clarendon, on the fourth Monday in February, the first Monday after the fourth Monday in May and the fourth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May term thereof.

Sumter.

5. The Court of General Sessions at Sumter, for the County of Sumter, on the first Monday after the fourth Monday in February, the second Monday after the fourth Monday in May and the second Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Thursdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof: *Provided*, That no peremptory call of Calendar No. 1 shall be made in said County of Sumter before the second Monday after the fourth Monday in February and the third Monday after the third Monday in September.

Call of Calendar 1.

Hearing of causes at Summer Term.

SEC. 2. That nothing contained in this Act shall be construed to prevent the presiding Judge from hearing and determining in any of the Counties of the Third Circuit at the Summer Term

A. D. 1889. of the Court all cases which do not require the intervention of a jury.

Repealing clause. SEC. 3. That so much of all Acts or parts of Acts as is inconsistent with the provisions of this Act be, and the same is hereby, repealed.

When to take effect. SEC. 4. That this Act shall go into effect immediately upon its approval.

Approved December 23d, A. D. 1889.

No. 215. AN ACT TO AMEND SUBDIVISIONS 4 AND 5 OF SECTION 21, TITLE 3, PART 1, OF THE CODE OF CIVIL PROCEDURE, SO AS TO ALLOW AN ADDITIONAL WEEK OF COURT FOR DARLINGTON COUNTY AT THE SPRING TERM THEREOF.

SECTION 1. *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 same, That Code, § 21, ¶ 4, amended. Subdivision 4 of Section 21, Title 3, Part 1, of the Code of Civil Procedure be, and the same is hereby, amended as follows: Insert between the words "on" and "the," on the second line of said Subdivision, the words "the Monday following"; and between the words "following" and "the," on the fifth line of said Subdivision, insert the words "the Monday succeeding." So that said Subdivision, as amended, shall read as follows:

Marion. 4. The Court of General Sessions for the County of Marion at Marion Court House on the Monday following the fourth Monday after the fourth Monday of February, the third Monday after the fourth Monday of May and the first Monday after the fourth Monday of September; and the Court of Common Pleas at the same place on the Wednesdays following the Monday succeeding the fourth Monday after the fourth Monday of February and the first Monday after the fourth Monday of September.

Paragraph 5 amended. SEC. 2. That Subdivision 5 of Section 21, Title 3, Part 1, of the Code of Civil Procedure be, and the same is hereby, amended as follows: Strike out the word "third" on the second line of said Subdivision, and insert in lieu thereof the word "fourth," and strike out the word "third" on the fifth line of said Subdivision, and insert in lieu thereof the word "fourth." So that said Subdivision, as amended, shall read as follows:

A. D. 1889.

Horry.

5. The Court of General Sessions for the County of Horry at Conwayboro on the fourth Monday after the fourth Monday of February, the fourth Monday after the fourth Monday of May to continue for three hours, if so long be necessary, and the third Monday after the fourth Monday of September; and the Court of Common Pleas at the same place on the Wednesdays following the fourth Monday after the fourth Monday of February and the third Monday after the fourth Monday of September.

Approved December 23d, A. D. 1889.

AN ACT TO FIX THE TIMES AND PROVIDE FOR THE HOLDING OF THE CIRCUIT COURTS OF THE SEVENTH CIRCUIT. No. 216.

SECTION 1. *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 same, That the Circuit Courts of the Seventh Circuit shall be held as follows:

Seventh Circuit.

Newberry.

1. The Court of General Sessions at Newberry, for the County of Newberry, on the third Monday in March, the second Monday in July and the second Monday in November, and the Court of Common Pleas at the same place on the fourth Monday in March and the third Monday in November: *Provided, however,* That the provisions of Section 27 of the Code of Civil Procedure shall not apply to the Courts held in Newberry County.

Laurens.

2. That the Court of General Sessions at Laurens, for the County of Laurens, on the third Mondays in February, July and September, and the Court of Common Pleas at the same place on the Wednesday following the third Mondays in February and September.

Union.

3. The Court of General Sessions at Union, for the County of Union, on the first Mondays in March, July and October, and the Court of Common Pleas at the same place on the Wednesday following the first Mondays in March and October.

Spartanburg.

4. The Court of General Sessions at Spartanburg, for the County of Spartanburg, on the fourth Monday in January, the fourth Monday in July and the third Monday in October, and the Court of Common Pleas at the same place on the Wednesdays

A. D. 1889. following the fourth Monday in January, the fourth Monday in July and the third Monday in October.

Civil business at Summer Terms. SEC. 2. Wherever in the first Section of this Act provision is made for Courts of General Sessions only, the Judge presiding shall at the conclusion of any such Court of General Sessions open the Court of Common Pleas, without juries, and give judgments by default on Calendar three, hear and determine Equity causes, and transact all other business of a regular term of a Court of Common Pleas, except trials by jury.

When to take effect. SEC. 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved December 24th, A. D. 1889.

No. 217. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE TIME FOR HOLDING THE CIRCUIT COURTS IN THE EIGHTH CIRCUIT."

SECTION 1. *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 same, That

A. A. 1867, § 1, 19 Stat., 898, amended. Section 1 of an Act entitled "An Act to fix the times for holding the Circuit Courts in the Eighth Circuit" be, and the same is hereby, amended so as to read as follows:

Eighth Circuit. That the Circuit Courts of the Eighth Circuit shall be held as follows:

Abbeville. 1. That the Court of General Sessions at Abbeville, for the County of Abbeville, on the third Monday in January, the first Monday in June and the second Monday in October. The Court of Common Pleas for said County at the same place on the Wednesdays next following the third Monday in January, the first Monday in June and the second Monday in October.

Anderson. 2. The Court of General Sessions at Anderson, for the County of Anderson, on the second Monday in February, the fourth Monday in June and the fourth Monday in October, and the Court of Common Pleas for the said County at the same place on the Wednesdays next following the second Monday in February, the fourth Monday in June and the fourth Monday in October.

Oconee. 3. The Court of General Sessions at Walhalla, for the County of Oconee, on the fourth Monday in February, the first Monday

in July and the first Monday in October, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the fourth Monday in February, the first Monday in July and the first Monday in October. A. D. 1889.

4. The Court of General Sessions at Pickens, for the County of Pickens, on the first Monday in March, the second Monday in July, and the fourth Monday in September, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the first Monday in March, the second Monday in July and the fourth Monday in September. Pickens.

5. The Court of General Sessions at Greenville, for the County of Greenville, on the second Monday in March, the third Monday in July and the second Monday in November; the Court of Common Pleas for said County at the same place on the Wednesdays next following the second Monday in March, the third Monday in July and the second Monday in November. Greenville.

6. No civil business requiring a jury shall be heard at the Summer Term of the Court of Common Pleas for any County in said Circuit, except in the County of Greenville. Summer Term.

SEC. 2. That this Act shall take effect from and after its passage. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT FIXING THE TERM OF OFFICE OF CIRCUIT STENOGRAPHERS IN THE STATE, AND TO DEFINE THE MANNER OF THEIR APPOINTMENT TO AND REMOVAL FROM OFFICE, AND TO EQUALIZE CERTAIN SALARIES. No. 218.

SECTION 1. *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 same, That as soon as practicable after the passage of this Act, each of the resident Circuit Judges of the several Judicial Circuits of this State be, and they are hereby, authorized and required to appoint a Circuit Stenographer for their respective Circuits. Stenographers to be appointed.

SEC. 2. That the term of office of said Circuit Stenographers shall be for the period of four years: *Provided,* That each of said Judges shall have power to remove the Stenographer of his Circuit at any time upon sufficient cause being shown therefor. Term of office. Power of Judge to remove.

A. D. 1889.

lished in the city of Greenville, Columbia, Charleston and New York, respectively, give notice of the provisions made in this Act for the said exchange.

Blank bonds and stocks to be prepared.

SEC. 2. That for the redemption of the bonds and certificates of stock the surrender of which is provided for in Section 1 of this Act, the State Treasurer shall cause to be prepared a sufficiency of blanks of coupon bonds and certificates of stock of uniform design and appearance, to be colored brown, as will provide for a total issue of an amount (face value) in the aggregate of such bonds and certificates of stock not to exceed the aggregate amount of consol stocks and bonds that have been, or may be, issued under the Acts authorizing same, as stated in Section 1; said bonds to be of the denomination of five hundred dollars and one thousand dollars, and said certificates of stock to have their respective face values left blank, so that the same may be filled as may be most convenient for the purposes of the exchange hereinbefore provided for. That said bonds and certificates of stock shall bear interest, from the date of their issue until the date of their maturity, at the rate of four (4) per centum per annum, payable semi-annually, from and after said date, on the first day of July and the first day of January in each year, at the State Treasury, in the city of Columbia, and at such other places as shall be designated by the Governor, Comptroller General, and State Treasurer, or as shall be provided for by law, which place shall be expressed on the face of the same, and said bonds shall have coupons attached thereto for the interest which shall become due on said bonds, as hereinabove stated, and the interest on said certificates of stock shall be paid semi-annually, in the manner now provided by law. That said bonds and certificates of stock shall become payable at the end of the term of fifty years from the first day of July, A. D. 1890, which fact shall be expressed on their face. That said coupon bonds and certificates of stock shall be signed by the Governor of the State, countersigned by the Comptroller General, and have the great seal of the State affixed thereto by the Secretary of State, which signing and sealing shall be made and done at the time of their issue, and not before; the coupons shall bear the signature of the State Treasurer, his name being lithographed, or engraved, thereon. That the said coupon bonds and certificates of stock shall, at all times, be exchangeable, one for the other, upon application to the State Treasurer.

Colored brown.

Limit.

Denomination.

To bear 4 per cent. interest, payable semi-annually.

Where interest is payable.

Bonds and stock payable July 1st, 1940.

How executed.

Bonds and stock to be interchangeable.

A. D. 1889.

SEC. 3. That all bonds and certificates of stock surrendered as hereinabove provided for shall, immediately upon such surrender, be canceled and filed by the State Treasurer with the permanent records of his office, and a correct registry shall be kept by the State Treasurer of all exchanges made under the provisions of this Act, so as to exhibit in a separate account and convenient form the names of the holders thereof, and the number and amounts of all such bonds and stocks received into the Treasurer's office, together with the numbers and denominations of all bonds and stocks issued in exchange therefor, or sold by him under the provisions of this Act. And the Secretary of State is hereby required to keep, at all times, a correct registry of all the bonds sealed by him under the provisions of this Act. And the Governor is in like manner hereby required to keep a similar registry of all bonds signed by him, each registry to be accessible to public inspection at all times.

Cancellation and record of surrendered bonds and stock.

Registry of exchanges by State Treasurer.

Secretary of State and Governor to keep registry.

SEC. 4. That all coupons of the said bonds, and all interest orders of said certificates of stock, the issue of which bonds and certificates of stock is hereinabove provided for, shall be receivable in payment of all taxes which shall become payable to the State during the year in which such coupons and interest orders shall become payable, except for the tax levied for the support of the public schools, and the fact that said coupons are so receivable shall be expressed on the face of said coupons.

Interest receivable for taxes.

Exception.

SEC. 5. That the faith, credit and funds of the State are hereby solemnly pledged for the punctual payment of the interest and final redemption of said bonds and certificates of stock; that the faith and credit of the State are hereby further solemnly pledged, that from the date of the issue of said bonds and certificates of stock until the final payment of the principal and interest thereof there shall be levied annually, at the time of the levy of the tax to raise supplies for the support of the State Government and other like purposes, a tax of three mills, or such portion thereof as may be necessary, upon the entire taxable property of the State to meet the semi-annual payment of the interest to become due upon the bonds and certificates of stock the issue of which is hereinabove provided for, and this pledge is hereby declared to be a contract between the State of South Carolina and every holder of said bonds and certificates of stock, which pledge shall be expressed on the face of said bonds and certificates of stock.

Faith, credit and funds of State pledged for payment.

And for annual tax levy of 3 mills.

Declared to be a contract.

SEC. 6. That in case a sale of the bonds or certificates of stock the issue of which is hereinabove provided for shall

By whom sale shall be made.

A. D. 1889.

until ordered to be paid out by a Court of competent jurisdiction. The Judge directing the money to be paid to a County Treasurer in accordance with the provisions of this Act shall require of such Treasurer a bond in double the amount of money ordered to be paid by him, with two or more sufficient sureties to be approved by said Judge. Said bonds shall be payable to the State of South Carolina for the use and benefit of such persons, severally, as are entitled to said money. Said bonds shall be executed and approved and filed with the Clerk of said Court before receiving said money. In all cases of publication of notice under this Section, the Court shall require the same proof as in cases of publication of notice in civil cases.

Treasurer to give bond.

Proof of publication.

Approved December 17th, A. D. 1889.

No. 221. AN ACT TO AMEND SECTION 111 OF THE GENERAL STATUTES, RELATING TO ELECTIONS.

SECTION 1. *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 same, That Section 111 of the General Statutes be, and the same is hereby, amended so as to read as follows :

Gen. Stat., §111, amended.

SECTION 111. The polls shall be open at such voting places as shall be designated at seven o'clock in the forenoon, and close at four o'clock in the afternoon of the day of election, and shall be kept open during these hours without intermission or adjournment, and the managers shall administer to each person offering to vote an oath that he is qualified to vote at this election, according to the Constitution of this State, and that he has not voted during this election.

Hours for opening polls.

Oath of voters.

Approved December 17th, A. D. 1889.

No. 222. AN ACT TO AMEND SECTIONS 153, 154, 155 AND 157, CHAPTER VIII, TITLE II, PART I, OF THE GENERAL STATUTES, RELATING TO THE FORMATION AND PROCEEDINGS OF THE COLLEGE OF ELECTORS.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

on and after the passage of this Act it shall be unlawful for any person to kill, injure or destroy any fish in the fresh waters of this State by the use of dynamite, giant powder, or other explosive material, and any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and be imprisoned for not more than six months, or be fined not more than one hundred dollars, or both fine and imprisonment, at the discretion of the Court: *Provided*, That nothing herein contained shall be construed to forbid the use of such explosive material by the officers of the State or United States Government in the discharge of their official duties: *And provided, further*, That nothing herein contained shall be construed to prevent the use of any of such explosives by any persons or corporations mining phosphate rocks in any of the navigable streams of this State under license from the State.

Injuring of fish in fresh waters by explosives prohibited.

Punishment.

Exception as to officers.

Exception as to phosphate mining.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SECTIONS 345 AND 356 OF THE CODE OF PROCEDURE, IN RELATION TO APPEALS TO THE SUPREME COURT. No. 213.

SECTION 1. *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 same, That Section 356 of the Code of Procedure be, and the same is hereby, amended by striking out the first proviso thereof and inserting in lieu thereof the following: "*Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause, unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment." So that the said Section, when amended, shall read as follows:

Section 356 amended in the proviso.

SECTION 356. In cases not provided for in Sections 346, 350, 351, 352 and 353, the notice of appeal shall stay proceedings in the Court below upon the judgment appealed from, except that where it directs the sale of perishable property the Court below may order the property to be sold and the proceeds thereof to be deposited or invested in this State or United States bonds,

Appeal to stay proceedings.

Exception as to perishable property.

A. D. 1889.

to abide the judgment of the Supreme Court: *Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment: *Provided, further*, That nothing contained in the preceding proviso shall be construed to prevent a review upon appeal from the final order or judgment in the cause of any judgment or decree on demurrer.

Provisoes as to appeal from order overruling demurrer.

Section 345, ¶ 1, amended.

SEC. 2. That Section 345 of the Code of Civil Procedure be, and the same is hereby, amended by striking out Subdivision 1, and by amending Subdivision 2, so as to read as follows:

Paragraph as amended.

1. In every appeal to the Supreme Court from an order, decree or judgment granted or rendered at Chambers from which an appeal may be taken to the Supreme Court, the appellant or his attorney shall, within ten days after written notice that such order has been granted, or decree or judgment rendered, give notice to the opposite party or his attorney of his intention to appeal; and in all other appeals to the Supreme Court the appellant or his attorney shall, within ten days after the rising of the Circuit Court, give like notice of his intention to appeal to the opposite party or his attorney, and within thirty days after such notice the appellant or his attorney shall prepare a case with exceptions and serve them on the opposite party or his attorney. The respondent, within ten days after service of such case, may propose any objection thereto or alteration thereof, and the case shall be settled in such mode as may be provided in the rules of the Supreme Court.

Time for giving notice of appeal in vacation.

In other appeals.

Time for serving case with exceptions.

Time for proposing amendments.

Settlement of case.

Change in numbering.

SEC. 3. That Subdivisions 3, 4 and 5 of said Section shall hereafter be designated as Subdivisions 2, 3 and 4.

Approved December 24th, A. D. 1889.

No. 214. AN ACT TO FIX THE TIME OF THE SITTING OF THE CIRCUIT COURTS IN THE THIRD JUDICIAL CIRCUIT.

SECTION 1. *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 same, That the Circuit Courts of the Third Judicial Circuit of this State shall be held as follows:

Third Circuit.

A. D. 1889.

Florence.

1. The Court of General Sessions at Florence, for the County of Florence, on the last Monday in January, the fourth Monday in May and the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays following the first Monday in February and the third Monday in September, the first term of said Circuit Court to be held on the last Monday in January, 1890.

First term.

Georgetown.

2. The Court of General Sessions at Georgetown, for the County of Georgetown, on the second Monday in February, the second Monday in May and the seventh Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place, except the May Term thereof.

Williamsburg.

3. The Court of General Sessions at Kingstree, for the County of Williamsburg, on the third Monday in February, the third Monday in May and the fifth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof.

Clarendon.

4. The Court of General Sessions at Manning, for the County of Clarendon, on the fourth Monday in February, the first Monday after the fourth Monday in May and the fourth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May term thereof.

Sumter.

5. The Court of General Sessions at Sumter, for the County of Sumter, on the first Monday after the fourth Monday in February, the second Monday after the fourth Monday in May and the second Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Thursdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof: *Provided*, That no peremptory call of Calendar No. 1 shall be made in said County of Sumter before the second Monday after the fourth Monday in February and the third Monday after the third Monday in September.

Call of Calendar 1.

Hearing of causes at Summer Term.

SEC. 2. That nothing contained in this Act shall be construed to prevent the presiding Judge from hearing and determining in any of the Counties of the Third Circuit at the Summer Term

A. D. 1889.

who signed the instrument, and of the subscribing witnesses, by proper affidavit, the proof in every case to be recorded with the instrument.

Section 1777 as amended.

SECTION 1777. Before any deed or instrument in writing can be recorded in the proper office within this State, the execution

Probate of deed in this State.

thereof shall first be proved by the affidavit, in writing, of a subscribing witness to such instrument, taken before some officer, within this State, competent to administer an oath, or before a Commissioner or Commissioners appointed by *dedimus* issued from the Court of Common Pleas of the County in which the instrument is to be recorded; or, if taken without the limits

Before whom made out of the State.

of this State and within the United States, before a Commissioner of Deeds of this State, or before a Clerk of a Court of record, who shall certify the same under his official seal; or before a Notary Public, who shall affix thereto his official seal, and accompany the same with a certificate as to his official character from a Clerk of a Court of record of the County in which the affidavit is taken; or, if taken without the United States, before a Consul, Vice-Consul or Consular Agent of the United States

How made where witness cannot be reached.

of America. Where the affidavit of a subscribing witness cannot be had by reason of the death, insanity, or absence from the State of such witness, then upon proof of such fact and of the handwriting of the parties who signed the instrument and of the subscribing witnesses, by proper affidavit, the proof in every case to be recorded with the instrument.

Approved December 23d, A. D. 1889.

No. 225. AN ACT TO AMEND SECTION 804 OF THE GENERAL STATUTES OF THIS STATE, RELATIVE TO ANDERSON COUNTY, BY STRIKING OUT PARAGRAPHS 7 AND 8 OF THE SAME.

SECTION 1. *Be it enacted* by the Senate and House of Representative of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That

Gen. Stat., § 804, amended.

Section 804 of the General Statutes of this State be, and the same is hereby, amended by striking out the seventh and eighth paragraphs of said Section. So that said Section when amended shall read as follows:

Number of Trial Justices in Anderson.

SECTION 804. There shall be nineteen Trial Justices for Anderson County, appointed by the Governor, with the advice and

A. D. 1889.

consent of the Senate, who shall be distributed over the County in such manner as may best subserve the public welfare, and shall serve for the term of two years, and until their successors have been appointed and qualified, unless sooner removed by the Governor. Such Trial Justices as may be located in the County shall receive as compensation for their services in criminal cases the sum of fifty dollars each per annum, and such as may be located at Anderson Court House shall likewise receive the sum of one hundred dollars per annum. Nothing herein contained shall be so construed as to prevent any Trial Justice now in office in said County from serving the remainder of his term under the law as it now exists. No fees or costs shall be retained by any such Trial Justice for any trial or process whatever except in civil cases. No account or claim shall be paid to such Trial Justice by the County Treasurer upon any such demand. If any such Trial Justice shall neglect the duties of his office, or shall fail to pay over to the County Treasurer the fees, costs and fines collected by him, he shall be liable to indictment in the Court of Sessions, and upon conviction shall be punished as if guilty of larceny to the amount not so paid over, and shall be removed from office.

Location.
Term.
Compensation.
Fees and costs, except in civil cases, to be paid over.
Penalty.

The Trial Justices of Anderson County shall make a report of their proceedings in all criminal cases to the Clerk of the Court of said County on the first Monday in each calendar month for the month preceding, which report shall state specifically the names of the parties in action, the crime charged, the judgment rendered, and penalty, fees, costs, and fines imposed, and whether the same are collected or *nulla bona*, and in what amounts; and all such amounts shall upon the same day be due and be paid to the County Treasurer, and a failure to make this report shall be a misdemeanor, punishable by the Court of General Sessions by imprisonment in the County jail for not more than thirty days, or a fine not exceeding fifty dollars, or both, in the discretion of the Court.

Report to Clerk of Court.
When paid over to County Treasurer.
Penalty.

All blanks required in the prosecution of criminal cases shall be furnished by the County Commissioners upon the requisitions of the several Trial Justices, as they may be required in the performance of the duties of their office.

Blanks for Trial Justices.

Witnesses and jurors shall hereafter receive no pay from the County for service upon criminal cases before any Trial Justice, and all fees and costs arising from such compensation are hereby abolished within the County of Anderson.

No fees to witnesses or jurors in criminal cases.

Approved December 24th, A. D. 1889.

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following the fourth Monday in January, the fourth Monday in July and the third Monday in October.

Civil business at Summer Terms.

SEC. 2. Wherever in the first Section of this Act provision is made for Courts of General Sessions only, the Judge presiding shall at the conclusion of any such Court of General Sessions open the Court of Common Pleas, without juries, and give judgments by default on Calendar three, hear and determine Equity causes, and transact all other business of a regular term of a Court of Common Pleas, except trials by jury.

When to take effect.

SEC. 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved December 24th, A. D. 1889.

No. 217. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE TIME FOR HOLDING THE CIRCUIT COURTS IN THE EIGHTH CIRCUIT."

SECTION 1. *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 same, That

A. A. 1887, § 1, 19 Stat., 893, amended.

Section 1 of an Act entitled "An Act to fix the times for holding the Circuit Courts in the Eighth Circuit" be, and the same is hereby, amended so as to read as follows:

Eighth Circuit.

That the Circuit Courts of the Eighth Circuit shall be held as follows:

Abbeville.

1. That the Court of General Sessions at Abbeville, for the County of Abbeville, on the third Monday in January, the first Monday in June and the second Monday in October. The Court of Common Pleas for said County at the same place on the Wednesdays next following the third Monday in January, the first Monday in June and the second Monday in October.

Anderson.

2. The Court of General Sessions at Anderson, for the County of Anderson, on the second Monday in February, the fourth Monday in June and the fourth Monday in October, and the Court of Common Pleas for the said County at the same place on the Wednesdays next following the second Monday in February, the fourth Monday in June and the fourth Monday in October.

Oconee.

3. The Court of General Sessions at Walhalla, for the County of Oconee, on the fourth Monday in February, the first Monday

in July and the first Monday in October, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the fourth Monday in February, the first Monday in July and the first Monday in October. A. D. 1889.

4. The Court of General Sessions at Pickens, for the County of Pickens, on the first Monday in March, the second Monday in July, and the fourth Monday in September, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the first Monday in March, the second Monday in July and the fourth Monday in September. Pickens.

5. The Court of General Sessions at Greenville, for the County of Greenville, on the second Monday in March, the third Monday in July and the second Monday in November; the Court of Common Pleas for said County at the same place on the Wednesdays next following the second Monday in March, the third Monday in July and the second Monday in November. Greenville.

6. No civil business requiring a jury shall be heard at the Summer Term of the Court of Common Pleas for any County in said Circuit, except in the County of Greenville. Summer Term.

SEC. 2. That this Act shall take effect from and after its passage. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT FIXING THE TERM OF OFFICE OF CIRCUIT STENOGRAPHERS IN THE STATE, AND TO DEFINE THE MANNER OF THEIR APPOINTMENT TO AND REMOVAL FROM OFFICE, AND TO EQUALIZE CERTAIN SALARIES. No. 218.

SECTION 1. *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 same, That as soon as practicable after the passage of this Act, each of the resident Circuit Judges of the several Judicial Circuits of this State be, and they are hereby, authorized and required to appoint a Circuit Stenographer for their respective Circuits. Stenographers to be appointed.

SEC. 2. That the term of office of said Circuit Stenographers shall be for the period of four years: *Provided*, That each of said Judges shall have power to remove the Stenographer of his Circuit at any time upon sufficient cause being shown therefor. Term of office. Power of Judge to remove.

A. D. 1889.

lished in the city of Greenville, Columbia, Charleston and New York, respectively, give notice of the provisions made in this Act for the said exchange.

Blank bonds and stocks to be prepared.

SEC. 2. That for the redemption of the bonds and certificates of stock the surrender of which is provided for in Section 1 of this Act, the State Treasurer shall cause to be prepared a sufficiency of blanks of coupon bonds and certificates of stock of

Colored brown.

uniform design and appearance, to be colored brown, as will provide for a total issue of an amount (face value) in the aggre-

Limit.

gate of such bonds and certificates of stock not to exceed the aggregate amount of consol stocks and bonds that have been, or may be, issued under the Acts authorizing same, as stated in

Denomination.

Section 1; said bonds to be of the denomination of five hundred dollars and one thousand dollars, and said certificates of stock to have their respective face values left blank, so that the same may be filled as may be most convenient for the purposes of the

To bear 4 per cent. interest, payable semi-annually.

exchange hereinbefore provided for. That said bonds and certificates of stock shall bear interest, from the date of their issue until the date of their maturity, at the rate of four (4) per centum per annum, payable semi-annually, from and after said date, on the first day of July and the first day of January in

Where interest is payable.

each year, at the State Treasury, in the city of Columbia, and at such other places as shall be designated by the Governor, Comptroller General, and State Treasurer, or as shall be provided for by law, which place shall be expressed on the face of the same, and said bonds shall have coupons attached thereto for the interest which shall become due on said bonds, as hereinabove stated, and the interest on said certificates of stock shall be paid semi-annually, in the manner now provided by law.

Bonds and stock payable July 1st, 1940.

That said bonds and certificates of stock shall become payable at the end of the term of fifty years from the first day of July, A. D. 1890, which fact shall be expressed on their face. That

How executed.

said coupon bonds and certificates of stock shall be signed by the Governor of the State, countersigned by the Comptroller General, and have the great seal of the State affixed thereto by the Secretary of State, which signing and sealing shall be made and done at the time of their issue, and not before; the coupons shall bear the signature of the State Treasurer, his name being lithographed, or engraved, thereon. That the said coupon

Bonds and stock to be interchangeable.

bonds and certificates of stock shall, at all times, be exchangeable, one for the other, upon application to the State Treasurer.

A. D. 1889.

SEC. 3. That all bonds and certificates of stock surrendered as hereinabove provided for shall, immediately upon such surrender, be canceled and filed by the State Treasurer with the permanent records of his office, and a correct registry shall be kept by the State Treasurer of all exchanges made under the provisions of this Act, so as to exhibit in a separate account and convenient form the names of the holders thereof, and the number and amounts of all such bonds and stocks received into the Treasurer's office, together with the numbers and denominations of all bonds and stocks issued in exchange therefor, or sold by him under the provisions of this Act. And the Secretary of State is hereby required to keep, at all times, a correct registry of all the bonds sealed by him under the provisions of this Act. And the Governor is in like manner hereby required to keep a similar registry of all bonds signed by him, each registry to be accessible to public inspection at all times.

Cancellation and record of surrendered bonds and stock.

Registry of exchanges by State Treasurer.

Secretary of State and Governor to keep registry.

SEC. 4. That all coupons of the said bonds, and all interest orders of said certificates of stock, the issue of which bonds and certificates of stock is hereinabove provided for, shall be receivable in payment of all taxes which shall become payable to the State during the year in which such coupons and interest orders shall become payable, except for the tax levied for the support of the public schools, and the fact that said coupons are so receivable shall be expressed on the face of said coupons.

Interest receivable for taxes.

Exception.

SEC. 5. That the faith, credit and funds of the State are hereby solemnly pledged for the punctual payment of the interest and final redemption of said bonds and certificates of stock; that the faith and credit of the State are hereby further solemnly pledged, that from the date of the issue of said bonds and certificates of stock until the final payment of the principal and interest thereof there shall be levied annually, at the time of the levy of the tax to raise supplies for the support of the State Government and other like purposes, a tax of three mills, or such portion thereof as may be necessary, upon the entire taxable property of the State to meet the semi-annual payment of the interest to become due upon the bonds and certificates of stock the issue of which is hereinabove provided for, and this pledge is hereby declared to be a contract between the State of South Carolina and every holder of said bonds and certificates of stock, which pledge shall be expressed on the face of said bonds and certificates of stock.

Faith, credit and funds of State pledged for payment.

And for annual tax levy of 3 mills.

Declared to be a contract.

SEC. 6. That in case a sale of the bonds or certificates of stock the issue of which is hereinabove provided for shall

By whom sale shall be made.

A. D. 1889.

until ordered to be paid out by a Court of competent jurisdiction. The Judge directing the money to be paid to a County Treasurer in accordance with the provisions of this Act shall require of such Treasurer a bond in double the amount of money ordered to be paid by him, with two or more sufficient sureties to be approved by said Judge. Said bonds shall be payable to the State of South Carolina for the use and benefit of such persons, severally, as are entitled to said money. Said bonds shall be executed and approved and filed with the Clerk of said Court before receiving said money. In all cases of publication of notice under this Section, the Court shall require the same proof as in cases of publication of notice in civil cases.

Treasurer to give bond.

Proof of publication.

Approved December 17th, A. D. 1889.

No. 221. AN ACT TO AMEND SECTION 111 OF THE GENERAL STATUTES, RELATING TO ELECTIONS.

SECTION 1. *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 same, That Section 111 of the General Statutes be, and the same is hereby, amended so as to read as follows :

Gen. Stat., §111, amended.

SECTION 111. The polls shall be open at such voting places as shall be designated at seven o'clock in the forenoon, and close at four o'clock in the afternoon of the day of election, and shall be kept open during these hours without intermission or adjournment, and the managers shall administer to each person offering to vote an oath that he is qualified to vote at this election, according to the Constitution of this State, and that he has not voted during this election.

Hours for opening polls.

Oath of voters.

Approved December 17th, A. D. 1889.

No. 222. AN ACT TO AMEND SECTIONS 153, 154, 155 AND 157, CHAPTER VIII, TITLE II, PART I, OF THE GENERAL STATUTES, RELATING TO THE FORMATION AND PROCEEDINGS OF THE COLLEGE OF ELECTORS.

SECTION 1. *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 same, That Sections 153, 154, 155 and 157, Chapter VIII, Title II, Part I, of the General Statutes be, and the same are hereby, amended so that said Sections thus amended shall read as follows: A. D. 1889. Sections as amended.

SECTION 153. The Electors of President and Vice-President shall convene at the capital, in some convenient place, on the second Monday in January next after their election, and those of them who shall be assembled at eleven o'clock in the forenoon of that day shall, immediately after that hour, proceed to a preliminary organization, and make such preliminary arrangements as may be necessary for permanent organization and the casting of the electoral vote of the State. Preliminary meeting of Presidential Electors.

SECTION 154. The Secretary of State shall prepare three lists of the names of the electors, procure to the same the signature of the Governor, affix thereto the seal of the State, and deliver them, thus signed and sealed, to the President of the College of Electors on the second Monday in January. Secretary of State to furnish lists.

SECTION 155. On the said second Monday in January, at 12 o'clock M., the electors shall meet at some convenient place at the capital, and effect a permanent organization by the election of a President and Secretary from their own body, proceed to fill, by ballot and by plurality of votes, all vacancies in the Electoral College occasioned by the death, refusal to serve or neglect to attend at that hour of any Elector, or occasioned by an equal number of votes having been given for two or more candidates for Presidential Electors, and then and there vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as President, and, in distinct ballots, the persons voted for as Vice-President. Permanent organization. Voting by Electors.

SECTION 157. The Electors shall then, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the President of the Senate of the Congress of the United States, at the seat of government, before the second Wednesday in February then next ensuing. "In case there shall be no President of the Senate at the seat of government on the arrival of the person intrusted with the lists of the votes of the Electors, then such person is required to deliver the lists of the votes in his custody into the office of the Secretary of State of the United States." Messenger to be appointed. Delivery of the lists of votes.

Approved December 17th, A. D. 1889.

A. D. 1889. No. 223.

AN ACT TO AMEND SECTION 572 OF THE GENERAL STATUTES, PROVIDING FOR TRIPLICATE RECEIPTS FOR MONEYS RECEIVED BY THE STATE TREASURER.

SECTION 1. *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 same, That Section 572, Chapter XV, of the General Statutes be, and the same is hereby, amended, so that said Section shall read as follows:

Gen. Stat., § 572, amended.

State Treasurer to give triplicate receipts.

SECTION 572. The Treasurer, on receiving money from the County Treasurers on account of State taxes, and phosphate companies on account of phosphate royalty, or from any other person or persons whomsoever on any account, shall issue triplicate receipts for the same, one of which shall be designated the original, one the duplicate and the other the triplicate. The original shall be held by the person or persons making the payment of the money to the Treasurer for his protection, the duplicate shall be issued to the person or persons making such payment to be by him or them immediately forwarded to the Comptroller General, and the triplicate shall be sent direct from the State Treasurer to the Comptroller General, who shall, from such duplicate and triplicate receipts, make up a cash book upon which he shall charge the State Treasurer with having received the amounts as evidenced by said duplicate and triplicate receipts. That said State Treasurer shall designate on the face of each receipt on what account the money has been paid, so that the Comptroller General may be enabled to charge the said Treasurer separately with such amounts. If the State Treasurer shall neglect to furnish receipts, as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered in any Court having jurisdiction thereof, and the Comptroller General, upon information made to him, shall take the necessary measures to cause the same to be recovered; and should the person or persons to whom a duplicate receipt has been issued fail within ten days after he has received such receipt to send the same to the Comptroller General, aforesaid, he shall be subject to like forfeiture and payment as State Treasurer, to be recovered in same manner.

Original to payer.

Duplicate and triplicate.

Comptroller General to charge State Treasurer.

Penalty for failure by State Treasurer.

And by the payer.

Daily reports by State Treasurer.

SECTION 572*a*. The State Treasurer shall at the close of business on each day send to the Comptroller General a report of all moneys paid out by him, to whom paid and on what account, except that paid upon warrants of the Comptroller General.

The Comptroller General shall between the first and the tenth day of each month examine the vouchers in the office of the State Treasurer for all payments made by the Treasurer during the preceding month. A. D. 1889. Examination by Comptroller General.

SEC. 2. All Acts and parts of Acts inconsistent with or repugnant thereto be, and the same are hereby, repealed. Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SECTIONS 768 AND 1777 OF THE GENERAL STATUTES OF SOUTH CAROLINA, RELATING TO PROBATE OF DEEDS OR OTHER INSRUMENTS IN WRITING FOR RECORD. No. 224.

SECTION 1. *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 same, That Sections 768 and 1777 of the General Statutes of South Carolina be, and the same is hereby, amended by striking out the word "or," in the twelfth line of said Sections, and inserting on same line, after the word "Vice-Consul," the words "or Consular Agent." So that said Sections as amended shall read as follows: Gen. Stat., §§ 768, 1777, amended by inserting "Vice-Consul."

SECTION 768. Before any deed or other instrument in writing can be recorded in this State, the execution thereof shall be first proved by the affidavit of a subscribing witness to said instrument, taken before some officer within this State competent to administer an oath; or if the affidavit be taken without the limits of this State, before a Commissioner or Commissioners appointed by *dedimus* issued by the Clerk of the Court of Common Pleas of the County in which the instrument is to be recorded; or before a Commissioner of Deeds of this State; or before a Clerk of a Court of record, who shall make certificate thereof under his official seal; or before a Notary Public, who shall affix thereto his official seal, and shall accompany the same with a certificate as to his official character by a Clerk of a Court of record of the County in which the affidavit is taken; or the affidavit may be taken before a Consul, Vice-Consul or Consular Agent of the United States of America; or where the affidavit of a subscribing witness cannot be had, by reason of the death, insanity or absence from the State of such witness, then upon proof of such fact, and of the handwriting of the parties Section 768 as amended. Probate of deed in this State. Before whom made, if out of the State. How made where witnesses cannot be reached.

A. D. 1889.

who signed the instrument, and of the subscribing witnesses, by proper affidavit, the proof in every case to be recorded with the instrument.

Section 1777 as amended.

SECTION 1777. Before any deed or instrument in writing can be recorded in the proper office within this State, the execution

Probate of deed in this State.

thereof shall first be proved by the affidavit, in writing, of a subscribing witness to such instrument, taken before some officer, within this State, competent to administer an oath, or before a Commissioner or Commissioners appointed by *dedimus* issued from the Court of Common Pleas of the County in which the instrument is to be recorded; or, if taken without the limits

Before whom made out of the State.

of this State and within the United States, before a Commissioner of Deeds of this State, or before a Clerk of a Court of record, who shall certify the same under his official seal; or before a Notary Public, who shall affix thereto his official seal, and accompany the same with a certificate as to his official character from a Clerk of a Court of record of the County in which the affidavit is taken; or, if taken without the United States, before a Consul, Vice-Consul or Consular Agent of the United States

How made where witness cannot be reached.

of America. Where the affidavit of a subscribing witness cannot be had by reason of the death, insanity, or absence from the State of such witness, then upon proof of such fact and of the handwriting of the parties who signed the instrument and of the subscribing witnesses, by proper affidavit, the proof in every case to be recorded with the instrument.

Approved December 23d, A. D. 1889.

No. 225. AN ACT TO AMEND SECTION 804 OF THE GENERAL STATUTES OF THIS STATE, RELATIVE TO ANDERSON COUNTY, BY STRIKING OUT PARAGRAPHS 7 AND 8 OF THE SAME.

SECTION 1. *Be it enacted* by the Senate and House of Representative of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That

Gen. Stat., § 804, amended.

Section 804 of the General Statutes of this State be, and the same is hereby, amended by striking out the seventh and eighth paragraphs of said Section. So that said Section when amended shall read as follows:

Number of Trial Justices in Anderson.

SECTION 804. There shall be nineteen Trial Justices for Anderson County, appointed by the Governor, with the advice and

A. D. 1889.

consent of the Senate, who shall be distributed over the County in such manner as may best subserve the public welfare, and shall serve for the term of two years, and until their successors have been appointed and qualified, unless sooner removed by the Governor. Such Trial Justices as may be located in the County shall receive as compensation for their services in criminal cases the sum of fifty dollars each per annum, and such as may be located at Anderson Court House shall likewise receive the sum of one hundred dollars per annum. Nothing herein contained shall be so construed as to prevent any Trial Justice now in office in said County from serving the remainder of his term under the law as it now exists. No fees or costs shall be retained by any such Trial Justice for any trial or process whatever except in civil cases. No account or claim shall be paid to such Trial Justice by the County Treasurer upon any such demand. If any such Trial Justice shall neglect the duties of his office, or shall fail to pay over to the County Treasurer the fees, costs and fines collected by him, he shall be liable to indictment in the Court of Sessions, and upon conviction shall be punished as if guilty of larceny to the amount not so paid over, and shall be removed from office.

Location.

Term.

Compensation.

Fees and costs, except in civil cases, to be paid over.

Penalty.

The Trial Justices of Anderson County shall make a report of their proceedings in all criminal cases to the Clerk of the Court of said County on the first Monday in each calendar month for the month preceding, which report shall state specifically the names of the parties in action, the crime charged, the judgment rendered, and penalty, fees, costs, and fines imposed, and whether the same are collected or *nulla bona*, and in what amounts; and all such amounts shall upon the same day be due and be paid to the County Treasurer, and a failure to make this report shall be a misdemeanor, punishable by the Court of General Sessions by imprisonment in the County jail for not more than thirty days, or a fine not exceeding fifty dollars, or both, in the discretion of the Court.

Report to Clerk of Court.

When paid over to County Treasurer.

Penalty.

All blanks required in the prosecution of criminal cases shall be furnished by the County Commissioners upon the requisitions of the several Trial Justices, as they may be required in the performance of the duties of their office.

Blanks for Trial Justices.

Witnesses and jurors shall hereafter receive no pay from the County for service upon criminal cases before any Trial Justice, and all fees and costs arising from such compensation are hereby abolished within the County of Anderson.

No fees to witnesses or jurors in criminal cases.

Approved December 24th, A. D. 1889.

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following the fourth Monday in January, the fourth Monday in July and the third Monday in October.

Civil business at Summer Terms.

SEC. 2. Wherever in the first Section of this Act provision is made for Courts of General Sessions only, the Judge presiding shall at the conclusion of any such Court of General Sessions open the Court of Common Pleas, without juries, and give judgments by default on Calendar three, hear and determine Equity causes, and transact all other business of a regular term of a Court of Common Pleas, except trials by jury.

When to take effect.

SEC. 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved December 24th, A. D. 1889.

No. 217. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE TIME FOR HOLDING THE CIRCUIT COURTS IN THE EIGHTH CIRCUIT."

SECTION 1. *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 same, That

A. A. 1887, § 1, 19 Stat., 892, amended.

Section 1 of an Act entitled "An Act to fix the times for holding the Circuit Courts in the Eighth Circuit" be, and the same is hereby, amended so as to read as follows:

Eighth Circuit.

That the Circuit Courts of the Eighth Circuit shall be held as follows:

Abbeville.

1. That the Court of General Sessions at Abbeville, for the County of Abbeville, on the third Monday in January, the first Monday in June and the second Monday in October. The Court of Common Pleas for said County at the same place on the Wednesdays next following the third Monday in January, the first Monday in June and the second Monday in October.

Anderson.

2. The Court of General Sessions at Anderson, for the County of Anderson, on the second Monday in February, the fourth Monday in June and the fourth Monday in October, and the Court of Common Pleas for the said County at the same place on the Wednesdays next following the second Monday in February, the fourth Monday in June and the fourth Monday in October.

Oconee.

3. The Court of General Sessions at Walhalla, for the County of Oconee, on the fourth Monday in February, the first Monday

in July and the first Monday in October, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the fourth Monday in February, the first Monday in July and the first Monday in October. A. D. 1889.

4. The Court of General Sessions at Pickens, for the County of Pickens, on the first Monday in March, the second Monday in July, and the fourth Monday in September, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the first Monday in March, the second Monday in July and the fourth Monday in September. Pickens.

5. The Court of General Sessions at Greenville, for the County of Greenville, on the second Monday in March, the third Monday in July and the second Monday in November; the Court of Common Pleas for said County at the same place on the Wednesdays next following the second Monday in March, the third Monday in July and the second Monday in November. Greenville.

6. No civil business requiring a jury shall be heard at the Summer Term of the Court of Common Pleas for any County in said Circuit, except in the County of Greenville. Summer Term.

SEC. 2. That this Act shall take effect from and after its passage. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT FIXING THE TERM OF OFFICE OF CIRCUIT STENOGRAPHERS IN THE STATE, AND TO DEFINE THE MANNER OF THEIR APPOINTMENT TO AND REMOVAL FROM OFFICE, AND TO EQUALIZE CERTAIN SALARIES. No. 218.

SECTION 1. *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 same, That as soon as practicable after the passage of this Act, each of the resident Circuit Judges of the several Judicial Circuits of this State be, and they are hereby, authorized and required to appoint a Circuit Stenographer for their respective Circuits. Stenographers to be appointed.

SEC. 2. That the term of office of said Circuit Stenographers shall be for the period of four years: *Provided,* That each of said Judges shall have power to remove the Stenographer of his Circuit at any time upon sufficient cause being shown therefor. Term of office. Power of Judge to remove.

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lished in the city of Greenville, Columbia, Charleston and New York, respectively, give notice of the provisions made in this Act for the said exchange.

Blank bonds and stocks to be prepared.

SEC. 2. That for the redemption of the bonds and certificates of stock the surrender of which is provided for in Section 1 of this Act, the State Treasurer shall cause to be prepared a sufficiency of blanks of coupon bonds and certificates of stock of

Colored brown.

uniform design and appearance, to be colored brown, as will provide for a total issue of an amount (face value) in the aggre-

Limit.

gate of such bonds and certificates of stock not to exceed the aggregate amount of consol stocks and bonds that have been, or may be, issued under the Acts authorizing same, as stated in

Denomination.

Section 1; said bonds to be of the denomination of five hundred dollars and one thousand dollars, and said certificates of stock to have their respective face values left blank, so that the same may be filled as may be most convenient for the purposes of the

To bear 4 per cent. interest, payable semi-annually.

exchange hereinbefore provided for. That said bonds and certificates of stock shall bear interest, from the date of their issue until the date of their maturity, at the rate of four (4) per centum per annum, payable semi-annually, from and after said date, on the first day of July and the first day of January in

Where interest is payable.

each year, at the State Treasury, in the city of Columbia, and at such other places as shall be designated by the Governor, Comptroller General, and State Treasurer, or as shall be provided for by law, which place shall be expressed on the face of the same, and said bonds shall have coupons attached thereto for the interest which shall become due on said bonds, as hereinabove stated, and the interest on said certificates of stock shall be paid semi-annually, in the manner now provided by law.

Bonds and stock payable July 1st, 1940.

That said bonds and certificates of stock shall become payable at the end of the term of fifty years from the first day of July, A. D. 1890, which fact shall be expressed on their face. That

How executed.

said coupon bonds and certificates of stock shall be signed by the Governor of the State, countersigned by the Comptroller General, and have the great seal of the State affixed thereto by the Secretary of State, which signing and sealing shall be made and done at the time of their issue, and not before; the coupons shall bear the signature of the State Treasurer, his name being lithographed, or engraved, thereon. That the said coupon

Bonds and stock to be interchangeable.

bonds and certificates of stock shall, at all times, be exchangeable, one for the other, upon application to the State Treasurer.

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SEC. 3. That all bonds and certificates of stock surrendered as hereinabove provided for shall, immediately upon such surrender, be canceled and filed by the State Treasurer with the permanent records of his office, and a correct registry shall be kept by the State Treasurer of all exchanges made under the provisions of this Act, so as to exhibit in a separate account and convenient form the names of the holders thereof, and the number and amounts of all such bonds and stocks received into the Treasurer's office, together with the numbers and denominations of all bonds and stocks issued in exchange therefor, or sold by him under the provisions of this Act. And the Secretary of State is hereby required to keep, at all times, a correct registry of all the bonds sealed by him under the provisions of this Act. And the Governor is in like manner hereby required to keep a similar registry of all bonds signed by him, each registry to be accessible to public inspection at all times.

Cancellation and record of surrendered bonds and stock.

Registry of exchanges by State Treasurer.

Secretary of State and Governor to keep registry.

SEC. 4. That all coupons of the said bonds, and all interest orders of said certificates of stock, the issue of which bonds and certificates of stock is hereinabove provided for, shall be receivable in payment of all taxes which shall become payable to the State during the year in which such coupons and interest orders shall become payable, except for the tax levied for the support of the public schools, and the fact that said coupons are so receivable shall be expressed on the face of said coupons.

Interest receivable for taxes.

Exception.

SEC. 5. That the faith, credit and funds of the State are hereby solemnly pledged for the punctual payment of the interest and final redemption of said bonds and certificates of stock; that the faith and credit of the State are hereby further solemnly pledged, that from the date of the issue of said bonds and certificates of stock until the final payment of the principal and interest thereof there shall be levied annually, at the time of the levy of the tax to raise supplies for the support of the State Government and other like purposes, a tax of three mills, or such portion thereof as may be necessary, upon the entire taxable property of the State to meet the semi-annual payment of the interest to become due upon the bonds and certificates of stock the issue of which is hereinabove provided for, and this pledge is hereby declared to be a contract between the State of South Carolina and every holder of said bonds and certificates of stock, which pledge shall be expressed on the face of said bonds and certificates of stock.

Faith, credit and funds of State pledged for payment.

And for annual tax levy of 3 mills.

Declared to be a contract.

SEC. 6. That in case a sale of the bonds or certificates of stock the issue of which is hereinabove provided for shall

By whom sale shall be made.

A. D. 1889.

become necessary, such sale shall be made by the said Treasurer, with the advice and concurrence of the Governor and Comptroller General, and a correct registry of such bonds and certificates of stock as may be sold shall be kept in the same manner provided for in Section 3 of this Act, and the proceeds of such sales shall be kept as a separate fund, to be used exclusively for the final redemption of such consolidated bonds and consolidated certificates of stock hereinbefore described as shall not be exchanged for the bonds and certificates of stock the issue of which is provided for in this Act.

Registry of sales.

Proceeds to be used for redemption of old debt.

Appropriation of $10,000 to defray expenses.

SEC. 7. That for the purpose of defraying the expenses to be incurred in carrying out the provisions of this Act, the sum of ten thousand dollars, if so much be necessary, be, and the same is hereby, appropriated, to be drawn on the warrant of the Comptroller General, to be approved by the Governor.

Appropriation for payment of difference in interest.

SEC. 8. That the State Treasurer be, and he is hereby, authorized to use so much of the general fund as may be necessary for the payment of the difference in interest on exchange of bonds, and the receipt of the person receiving the said difference in interest shall be the State Treasurer's voucher therefor.

Receipts.

Exempt from taxation.

SEC. 9. That said bonds and certificates of stock shall be free from all State, County and municipal taxes whatsoever.

Powers of Governor and State Treasurer.

SEC. 10. That the Governor and State Treasurer are hereby authorized, in their discretion, to perform all and singular every act necessary to carry out the provisions of this Act, not herein specifically given, and which are not inconsistent with the provisions thereof.

When to take effect.

SEC. 11. That this Act shall take effect from and immediately after the date of its approval.

Repealing clause.

SEC. 12. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 212. AN ACT TO PREVENT THE KILLING AND DESTRUCTION OF FISH IN THE FRESH WATERS OF THIS STATE BY THE USE OF DYNAMITE, GIANT POWDER, OR OTHER EXPLOSIVE MATERIAL.

SECTION 1. *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 same, That

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on and after the passage of this Act it shall be unlawful for any person to kill, injure or destroy any fish in the fresh waters of this State by the use of dynamite, giant powder, or other explosive material, and any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and be imprisoned for not more than six months, or be fined not more than one hundred dollars, or both fine and imprisonment, at the discretion of the Court: *Provided*, That nothing herein contained shall be construed to forbid the use of such explosive material by the officers of the State or United States Government in the discharge of their official duties: *And provided, further*, That nothing herein contained shall be construed to prevent the use of any of such explosives by any persons or corporations mining phosphate rocks in any of the navigable streams of this State under license from the State.

Injuring of fish in fresh waters by explosives prohibited.

Punishment.

Exception as to officers.

Exception as to phosphate mining.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SECTIONS 345 AND 356 OF THE CODE OF PROCEDURE, IN RELATION TO APPEALS TO THE SUPREME COURT. No. 213.

SECTION 1. *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 same, That Section 356 of the Code of Procedure be, and the same is hereby, amended by striking out the first proviso thereof and inserting in lieu thereof the following: "*Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause, unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment." So that the said Section, when amended, shall read as follows:

Section 356 amended in the proviso.

SECTION 356. In cases not provided for in Sections 346, 350, 351, 352 and 353, the notice of appeal shall stay proceedings in the Court below upon the judgment appealed from, except that where it directs the sale of perishable property the Court below may order the property to be sold and the proceeds thereof to be deposited or invested in this State or United States bonds,

Appeal to stay proceedings.

Exception as to perishable property.

A. D. 1889.

to abide the judgment of the Supreme Court: *Provided*, An appeal from a judgment or decree overruling a demurrer shall stay the further hearing of the cause unless the presiding Judge shall be satisfied that the ends of justice will be subserved by proceeding with the trial, and shall order the trial of the cause to proceed to judgment: *Provided, further*, That nothing contained in the preceding proviso shall be construed to prevent a review upon appeal from the final order or judgment in the cause of any judgment or decree on demurrer.

Provisoes as to appeal from order overruling demurrer.

Section 345, ¶ 1, amended.

SEC. 2. That Section 345 of the Code of Civil Procedure be, and the same is hereby, amended by striking out Subdivision 1, and by amending Subdivision 2, so as to read as follows:

Paragraph as amended.

1. In every appeal to the Supreme Court from an order, decree or judgment granted or rendered at Chambers from which an appeal may be taken to the Supreme Court, the appellant or his attorney shall, within ten days after written notice that such order has been granted, or decree or judgment rendered, give notice to the opposite party or his attorney of his intention to appeal; and in all other appeals to the Supreme Court the appellant or his attorney shall, within ten days after the rising of the Circuit Court, give like notice of his intention to appeal to the opposite party or his attorney, and within thirty days after such notice the appellant or his attorney shall prepare a case with exceptions and serve them on the opposite party or his attorney. The respondent, within ten days after service of such case, may propose any objection thereto or alteration thereof, and the case shall be settled in such mode as may be provided in the rules of the Supreme Court.

Time for giving notice of appeal in vacation.

In other appeals.

Time for serving case with exceptions.

Time for proposing amendments.

Settlement of case.

Change in numbering.

SEC. 3. That Subdivisions 3, 4 and 5 of said Section shall hereafter be designated as Subdivisions 2, 3 and 4.

Approved December 24th, A. D. 1889.

No. 214. AN ACT TO FIX THE TIME OF THE SITTING OF THE CIRCUIT COURTS IN THE THIRD JUDICIAL CIRCUIT.

SECTION 1. *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 same, That the Circuit Courts of the Third Judicial Circuit of this State shall be held as follows:

Third Circuit.

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Florence.

1. The Court of General Sessions at Florence, for the County of Florence, on the last Monday in January, the fourth Monday in May and the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays following the first Monday in February and the third Monday in September, the first term of said Circuit Court to be held on the last Monday in January, 1890.

First term.

Georgetown.

2. The Court of General Sessions at Georgetown, for the County of Georgetown, on the second Monday in February, the second Monday in May and the seventh Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place, except the May Term thereof.

Williamsburg.

3. The Court of General Sessions at Kingstree, for the County of Williamsburg, on the third Monday in February, the third Monday in May and the fifth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof.

Clarendon.

4. The Court of General Sessions at Manning, for the County of Clarendon, on the fourth Monday in February, the first Monday after the fourth Monday in May and the fourth Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May term thereof.

Sumter.

5. The Court of General Sessions at Sumter, for the County of Sumter, on the first Monday after the fourth Monday in February, the second Monday after the fourth Monday in May and the second Monday after the third Monday in September; and the Court of Common Pleas at the same place on the Thursdays first succeeding the Mondays herein fixed for holding the Court of General Sessions at said place, except the May Term thereof: *Provided*, That no peremptory call of Calendar No. 1 shall be made in said County of Sumter before the second Monday after the fourth Monday in February and the third Monday after the third Monday in September.

Call of Calendar 1.

Hearing of causes at Summer Term.

SEC. 2. That nothing contained in this Act shall be construed to prevent the presiding Judge from hearing and determining in any of the Counties of the Third Circuit at the Summer Term

A. D. 1889. of the Court all cases which do not require the intervention of a jury.

Repealing clause. SEC. 3. That so much of all Acts or parts of Acts as is inconsistent with the provisions of this Act be, and the same is hereby, repealed.

When to take effect. SEC. 4. That this Act shall go into effect immediately upon its approval.

Approved December 23d, A. D. 1889.

No. 215. AN ACT TO AMEND SUBDIVISIONS 4 AND 5 OF SECTION 21, TITLE 3, PART 1, OF THE CODE OF CIVIL PROCEDURE, SO AS TO ALLOW AN ADDITIONAL WEEK OF COURT FOR DARLINGTON COUNTY AT THE SPRING TERM THEREOF.

SECTION 1. *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 same, That

Code, § 21, ¶ 4, amended. Subdivision 4 of Section 21, Title 3, Part 1, of the Code of Civil Procedure be, and the same is hereby, amended as follows: Insert between the words "on" and "the," on the second line of said Subdivision, the words "the Monday following"; and between the words "following" and "the," on the fifth line of said Subdivision, insert the words "the Monday succeeding." So that said Subdivision, as amended, shall read as follows:

Marion. 4. The Court of General Sessions for the County of Marion at Marion Court House on the Monday following the fourth Monday after the fourth Monday of February, the third Monday after the fourth Monday of May and the first Monday after the fourth Monday of September; and the Court of Common Pleas at the same place on the Wednesdays following the Monday succeeding the fourth Monday after the fourth Monday of February and the first Monday after the fourth Monday of September.

Paragraph 5 amended. SEC. 2. That Subdivision 5 of Section 21, Title 3, Part 1, of the Code of Civil Procedure be, and the same is hereby, amended as follows: Strike out the word "third" on the second line of said Subdivision, and insert in lieu thereof the word "fourth," and strike out the word "third" on the fifth line of said Subdivision, and insert in lieu thereof the word "fourth." So that said Subdivision, as amended, shall read as follows:

5. The Court of General Sessions for the County of Horry at Conwayboro on the fourth Monday after the fourth Monday of February, the fourth Monday after the fourth Monday of May to continue for three hours, if so long be necessary, and the third Monday after the fourth Monday of September; and the Court of Common Pleas at the same place on the Wednesdays following the fourth Monday after the fourth Monday of February and the third Monday after the fourth Monday of September. A. D. 1889. Horry.

Approved December 23d, A. D. 1889.

AN ACT TO FIX THE TIMES AND PROVIDE FOR THE HOLDING OF THE CIRCUIT COURTS OF THE SEVENTH CIRCUIT. No. 216.

SECTION 1. *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 same, That the Circuit Courts of the Seventh Circuit shall be held as follows: Seventh Circuit.

1. The Court of General Sessions at Newberry, for the County of Newberry, on the third Monday in March, the second Monday in July and the second Monday in November, and the Court of Common Pleas at the same place on the fourth Monday in March and the third Monday in November: *Provided, however*, That the provisions of Section 27 of the Code of Civil Procedure shall not apply to the Courts held in Newberry County. Newberry.

2. That the Court of General Sessions at Laurens, for the County of Laurens, on the third Mondays in February, July and September, and the Court of Common Pleas at the same place on the Wednesday following the third Mondays in February and September. Laurens.

3. The Court of General Sessions at Union, for the County of Union, on the first Mondays in March, July and October, and the Court of Common Pleas at the same place on the Wednesday following the first Mondays in March and October. Union.

4. The Court of General Sessions at Spartanburg, for the County of Spartanburg, on the fourth Monday in January, the fourth Monday in July and the third Monday in October, and the Court of Common Pleas at the same place on the Wednesdays Spartanburg.

A. D. 1889. following the fourth Monday in January, the fourth Monday in July and the third Monday in October.

Civil business at Summer Terms. SEC. 2. Wherever in the first Section of this Act provision is made for Courts of General Sessions only, the Judge presiding shall at the conclusion of any such Court of General Sessions open the Court of Common Pleas, without juries, and give judgments by default on Calendar three, hear and determine Equity causes, and transact all other business of a regular term of a Court of Common Pleas, except trials by jury.

When to take effect. SEC. 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved December 24th, A. D. 1889.

No. 217. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE TIME FOR HOLDING THE CIRCUIT COURTS IN THE EIGHTH CIRCUIT."

SECTION 1. *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 same, That

A. A. 1887, § 1, 19 Stat., 893, amended. Section 1 of an Act entitled "An Act to fix the times for holding the Circuit Courts in the Eighth Circuit" be, and the same is hereby, amended so as to read as follows:

Eighth Circuit. That the Circuit Courts of the Eighth Circuit shall be held as follows:

Abbeville. 1. That the Court of General Sessions at Abbeville, for the County of Abbeville, on the third Monday in January, the first Monday in June and the second Monday in October. The Court of Common Pleas for said County at the same place on the Wednesdays next following the third Monday in January, the first Monday in June and the second Monday in October.

Anderson. 2. The Court of General Sessions at Anderson, for the County of Anderson, on the second Monday in February, the fourth Monday in June and the fourth Monday in October, and the Court of Common Pleas for the said County at the same place on the Wednesdays next following the second Monday in February, the fourth Monday in June and the fourth Monday in October.

Oconee. 3. The Court of General Sessions at Walhalla, for the County of Oconee, on the fourth Monday in February, the first Monday

in July and the first Monday in October, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the fourth Monday in February, the first Monday in July and the first Monday in October. A. D. 1889.

4. The Court of General Sessions at Pickens, for the County of Pickens, on the first Monday in March, the second Monday in July, and the fourth Monday in September, and the Court of Common Pleas for said County at the same place on the Wednesdays next following the first Monday in March, the second Monday in July and the fourth Monday in September. Pickens.

5. The Court of General Sessions at Greenville, for the County of Greenville, on the second Monday in March, the third Monday in July and the second Monday in November; the Court of Common Pleas for said County at the same place on the Wednesdays next following the second Monday in March, the third Monday in July and the second Monday in November. Greenville.

6. No civil business requiring a jury shall be heard at the Summer Term of the Court of Common Pleas for any County in said Circuit, except in the County of Greenville. Summer Term.

SEC. 2. That this Act shall take effect from and after its passage. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT FIXING THE TERM OF OFFICE OF CIRCUIT STENOGRAPHERS IN THE STATE, AND TO DEFINE THE MANNER OF THEIR APPOINTMENT TO AND REMOVAL FROM OFFICE, AND TO EQUALIZE CERTAIN SALARIES. No. 218.

SECTION 1. *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 same, That as soon as practicable after the passage of this Act, each of the resident Circuit Judges of the several Judicial Circuits of this State be, and they are hereby, authorized and required to appoint a Circuit Stenographer for their respective Circuits. Stenographers to be appointed.

SEC. 2. That the term of office of said Circuit Stenographers shall be for the period of four years: *Provided*, That each of said Judges shall have power to remove the Stenographer of his Circuit at any time upon sufficient cause being shown therefor. Term of office. Power of Judge to remove.

A. D. 1889.

valuable consideration, upon conviction such offender or offenders shall be fined in a sum not less than five dollars nor more than one hundred (100) dollars, or be imprisoned for a period not less than ten days nor more than thirty days; or if it be a disinterested party chosen to make a division or divisions of crops hereinbefore provided, he, she or they shall be liable to prosecution as for a misdemeanor, and on conviction shall be fined in a sum not less than five nor more than one hundred dollars, or be imprisoned for a period not less than ten days nor more than thirty days. If the offending party be a laborer, or laborers, and the offense consist either in failing, willfully and without just cause, to give the labor reasonably required of him, her or them by the terms of such contract, or in other respects shall refuse to comply with the conditions of each contract or contracts, or shall fraudulently make use of or carry away from the place where the crop or crops he, she or they may be working are planted any portion of said crop or crops, or anything connected therewith or belonging thereto, such person or persons so offending shall be liable to prosecution, and on conviction before any Trial Justice be fined in a sum not less than five dollars nor more than one hundred dollars, or be imprisoned for a period not less than ten days nor more than thirty days.

Penalty.

Violations by arbitrator.

Penalty.

Violations by laborer.

Penalty.

Approved December 23d, A. D. 1889.

No. 241. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO AMEND SECTIONS 2236 AND 2237 OF THE GENERAL STATUTES, IN RELATION TO JURIES,' APPROVED 24TH DECEMBER, 1886," APPROVED 20TH DECEMBER, 1888.

SECTION 1. *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 same, That Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend Sections 2236 and 2237 of the General Statutes, in relation to juries,' approved 24th December, 1886," and approved 20th December, 1888, be, and the same is hereby, amended so as to read as follows:

A. A. 1888, § 1, ante p. 69, amended.

SECTION 2236. The Board of Jury Commissioners of each County shall, once in every year, during the month of January,

Gen. Stat., § 2236, as amended.

A. D. 1889.

prepare a list of such inhabitants of their respective Counties not absolutely exempt as they may think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exemptions, which list shall include not less than one from every twenty voters, nor more than one from every ten voters, of their respective Counties, to be selected without regard to whether such persons live within seven miles or more than seven miles from the Court House; except that in the Counties of Abbeville, Georgetown and Orangeburg the said list shall be prepared during the month of December: *Provided*, That in the County of Charleston the number of names to be placed on the list of inhabitants hereinbefore required shall not be less than seven hundred, the name of each of which persons shall be placed in the jury box for the said County in the manner provided for in the first paragraph of the Section next hereafter ensuing.

List to be prepared in January.

Who shall be included.

Exceptions.

Proviso as to Charleston.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION 2258 OF THE GENERAL STATUTES AS AMENDED BY AN ACT ENTITLED 'AN ACT TO AMEND SECTION 2258 OF THE GENERAL STATUTES, RELATING TO THE TERM OF SERVICE OF JURORS, SO AS TO EXCLUDE THE COUNTY OF HAMPTON FROM THE OPERATIONS THEREOF, AND TO INCLUDE THE COUNTIES OF RICHLAND, ORANGEBURG AND YORK IN THE PROVISIONS OF SAID SECTION,' APPROVED DECEMBER 22D, A. D. 1883," APPROVED 24 DECEMBER, 1888, BY ADDING THE COUNTY OF GREENVILLE, AND TO INCLUDE THE COUNTIES OF AIKEN AND BARNWELL IN THE TERMS OF THE SECOND PROVISO THEREOF. No. 242.

SECTION 1. *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 same, That Section 2258 of the General Statutes as amended by an Act entitled "An Act to amend Section 2258 of the General Statutes, relating to the term of service of jurors, so as to exclude the County of Hampton and include the Counties of Richland, Orangeburg and York in the provisions of said Section," approved December 22d, 1883, be amended by adding thereto the

Gen. Stat., §2258, amended.

18 Stat., 887.

See ante p. 70.

A. D. 1889.

County of Greenville. So that when amended the said Section will read as follows:

Greenville added.

Section 2258 as amended.

SECTION 2258. Whenever the terms of the Courts of General Sessions and Common Pleas in the Counties of Edgefield, Barnwell, Marion, Aiken, Williamsburg, Richland, Orangeburg, York, Greenville and Colleton shall be for two or more weeks, no petit juror shall be required to serve more than one week at any term of the said Courts. Thirty-six jurors shall be drawn in the manner provided by law to serve for the first week, and a like number shall be so drawn to serve for each subsequent week of each term of said Courts: *Provided*, That whenever a jury shall be charged with a case, such jury shall not be discharged by reason of anything in this Section contained until a verdict shall have been found or a mistrial ordered in such case: *And provided*, That the thirty-six jurors drawn in the County of York for the second week and in the County of Barnwell for the second week of the Winter Term, and in the County of Aiken for the second week of the Spring Term, may be held over after the expiration of the time for which they were drawn and until the business on Calendar 1 of the Court of Common Pleas for said Counties shall be disposed of. Separate writs of venire shall issue for the jurors drawn to serve for each week of said terms of Court: *Provided, also*, That the Board of Jury Commissioners for Marion County, fifteen days preceding each Spring Term of the Court, shall draw thirty-six petit jurors to serve for the first two weeks of the term, and on the first day of the Spring Term to draw thirty-six other jurors to serve for the balance of the term.

Juries to serve only one week in certain Counties.

Number of jurors.

Proviso as to jury charged.

Proviso as to York. Barnwell. Aiken.

Proviso as to Marion.

Repealing clause.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage.

When to take effect.

Approved December 23d, A. D. 1889.

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ACTS AND JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA

Passed at the Regular Session held in the City of Columbia in November and December, 1889.

PART II.

Special Acts and Joint Resolutions.

A. D. 1889.

AN ACT TO REVIVE THE CHARTER OF THE BENNETTSVILLE AND SOCIETY HILL RAILROAD COMPANY AND TO AMEND THE ACT OF INCORPORATION THEREOF, ENTITLED "AN ACT TO INCORPORATE THE BENNETTSVILLE AND SOCIETY HILL RAILROAD COMPANY," RATIFIED THE 28TH DAY OF JANUARY, A. D. 1861. No. 243.

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the Bennettsville and Society Hill Railroad Company," ratified the 28th day of January, A. D. 1861, be, and the same is hereby, re-enacted, and the charter and incorporation of the Bennettsville and Society Hill Railroad Company is hereby revived, renewed and made of full force and effect.

A. A. 1861, 12 Stat., 945, extended.

SEC. 2. That Section or Subdivision III of said Act be stricken out and the following to be known as Subdivision III be substituted therefor:

Subdivision 3 amended.

"III. That for the purpose of raising the capital stock of said company, it shall be lawful to open books in Bennettsville under the direction of J. B. Breeden, W. D. Evans, J. N.

Subdivision 3 as amended.

Books of subscription to capital stock.

A. D. 1889.

Weatherly, George W. Waddill and C. P. Townsend; at Society Hill under the direction of J. J. Lucas, S. W. Evans, Edward E. Evans, John M. Waddill and W. A. Corrigan; at Charleston, under the direction of J. D. Kirkpatrick, J. B. Bissell and E. M. Grimke; and at any other point in this or any other State under the direction of Commissioners to be designated by a majority of the Commissioners hereinbefore named for Bennettsville, for the purpose of receiving subscriptions, to an amount not exceeding four hundred thousand dollars, in shares of fifty dollars each, the amount so subscribed to continue a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this Act; that the times and places for receiving such subscriptions shall be fixed by the Commissioners for Bennettsville hereinbefore named, or a majority of them, and shall be advertised for thirty days in one or more newspapers in this State, and the books for receiving subscriptions shall be kept open for sixty days at each of the places where the same shall be opened.

Amount.

Times and places.

Payment to be made on subscribing.

That on each share of the stock subscribed, the subscribers shall pay to the Commissioners who shall take such subscription the sum of five dollars, the said Commissioners giving a receipt or certificate for the same. At the expiration of the time hereby prescribed for keeping open the books, the said Commissioners shall deposit the sums received by them in some good, solvent bank in this State, and shall make a return of the subscriptions taken by them, and the sums paid thereon, to the said Commissioners in Bennettsville. That in case of the death, resignation or removal from the State of any one of the Commissioners hereinbefore named, his place may be supplied by the other members of the Board of Commissioners for the same place by appointment.

Deposit of moneys.

Vacancy in Board of Commissioners.

Approved December 24th, A. D. 1889.

No. 244. AN ACT TO CHANGE THE NAME OF THE CAMDEN, CHESTER AND GAFFNEY CITY RAILROAD COMPANY TO THE ATLANTIC, ASHEVILLE AND KNOXVILLE RAILWAY COMPANY, AND TO AMEND THE SAME.

SECTION 1. *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 same, That the corporate name of the Camden, Chester and Gaffney City Railroad Company is hereby changed to the Atlantic, Asheville and Knoxville Railway Company. A. D. 1889. Change in corporate name.

SEC. 2. That its charter is hereby amended to read as follows: That J. V. Surratt, A. N. Wood, D. A. Thomas, John W. Wilks, Wade Osborne, Richard C. Thompson, J. K. Henry, J. H. McDaniel, S. M. Wylie, J. R. Culp, J. L. Agurs, J. H. Smith, James Jones, Wm. S. Hall, W. W. Harlee, J. T. Hay, A. A. Huckabee and H. G. Carrison, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Atlantic, Asheville and Knoxville Railway Company, and by that name to sue and be sued, to plead and be impleaded, in the Courts of law and equity in this State or in the United States; and the said company is hereby empowered to have and use a common seal, and to change the same; to make by-laws for its government; to appoint or elect all necessary officers and prescribe their duties; to acquire, hold, own, possess, lease, mortgage and sell, and otherwise transfer, real, personal and mixed property; to have and to exercise all and singular the rights, privileges and franchises by law conferred upon like corporations in this State. And the corporate existence of said company shall continue for fifty years. Corporators. Incorporation and name. Rights and powers. Officers. Property rights. Duration.

SEC. 3. That said company is hereby authorized and empowered to build and construct a line of standard gauge railroad within this State, between Florence, S. C., through Darlington, Florence and Kershaw Counties, by the Catawba Falls, near Mount Dearbourne and Rossville, in Chester County, through the town of Chester, by the most practical route, to Lockhart Shoals, through Gaffney City, in Spartanburg County, to some point on the North Carolina line in the direction of Columbus, Polk County, North Carolina, with the privilege of building said railroad from Florence or any other point on said line to Georgetown, South Carolina, or any other point on or near the Atlantic coast by the most practicable route, and to operate the same: *Provided*, That work upon said railroad shall commence within two years from the date of this charter and completed within fifteen years: *Provided, however*, That said company may begin the construction of said line of said railroad between any of said points and to operate the same. Route. Time for beginning and completing.

SEC. 4. The amount of the capital stock of said company shall be fixed by a majority of the stockholders, not to exceed three hundred thousand dollars; and until so fixed under this Act, it Capital stock.

A. D. 1889.

shall remain as heretofore subscribed. That the capital stock of said company shall be divided into shares of one hundred dollars each, and each share shall be entitled to one vote at all meetings of the stockholders. That the President and Directors of said company shall continue in office until this amended charter has been adopted by the company, or their successors are elected at a call meeting for that purpose, or at the regular annual meeting next after the passage of this Act.

Shares.

President and Directors.

Subscriptions.

SEC. 5. That subscriptions to the capital stock of said company may be made in money, land, labor or material necessary for the construction and equipment of said road, in bonds, stocks or other valuable credits, on such terms as may be prescribed between the President and Board of Directors and said subscribers.

Liability of stockholders.

SEC. 6. The liability of each stockholder to the creditors of the said company shall be an amount equal to the par value of his stock, and an amount equal to five per cent. additional thereof, and no more, and no stockholder shall be liable longer than two years after he ceases to be a stockholder. That executors, administrators and trustees holding shares of stock in said company shall in no way be liable out of their own estates on account thereof, but the trust funds shall be liable.

Trustees.

Non-payment of stock subscription.

SEC. 7. If any stockholder fails to make payment of his stock in such manner as President and Board of Directors shall demand, they may, within one month after such demand, and after fifteen days' advertisement in County where such stockholder lives, sell the same at public outcry, and, after paying expenses of sale, apply the overplus to payment of said stock; in case of deficiency the said company may sue the said stockholder, his executor or administrators or assignee, and recover, by judgment, for such deficiency. If there remain a balance, after paying the amount of such demand, this is to be paid over to such stockholder or his legal representatives.

Contracts, &c., with other roads

SEC. 8. That said company may purchase, lease, contract and consolidate with any other railroad company under the law in this State.

Other corporations may hold stock or bonds.

SEC. 9. That it shall and may be lawful for any railroad or transportation company, created by the laws of this or any other State, from time to time, to subscribe to or purchase and hold the stock and bonds, or either, of this company, or of any company formed under Section 8 of this Act, or to guarantee, or endorse, such bonds, or stocks, or either of them; and it shall and may be lawful for any railroad or transportation com-

Or endorse bonds.

pany or companies, created by the laws of this or any State, to purchase, use or lease the road, property and franchises of this company, or of any company formed under Section 8 of this Act, for such time and upon such terms as may be agreed upon between this company and such company, or companies, as shall be parties to the contract; that it shall be lawful for this company, or any company formed under Section 8 of this Act, to subscribe to or purchase, and to hold, the stock or bonds, or both, of any other railroad or transportation company, chartered by this or any other State, or to guarantee the stock or bonds of any such company, or to purchase, lease, use or operate the road or line, property, or franchise of any such railroad or transportation company: *Provided,* The road, or line, of such company shall directly, or by means of one, or more, intervening road, or lines, be connected with the road of this company.

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Or purchase, lease, &c.

This company given same rights as to other corporations.

Proviso.

SEC. 10. That the officers of said company shall be a President and six Directors, who shall have the power of appointing a Vice-President, Treasurer and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this Act. No person shall be eligible to the position of President or Director unless he shall own not less than two shares of the capital stock of the company. The President and Directors shall be elected annually by the stockholders, and shall remain in office one year, or until their successors are elected; and in case of vacancies occurring, by death or resignation, in the offices of President or Directors, the same may be filled by the Directors until the next meeting of the stockholders. The President shall be *ex officio* President of, and a member of, the Board of Directors.

Officers.

Eligibility.

Election and term.

Vacancies.

President to be Director.

SEC. 11. That the President and Directors who were elected upon the organization of the Camden, Chester and Gaffney City Railroad Company shall remain in office until their successors are elected, either at a called meeting or at the annual meeting, when a President and six Directors shall be elected under this Act, and nothing herein contained shall be deemed to invalidate any action which has heretofore been taken under the charter of Camden, Chester and Gaffney City Railroad Company, but the organization of the company under such charter is hereby confirmed.

Officers of old company.

Validation.

SEC. 12. That meetings of the stockholders shall be held annually, at such time and place, in this State, as may be determined by them, and the stockholders shall establish such code of by-laws as may appear to them best for the government of the com-

Meeting of stockholders.

A. D. 1889.

pany; and at all annual meetings the President and Directors shall render to the stockholders an account of the affairs of the company. Special meetings of stockholders may be called by the President, or by a majority of the Directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this State, thirty days before said meeting; and notice of the annual meetings shall be likewise published.

Special meetings.

Loans.

Bonds.

Mortgages and trust deeds.

SEC. 13. That authority is given to the said company to borrow money to such an extent and in such manner as may be authorized by a majority of the stockholders, and to pay thereon such rates of interest, not exceeding seven per cent., as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the President and Directors, and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust upon the whole of the property, income and franchises of the company, or either, or any part thereof.

Rights of way.

SEC. 14. That this company shall enjoy the benefits and be subject to the provisions of Sections 1550 to 1561, inclusive, of Chapter 40 of the General Statutes of South Carolina, with respect to the manner of acquiring lands, or the right of way over lands, required by it.

Operation of completed sections.

Use of connecting roads.

SEC. 15. That the said railroad company is further authorized to commence work on any part of its lines, and upon the completion of any portion or section of its road to operate and maintain such portion or section, with all the rights, powers and privileges hereby granted to this company, and it shall have the privilege of using, under such purchase, lease, agreement or running arrangement as it may from time to time make with any other company in this or an adjoining State, any line of road as a connecting link between the different portions of its road.

Municipal subscriptions.

SEC. 16. That for the purpose of aiding in raising the capital stock of said Atlantic and Asheville and Knoxville Railway Company, in addition to private subscriptions provided for, it shall and may be lawful for any County, city or town through which said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums in bonds or money as a majority of their qualified electors may authorize the County Commissioners of such County, or the municipal authorities of such city or town, to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding: *Provided*, That

said money or bonds, or the proceeds thereof, shall be expended on the construction of the railroad within the County which subscribed them, or in which the city or town subscribing them is situated: *Provided, further,* That no bonds or money subscribed to the capital stock of said company by the County of Georgetown or the County of Williamsburg or any town therein shall be delivered or paid over to the said company by the corporate agents of such County or town until the construction and equipment of said railroad shall first have been completed from the town of Florence or some other point on said line through said Counties to the town of Georgetown. If such subscription by any County, city or town be in bonds, the said subscription shall be made in six per cent. bonds, payable in twenty years after date thereof, to be received by said company at par, and to be of the denomination of one hundred dollars, five hundred dollars and one thousand dollars, interest to be paid annually.

Money to be expended in the County.

Proviso as to Georgetown and Williamsburg.

Description of bonds.

SEC. 17. That for the purpose of determining the amount of such subscription, it shall be the duty of the County Commissioners of any County, or the municipal authorities of any town or city, interested in the construction of said road, upon a written application of a majority of the real estate owners of said County, city or town (except in the Counties of Georgetown and Williamsburg, where such written application shall be signed by three-fourths of the real estate owners of the County, or of any city or town therein, as the case may be, the signature of such real estate owners as may not be able to write their names to be proven and attested by the oath of two credible witnesses,) specifying the amount therein to be subscribed, in money or bonds, and the conditions of such subscription, to submit to the qualified electors of such County, city or town, as the case may be, the question of "subscription" or "no subscription" to the capital stock of the said company; and said County Commissioners, or municipal authorities of such city or town, shall have the power to order an election, specifying the time, place and purpose of the election, and to appoint managers according to law, who shall, without compensation, hold and conduct said election, at which election the ballots shall have written or printed thereon either the word "subscription" or "no subscription," the said County Commissioners, by resolution of their Board, and the said municipal authorities of said city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election and of the amount proposed to be subscribed, with the conditions

Election to determine subscriptions.

Exception as to Georgetown and Williamsburg.

Election to be ordered.

Form of ballots.

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of such subscription, being published for three weeks immediately prior thereto in one or more of the County newspapers: *Provided*, That all costs and expenses incident to the advertising and holding of such election and issuing of such bonds shall be paid by the said railroad company.

Advertisement.

Expenses to be paid by railroad company.

Declaring the result.

SEC. 18. That it shall be the duty of the managers to make returns and meet at their respective Court Houses, or Council chambers, as the case may be, and count the votes and declare the result as in other elections, which result shall be certified in writing by the Chairman of each Board of Managers to the Chairman of the Board of County Commissioners, or to the City or Town Councils, as the case may be.

Subscriptions to be made by Counties.

SEC. 19. That in case a majority of ballots shall have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said County the sum which may have been fixed and named in the resolution of said Board, published as aforesaid, which subscription, if in bonds, shall be made in six per cent. bonds as aforesaid, with interest payable annually; if in money, shall be in such annual installments as shall have been named in the petition and in the resolution of said Board; and all tax levies for the purpose of raising funds to pay said bonds or coupons, or said sums of money subscribed, shall be made upon the taxable property in such Counties; and if a majority of the ballots cast in any city or town election shall be for "subscription," the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the County Commissioners are herein required in all cases of County subscriptions.

Tax levies.

Subscriptions by towns.

Assessment of tax to pay interest.

SEC. 20. That for the payment of the interest on said bonds voted by any County, the County Commissioners shall issue their warrant, directed to the County Auditor, requiring him to levy and assess such percentum upon the taxable property in said County as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, and he shall enter the same upon the tax duplicate, to be turned over to the Treasurer, which shall be his warrant for collecting the said tax, which shall be collected by the said Treasurer of such County under the same regulations as are now provided by law for the collection of State and County taxes therein, and which shall be paid over by the said Treasurer of the County so voting

Railroad tax.

County Treasurer to collect.

said subscription to the holders of said bonds as the said interest shall become due. In case of the issuing of bonds by municipal corporations, the corporate authorities of such municipalities shall annually levy and collect, in the same manner as ordinary corporate taxes are collected, an amount sufficient to meet the interest on such bonds as the same become due.

Levy and collection of tax by towns.

SEC. 21. That for the payment of any money subscriptions voted under this Act, the County Commissioners of their respective Counties shall levy a tax upon the taxable property of such Counties sufficient to pay such subscription on each installment as it may become due, which tax shall be levied and assessed by the County Commissioners and County Auditor, and be collected by the County Treasurer in the same manner in which other State and County taxes are collected: *Provided, however*, That the said tax may be levied and assessed at a special meeting of the County Commissioners, if the time of the annual meeting has passed. The corporate authorities of any city or town so subscribing shall, in like manner, levy and assess a tax upon the taxable property of said city or town sufficient to pay such subscription on each installment as it becomes due, to be collected as other municipal taxes are collected, at the first annual collection of taxes next after such subscription, and annually thereafter, until all the installments are paid. All moneys collected on account of any subscription in money under this Act shall, as soon after collection as practicable, be turned over by the County Treasurer, or the city or town Treasurer as aforesaid, to the Treasurer of said company or its legally authorized agent, if any.

Tax to pay subscriptions in money.

Town taxes to pay subscriptions.

To be turned over to railroad company.

SEC. 22. That for the purposes of this Act all the Counties along the line of the railroad, or which are interested in its construction as herein provided for, shall be, and they are hereby declared to be, bodies politic and corporate and vested with the powers to carry out the provisions of this Act, and shall have all the rights, and be subjected to all the liabilities, in respects to any rights or causes of action growing out of the provisions of this Act. The County Commissioners of the respective Counties are declared to be the corporate agents of the Counties so incorporated and situate within the limits of the said Counties respectively.

Incorporation of Counties.

County Commissioners to be corporate agents.

SEC. 23. That in all conventions of stockholders of said company, such Counties, cities or towns as may subscribe to the capital stock shall be represented by not less than three nor more than five delegates, to be appointed for such purpose by the

Delegates to represent stock at meetings.

A. D. 1889. corporate authorities of such cities or towns in cases of town or city subscription, or the County Commissioners of the respective Counties in cases of County subscriptions.

Repealing clause. SEC. 24. That all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 245. AN ACT TO INCORPORATE "THE CAROLINA SOUTHERN RAILROAD COMPANY."

SECTION 1. *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 same, That Corporators. William H. Lyles, James Woodrow, W. G. Childs, W. A. Clark, J. S. Muller, Andrew Crawford, L. D. Childs, John T. Sloan, Jr., and Wilie Jones, and such other persons or corporations as may be associated with them, their successors and assigns, be, Incorporation and name. and they hereby are constituted a body politic and corporate, under the name and style of "The Carolina Southern Railroad Company."

Route of railroad. SEC. 2. The said company is hereby authorized and empowered to construct, or acquire, maintain and operate a railroad from the town of Cheraw, in the County of Chesterfield, or some point on the North Carolina line in the County of Marlboro, or the County of Chesterfield, through the Counties of Marlboro and Chesterfield, either or both, through the Counties of Darlington and Sumter, either or both, and through any other intervening Counties, to such point on the Savannah River, within the County of Barnwell, or the County of Hampton, as may be determined by the Board of Directors.

Capital stock. SEC. 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be personal property, and shall be transferable, as When to organize. the by-laws of the company may provide; but said company may organize and commence the construction of said railroad as soon as fifty thousand dollars shall have been subscribed in good faith to the capital stock thereof and as much as ten *per cent.* thereof paid in cash or other property as provided by law. For the pur-

A. D. 1889.

pose of organization a general meeting of the subscribers shall be held, after ten days' notice to the subscribers by mail or personal service, at which meeting, a majority of the stock so subscribed being represented in person or by proxy, by-laws may be adopted, and such officers as may be prescribed thereby may be elected. Any portion of such capital stock may be issued as preferred or guaranteed stock, as may be determined upon.

First meeting of stockholders.

Preferred stock.

SEC. 4. The company shall have a lien upon the stock of each subscriber for all amounts that may be due upon his subscriptions for stock, and may enforce the payment thereof by a sale of such stock or otherwise, as may be prescribed by its by-laws.

Enforcement of stock subscriptions.

SEC. 5. The capital stock of said company may be increased from time to time for such purposes and to such extent as may be determined by the Board of Directors, not to exceed five millions of dollars, except in case of consolidation with some other railroad company or companies, in which event the stock of said consolidated company may be the amount authorized by this Act, together with the amount authorized by the charter or charters of such other railroad company or companies.

Increase of capital stock.

In case of consolidation.

SEC. 6. It may be lawful for any city or town interested in the construction of said railroad to subscribe to the capital stock of said company such sum or sums in bonds or money as a majority of the qualified freeholders of such city or town, voting at any election hereinafter provided for, may authorize, anything contained in the charter of such municipal corporation to the contrary notwithstanding. If such subscription shall be made in bonds, such bonds shall be *six per cent.* coupon bonds payable twenty years after the date thereof, interest to be paid semi-annually, and to be of the denominations of one hundred dollars, five hundred dollars and one thousand dollars, or either, and to be received by said company at par.

Municipal subscriptions.

Character of bonds.

SEC. 7. For the purpose of determining whether subscriptions shall be made, and the amounts thereof, it shall be the duty of the municipal authorities of such city or town, upon the written application of a majority of the real estate owners of such city or town, specifying the amount to be subscribed, and whether it shall be payable in money or bonds, to submit to the qualified freeholders of such city or town the question of "subscription" or "no subscription" to the capital stock of said company, at an election to be ordered, specifying the time, place and purpose of such election, and shall appoint managers according to law, who shall, without compensation, hold and conduct such election, at which election the ballots shall have

Election to determine subscription.

Notice.

Conduct of election.

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written or printed thereon either the word "subscription" or the words "no subscription." Said municipal authorities shall

Amount of subscription.

fix the amount of such subscription in accordance with such petition, and shall give three weeks' notice of such election by publication thereof in one or more of the newspapers published in the County in which such city or town may be.

Declaration of result.

SEC. 8. Such managers shall count the votes at their respective precincts and make their returns to the municipal authorities of such city or town, who shall receive and tabulate the same and declare the result, which result shall be certified to as

Contests.

correct and filed with the records of such city or town. Contests in such elections shall be heard and determined by such municipal authorities.

Subscription to be made.

SEC. 9. In case a majority of the ballots cast shall have written or printed thereon the word "subscription," the municipal authorities of such city or town shall subscribe to the capital stock of said company in behalf of such city or town the amount fixed, as aforesaid, specifying the manner of payment of such subscription, if the same shall be in money, as may be specified in said petition.

Taxes to pay subscriptions.

SEC. 10. If such subscription shall be in money, the municipal authorities of such city or town shall annually levy and collect, in such manner as ordinary corporation taxes are collected, an amount sufficient to meet the annual installments of such subscriptions; and if it shall be in bonds, they shall, until the whole of the principal and interest of said bonds shall be paid, annually levy and collect in like manner an amount sufficient to pay the interest upon such bonds as the same becomes due, and shall pay over the amount so collected upon presenta-

Sinking fund.

tion of the coupons of said bonds as they become due. Ten years previous to the maturity of said bonds the municipal authorities of such city or town shall proceed to levy and assess annually upon taxable property of such city or town, in the taxable property of such city or town, in the same manner as is herein before prescribed, an additional *per centum* sufficient to pay one-tenth of the principal of said bonds, until the same shall be fully paid off, which tax shall be collected in the manner hereinbefore provided, and shall be known as the "Carolina Southern Railroad Sinking Fund Tax," and shall be kept apart from all other funds and shall constitute a sinking fund for the payment of the principal of said bonds, and shall be applied to the payment thereof, as follows, to wit:

How applied.

Annually, as soon as possible after the collection of such sinking

fund tax, the municipal authorities of such city or town shall publish, in one or more newspapers published in the County where such city or town may be, or if there be no newspaper published therein, then in one or more newspapers published in the city of Columbia, a notice calling for offers of such bonds for redemption, and the lowest offer or offers received shall be accepted to the amount of the cash on hand to the credit of said "Sinking Fund": *Provided*, That if such offer or offers shall be above par, they need not be accepted unless said municipal authorities shall deem it expedient so to do. Upon the acceptance of any such offer said authorities shall pay over to the holder of such bonds the amount due thereon, according to the time of such offer, and shall cancel said bonds, and file the same away as vouchers for the moneys so disbursed. So much of said "Sinking Fund Tax" as may not be used in the retirement of said bonds before their maturity shall be held inviolate until the maturity of said bonds, and be then applied to the payment thereof.

Payment of bonds.

Inviolability of sinking fund.

SEC. 11. In all conventions of the stockholders of said company, such city or town may be represented to the full amount of its subscription to the capital stock thereof by not fewer than three nor more than five delegates, to be appointed by such municipal authorities.

Delegates to stockholders' meetings.

SEC. 12. All taxes collected by the municipal authorities of the city or town so subscribing from said railroad company shall be kept separate from all other taxes so collected, and shall be applied by said municipal authorities exclusively to the payment of the interest and principal of the bonds so subscribed by said city or town, until the whole of said bonds shall have been paid.

Railroad tax to be applied to this debt.

SEC. 13. That said company shall have authority to borrow money to such extent and in such manner as it may deem advisable, at a rate of interest not exceeding seven *per cent. per annum*, and to issue therefor such coupon or registered bonds, or other evidence of indebtedness, as it may deem necessary, and to secure such bonds or other evidences of indebtedness, both as to principal and interest, by mortgages or deeds of trust upon the whole of the property, income, franchises and privileges of said company, or any part thereof, and upon all property which said company may acquire after the execution of such mortgages or deeds of trust.

Loans.

Bonds.

Mortgages and trust deeds.

SEC. 14. A President and not fewer than five Directors shall be elected annually by the stockholders of said company, who

President and Directors.

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shall hold office for one year and until their successors are elected, and in case of vacancies in the office of President or Directors they may be filled by the Board of Directors until the next annual meeting of the stockholders.

Vacancies.

Branch roads.

SEC. 15. Said company may acquire or construct and operate branch roads from its main line not exceeding fifty miles in length.

Rights of other corporations as to this road.

SEC. 16. It may be lawful for any railroad or transportation company organization under the laws of this State, or any other State, from time to time, to subscribe to or purchase, and hold, the stock and bonds, or either, of said company, of any company formed under the provisions of this Act, or to guarantee or endorse such bonds and stocks or either of them; and it shall and may be lawful for any railroad or transportation company organized under the laws of this State or any other State to purchase, use or have the road property and franchises of said company, or any other company formed under the provisions of this Act, for such time and upon such terms as may be agreed upon between the contracting parties. It shall be lawful for said company or any other company formed under the provisions of this Act to subscribe to or purchase the stock or bonds of any other railroad or transportation company organized under the laws of this or any other State, or guarantee the stock or bonds thereof, or to purchase, lease, use or operate the road, line, property or franchise of any such railroad or transportation company.

Rights of this company as to other corporations.

Rights and liabilities.

SEC. 17. Said company shall have all of the powers, rights and privileges, and be subject to all of the restrictions, provided in the Act of the General Assembly entitled "An Act to provide for and regulate the incorporation of railroad companies in this State," approved the 25th day of December, A. D. 1885, except as is otherwise provided in this Act.

19 Stat., 171.

Public Act.

Duration.

Forfeiture.

SEC. 18. This Act shall be deemed and taken to be a public Act, and shall continue in force for fifty years: *Provided*, Said company shall commence this construction of its road within one year from the passage of this Act. In case of failure to commence work within the time specified the franchises and privileges granted by this Act shall be deemed forfeited.

Approved December 23d, A. D. 1889.

AN ACT TO FIX THE CAPITAL STOCK OF THE CHARLESTON, CINCINNATI AND CHICAGO RAILROAD COMPANY.

A. D. 1889.

No. 246.

SECTION 1. *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 same, That the Charleston, Cincinnati and Chicago Railroad Company be, and is hereby, authorized to increase its present capital stock of fifteen million dollars to such an amount, not exceeding twenty-five millions, as may be found necessary to carry out the intentions and purposes of the several Acts creating the several railroad companies the consolidation of which, under the name of the "Charleston, Cincinnati and Chicago Railroad Company," was ratified and confirmed by Act of the General Assembly of this State approved December 24, A. D. 1886, and all Acts amendatory of said Acts of incorporation.

Increase of capital stock.

19 Stat., 676.

SEC. 2. That the articles of consolidation heretofore entered into by and between the Charleston, Cincinnati and Chicago Railroad Company, a corporation duly organized under the laws of the State of South Carolina, and the Charleston, Cincinnati and Chicago Railroad Company, a corporation duly organized under the laws of the State of Tennessee, be, and the same is hereby, ratified, validated and confirmed.

Articles of consolidation confirmed.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 17th, A. D. 1889.

AN ACT TO REQUIRE THE CHARLOTTE, COLUMBIA AND AUGUSTA RAILROAD COMPANY AND THE CAROLINA, CUMBERLAND GAP AND CHICAGO RAILROAD COMPANY TO JOIN THEIR TRACKS AT TRENTON, IN THE COUNTY OF EDGEFIELD.

No. 247.

SECTION 1. *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 same, That the Charlotte, Columbia and Augusta Railroad Company and the Carolina, Cumberland Gap and Chicago Railroad Company be, and they are hereby, required to join their tracks by safe and proper switches at their place of crossing in the town of Trenton, in the County of Edgefield, in this State, on or be-

Tracks to be joined at Trenton.

A. D. 1889.

fore the first day of March, A. D. 1890, and for that purpose they shall have the right either to enter upon the right of way of the other, and to do all acts necessary to comply herewith.

Expense to be borne equally.

SEC. 2. That each of the said railroad companies shall bear one-half of the expense of complying with the foregoing provisions, and should either or both of the said railroad companies fail or refuse to comply with the provisions of this Act such company or companies so failing or refusing shall each forfeit to the State the sum of five hundred dollars, to be recovered by suit instituted by the Railroad Commission for that purpose.

Forfeit for failing to do so.

Railroad Commission to enforce compliance.

SEC. 3. In addition to the forfeiture herein provided, the Railroad Commission is hereby authorized and required to enforce compliance with the provisions hereof by suit, and for this purpose the right to proceed by writ of *mandamus* in any Court of competent jurisdiction is hereby given to the said Railroad Commission.

Approved December 24th, A. D. 1889.

No. 248. AN ACT TO INCORPORATE THE CHERAW AND SUMTER RAILROAD COMPANY.

SECTION 1. *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 same, That

Corporators.

R. C. Barclay, H. Frank Wilson, H. F. Peake, George Potts, S. V. Stewart, C. E. Sawyer, John Gary Evans, and their associates and successors, be, and they are hereby, constituted a body

Incorporation and name.

politic and corporate, by the name and style of the Cheraw and Sumter Railroad Company.

Route of road.

SEC. 2. That the said company shall have power and authority to build, construct and operate a railroad from the town of Cheraw, or some point in the County of Chesterfield or the County of Marlboro, through the Counties of Chesterfield, Marlboro, Darlington and Sumter, in South Carolina, to the town of Sumter, in said State, by the most practicable route as the

Property rights.

said company may determine; to acquire, by purchase or otherwise, and to hold, own, possess and sell, or otherwise transfer,

Other rights.

real and personal estate; to sue and be sued, implead and be impleaded, and to have and exercise all and every other power,

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authority, privilege and right common or necessary to similar corporations, not inconsistent with the laws of this State or the provisions of this Act.

Corporators to be Directors.

SEC. 3. That the said corporators shall be *ex officio* Directors of said company, with the usual powers and privileges, including the power to fill vacancies in their body, should any occur, until said company is fully organized.

Capital stock.

SEC. 4. That the capital stock of said company shall be three hundred and fifty thousand (350,000) dollars, and for the purpose of raising the same the said corporators, or a majority of the same, are hereby authorized and empowered, as soon after the passage of this Act as may be deemed advisable, to appoint commissioners to open books of subscription at such times and places and under such rules and regulations as may be prescribed; the capital stock of said corporation to be divided into shares of one hundred dollars each, and the subscriptions thereto to be received payable in money, land, labor or material necessary in construction or equipment of said railroad, bonds, stock or other valuable credits, in such manner and on such terms as may be agreed upon between the said company and such subscribers.

Books of subscription.

Shares and how payable.

Rights as to other roads.

SEC. 5. That said company shall have full power and authority to connect with, or cross over, all other railroads on its proposed line, and also to unite or consolidate with other railroads, either in or out of this State, in such manner and upon such terms as may be agreed upon between the companies so consolidating: *Provided,* The same be not inconsistent with the laws of this State.

Meeting for organization.

SEC. 6. That so soon as the sum of ten thousand (10,000) dollars is subscribed, the corporators aforesaid, or a majority of them, shall, by advertisement once a week for three weeks, in one or all the papers published in the Counties through which the road passes, call a meeting of the stockholders, to be held at some convenient place on the proposed line of said railroad one month after the date of said notice, for the purpose of organizing said company; and the said stockholders shall then and thereafter have power to organize said company by electing from among their number seven (7) Directors, who shall, immediately after their election, choose one of their number for President and one for Vice-President of said company, and the terms of office of President, Vice-President and Directors of said company shall be one year, and until their successors shall thereafter be elected, but no one shall be eligible to the office of Director

Powers of the meeting.

Directors.

President and Vice-President.

A. D. 1889.

unless he owns not less than two shares in the capital stock of said company, or unless he be one of a firm owning as many times two shares as there are members in the firm.

Report to stockholders.

SEC. 7. It shall be the duty of the President and Directors of said railroad company and all officers of the same to render an account of the affairs of the same to the stockholders at least once a year, and as often as they may be required by said stockholders, and the same shall be published in one or more newspapers in this State.

Contracting of debt.

SEC. 8. That the President and Directors shall not have power to contract any debt for said company until they shall have been first authorized by the stockholders of said company in general meeting, except such as are necessary for operating expenses.

Rights of way, &c.

SEC. 9, That said railroad company shall be subject to all the provisions of the General Railroad Laws of this State as to the manner of acquiring rights of way, etc.

Work to be commenced in 5 years.

SEC. 10. That the said company shall be organized and the construction of said railroad commenced within five (5) years from the passage of this Act.

Approved December 23d, A. D. 1889.

No. 249. AN ACT TO CHARTER THE CHESTERFIELD AND KERSHAW RAILROAD COMPANY.

SECTION 1. *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 same, That

Corporators.

Edward McIver, R. T. Caston, W. C. McCreight, W. S. Jackson, E. N. Redfearn, J. F. Hunly, T. P. Craig, E. F. Malloy, W. F. Stevenson, T. E. Lucas, D. M. Barentine, C. L. Evans, George W. Spencer, A. J. Eddins, Robert E. Rivers, D. T. Redfearn, A. M. Redfearn, M. F. Jackson, W. A. Evans, Charles W. Ingraham, Duncan Wilkes, Jesse L. Johnson, Neill Bethune, J. E. Sowell, J. T. Hay, J. B. Kershaw, D. M. Bethune, Allen McCaskill, H. G. Carrison, Herman Baum, S. R. Adams, F. L. Zemp, T. W. Lang, Jesse Gray, and such other persons or corporations as may be associated with them, and their successors and assigns, be, and they are hereby, created a body politic and

Incorporation and name.

corporate, under the name and style of the "Chesterfield and

Kershaw Railroad Company," and by that name to sue and be sued, plead and be impleaded, in any Court of law and equity in this State or in the United States; to make by-laws and appoint all necessary officers and prescribe their duties, and may accept, purchase, hold, lease, or otherwise acquire, any property, real or personal, necessary or convenient to and for the purposes hereinafter mentioned, and to use, sell and convey and dispose of the same as the interest of the said company may require; may make contracts, have and use a common seal, and to do all other lawful acts properly incident to and connected with said corporation, and necessary and convenient for the control and transaction of its business: *Provided*, That their by-laws be not repugnant to the Constitution and laws of this State or of the United States.

A. D. 1889.

Rights and powers.

SEC. 2. That the said company be, and is hereby, authorized and empowered to construct, maintain and operate a railroad from within or near the town of Cheraw, in the County of Chesterfield, to the town of Camden, in the County of Kershaw.

Route of road.

SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, in shares of twenty-five dollars each, with the privilege, from time to time, of increasing the capital stock, in such amounts as said company may, by a majority vote of the stockholders, determine, to carry out the purposes of this Act; said capital stock not to exceed, however, the sum of one million dollars, and such shares to be transferable in such manner as the by-laws may direct; that when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, the said corporators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which meeting thirty days' notice shall be given in such newspapers of the State as they may deem necessary, at which time and place the said stockholders may proceed to the organization of said company by the election of a President and nine Directors, who shall hold their offices for one year, and until their successors are elected, which shall be the first Board of Directors.

Capital stock.

Limit.

Meeting for organization.

President and Directors.

SEC. 4. And said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property, with any other railroad company or companies chartered by and organized under the laws of this or any other State or States, whenever the two or more railroad companies so to be merged and consolidated shall and may form a continuous line of rail-

Consolidation.

A. D. 1889.

road with each other, or by means of any intervening road or roads; and said consolidation may be effected in such manner and on such terms and conditions as a majority of the stockholders may determine.

Mortgages, bonds and preferred stock.

SEC. 5. That the said company is hereby authorized and empowered to mortgage any and all of its property and franchises, and to issue bonds and preferred stock to an amount, and on such terms and conditions, and for such uses and purposes of said company, as a majority of the stockholders thereof shall deem expedient for the interest of the company.

Rights of way.

SEC. 6. That said company shall have every right, power and privilege necessary for the purpose of acquiring such lands and right of way as may be required for locating and constructing said road and branches thereof, and for the erection and location of depots, warehouses, stations, wharves and other necessary establishments, or for altering or extending the same, and the said company shall have the benefit of every process and proceeding, and be subject to the restrictions provided or imposed, in Sections 1550 to 1561, both inclusive, of the General Statutes of this State.

Subscriptions, how payable.

SEC. 7. That subscriptions to the capital stock of said company shall be made in money, lands, material or labor, at the discretion of the company, to suit the subscriber.

Municipal subscriptions.

SEC. 8. That in addition to the provisions contained in the preceding Section for private subscription, it shall and may be lawful for any city, town or County interested in the construction of said road to subscribe to its capital stock such sum as a majority of the legal voters thereof may authorize the County Commissioners or the proper authorities of city or town, as the case may be, to subscribe, which subscription shall be made in

Payable in bonds.

six per cent. coupon bonds, payable in such installments as the County Commissioners or proper authorities of such city or town shall determine, and to be received by said company at

Description of bonds.

par, said bonds to be made payable in thirty years after the date thereof, and to be of the denomination of one hundred dollars.

Election to determine subscription.

SEC. 9. That it shall be the duty of the County Commissioners of any County, upon the written application of a majority of the owners of real estate in the County, specifying the amount to be subscribed therein, to submit to the qualified electors of such County the question of subscription or no subscription to the capital stock of said company, and they shall order an election, specifying the time, place and purpose of the election, and

Managers.

shall appoint three managers of said election at each election

A. D. 1889.

precinct in such County or township, as the case may be, who shall, without compensation, hold and conduct such election in the same manner as State and County elections are held and conducted, except that registration shall not be required as a qualification for voting at such election, at which election the ballots shall have written or printed thereon the word "subscription" or "no subscription," the said County Commissioners having first, by a resolution of their Board, fixed the amount proposed to be subscribed, according to the request of the petition submitted to them as aforesaid, notice of which resolution shall be given by the Chairman of said Board in one or more newspapers published in the County for which he acts, for three weeks next previous to the election, or if there be no newspaper published in his County, then by posting said notice on the Court House, and by publishing the same, for the length of time aforesaid, in the newspaper having probably the largest circulation in the County; and the proper corporate authorities of any city or town, upon the petition of a majority of the owners of real estate of such city or town, shall, in like manner, and after like notice, submit the question to the qualified electors in such city or town, and declare the result of such election as herein directed in case of County or township elections.

Form of ballots.

Notice of election.

Town subscriptions.

SEC. 10. It shall be the duty of the managers conducting the election to count the votes and declare the result as in other elections, which result at their respective precincts, they shall certify in writing, under their hands, to the Board of County Commissioners, or to the City or Town Council, as the case may be, within three days after the said election, who shall collate the same and declare the result.

Declaration of result.

SEC. 11. In case the majority of the ballots cast shall have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County or township election, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said County or township, as the case may be, the sum which may have been fixed and named in the resolution of said Board, published as aforesaid, which subscription shall be made in six per cent. coupon bonds, as aforesaid, with interest payable annually; but in case of subscription made under the direction of a township election, as authorized by this Act, it shall be so expressed in the bonds and coupons issued in payment of such subscription; and all tax levies for the purpose of raising funds to pay the said bonds or coupons shall be made only upon the taxable

Subscription to be made by Counties.

Amount.

A. D. 1869.

Subscriptions by towns.

property of such township; and if a majority of the ballots cast in any city or town election shall be for subscription, the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town, in like manner and to like extent as the County Commissioners are required herein in cases of County subscriptions: *Provided, however,*

Bonds to be put in escrow until road is completed.

That the bonds representing the subscription of any County, city, town or township shall be placed in escrow in such bank or trust company as the County Commissioners, or city or town authorities, issuing the same, may select, the same to be held in trust by such bank or trust company until the said railroad shall be fully built and railed with iron or steel rails in first class style through the County, city, town or township so subscribing, and then, and not until then, to be delivered to said railroad company; and said bank or trust company shall before

Past due coupons to be detached.

such delivery as aforesaid detach and destroy all interest coupons then past due, said bonds to be delivered in exchange for stock of said company at par, as aforesaid.

Delegates to stockholders' meeting.

SEC. 12. That in all conventions of the stockholders of said railroad company, such County, city, town or township as may have subscribed to the capital stock thereof may be represented by not less than three nor more than five delegates, who shall be appointed by the County Commissioners, or by the corporate authorities of such city, town or township of the respective

Private stockholders.

Counties, cities, towns or townships so subscribing; private stockholders representing their own stock in person or by proxy, duly executed.

Tax to pay interest on bonds.

SEC. 13. That for the payment of the interest on said bonds, the County Auditor, or other officer discharging such duty, or the City or Town Clerk, or Treasurer, as the case may be, shall be authorized and required to assess annually upon the taxable property of such city or town, County or township, such per centum as may be necessary to pay said interest, which shall be

Railroad tax.

known and styled in the tax books as said railroad tax, which shall be collected by the Treasurer under the same regulations as are provided by law for the collecting of taxes in any of the cities, towns or Counties so subscribing, and which shall be

To be paid to bondholders.

paid over by said Treasurer to the holders of said bonds, as the said interest shall become due, upon the presentation of the

Coupons to be canceled.

coupons which are due, and he shall cancel the same and turn them over, so canceled, to the County Commissioners, or city

Sinking fund to pay bonds.

or town authorities, as the case may be. And ten years previous to the time said bonds shall fall due the money to pay the

same shall be commenced to be raised by taxation, and thereafter the County Auditor, or other officer discharging such duty, the City or Town Clerk or Treasurer, as the case may be, shall annually assess upon the taxable property of such County or township, city or town, in the same manner as directed in providing for the payment of the interest, an additional per centum sufficient to pay one-tenth of the principal of said bonds, until the said bonds shall be fully paid, which shall be collected by the County, City or Town Treasurer, as the case may be, and shall be paid over to the holders of said bonds by him, in like manner as herein provided for the payment of the annual interest, a credit for which payment he shall indorse upon said bonds.

Tax receipts to be given to taxpayers.

SEC. 14. That in collecting said taxes, the County, City or Town Treasurer, as the case may be, shall deliver to the taxpayer a special receipt therefor, which shall express that the amount stated therein is the tax for said railroad; and when any holder of such receipt, issued in his own name, or in that of another person, and duly transferred to such holder by the endorsement thereon of the name of the person to whom the same was issued, shall present to the proper custodian of the said stock held by any County, township, city or town in behalf of which the taxes named in such receipts were paid an amount equal to one or more shares of said stock, the said custodian shall transfer and deliver to said holder shares of stock equal in amount to such receipts, and such holder shall thereupon become a stockholder of said company: *Provided*, That said stock shall not be so transferred in amounts less than one share: *Provided, further*, That said custodian shall retain said receipts as vouchers for the said stock so transferred by him.

Such receipts exchangeable for stock.

Receipts to be taken up.

Provision as to Chesterfield.

SEC. 15. That nothing herein contained shall authorize the County of Chesterfield to subscribe more than fifty thousand dollars ($50,000) to the capital stock of said company.

Subject to General R. R. Law.

SEC. 16. That this charter shall be subject to all the provisions of Part 1, Chapter XL, of the General Statutes, known as the Railroad Act.

Public Act.

SEC. 17. That this Act shall be deemed a public Act, and shall continue in force until it expires by its own limitation, to wit: for a period of thirty years, and until the first meeting of the General Assembly of this State thereafter.

Duration.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 250.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE CHESTERFIELD AND LANCASTER RAILROAD COMPANY," APPROVED DECEMBER 24TH, A. D. 1887.

SECTION 1. *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 same, That an Act entitled "An Act to charter the Chesterfield and Lancaster Railroad Company," approved December 24th, A. D. 1887, be, and the same is hereby, amended by striking out all of said Act after enacting words and inserting in lieu thereof the following, so that said Act as amended shall read as follows:

Corporators.

SECTION 1. That E. N. Redfearn, E. J. Kennedy, J. F. Hunly, J. S. White, T. P. Craig, E. F. Mulloy, W. F. Stevenson, A. B. Hussey, T. E. Lucas, D. M. Barentine, Edward McIver, A. M. Rankin, C. L. Evans, George W. Spencer, A. J. Eddins, Robert E. Rivers, Calvin C. Griggs, D. H. McGregor, J. A. Sellers, Robert Tucker, F. P. Taylor, D. T. Redfearn, M. F. Jackson, W. A. Evans, B. A. Evans, W. A. Ingram, J. T. Funderburk, J. M. Hough, J. B. Erwin and M. J. Hough, and such other persons or corporations as may be associated with them, and their successors or assigns, be, and they are

Incorporation and name.

hereby, created a body politic and corporate, under the name and style of the Chesterfield and Lancaster Railroad Company, and by that name to sue and be sued, plead and be impleaded, in any Court of law and equity in this State or in the United States; may make by-laws and appoint all necessary officers and

Rights and powers.

prescribe their duties; and may accept, purchase, hold, lease, or otherwise acquire, any property, real or personal, necessary or convenient to and for the purposes hereinafter mentioned, and to use, sell, convey and dispose of the same as the interest of the said company may require; may make contracts, have and use a common seal, and to do all other lawful acts properly incident to and connected with said corporation and necessary and convenient for the control and transaction of its business: *Provided*, That their by-laws be not repugnant to the Constitution and laws of this State or of the United States.

Route of road.

SECTION 2. That the said company be, and is hereby, authorized and empowered to construct, maintain and operate a railroad from some point on the Cheraw and Darlington Railroad within or near the corporate limits of the town of Cheraw, in Chesterfield County, to the town of Lancaster, in Lancaster County, *via* Chesterfield Court House.

A. D. 1889.

Capital stock.

SECTION 3. That the capital stock of said company shall be five hundred thousand dollars, in shares of twenty-five dollars each, with the privilege from time to time of increasing the capital stock, in such amounts as said company may by a majority vote of the stockholders determine, to carry out the purposes of this Act; said capital stock not to exceed, however, the sum of one million dollars, and such shares to be transferable in such manner as the by-laws may direct; that when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, the said corporators, or a majority of them, shall within a reasonable time thereafter appoint a time and place for the meeting of said stockholders, of which thirty days' notice shall be given in such newspapers of the State as they may deem necessary, at which time and place the said stockholders may proceed to the organization of said company by the election of a President and nine Directors, who shall hold their offices for one year and until their successors are elected, which shall be the first Board of Directors.

Limit.

Meeting for organization.

President and Directors.

Consolidation.

SECTION 4. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with any other railroad company or companies chartered by and organized under the laws of this or any other State or States, whenever the two or more railroad companies so to be merged and consolidated shall and may form a continuous line of railroad with each other, or by means of any intervening road or roads, and said consolidation shall be effected in such manner and on such terms and conditions as a majority of the stockholders may determine.

Bonds, mortgages and preferred stock.

SECTION 5. That said company is hereby authorized and empowered to mortgage any and all of its property and franchises, and to issue bonds and preferred stock to an amount, and on such terms and conditions, and for such uses and purposes of said company, as a majority of the stockholders thereof shall deem expedient for the interest of the company.

Rights of way.

SECTION 6. That said company shall have every right, power and privilege necessary for the purpose of acquiring such lands and rights of way as may be required for locating and constructing said road and branches thereof, and for the erection and location of depots, warehouses, stations, wharves and other necessary establishments, or for altering or extending the same, and the said company shall have the benefit of every process and proceeding, and be subject to the restrictions provided or

A. D. 1869.

imposed, in Sections 1550 to 1561, both inclusive, of the General Statutes of this State.

Subscriptions, how payable.

SECTION 7. That subscriptions to the capital stock of said company shall be made in money, lands, material or labor, at the discretion of the company, to suit the subscriber.

Municipal subscriptions.

SECTION 8. That in addition to the provisions contained in the preceding Section for private subscription, it shall and may be lawful for any city, town or County interested in the construction of said road to subscribe to its capital stock such sum as a majority of the legal voters thereof may authorize the County Commissioners or the proper authorities of city or town, as the case may be, to subscribe, which subscription shall be made in six per cent. coupon bonds, payable in such installments as the County Commissioners or proper authorities of such city or town shall determine, and to be received by said company at par, said bonds to be made payable in thirty years after date thereof, and to be of the denomination of one hundred dollars.

Payable in bonds.

Description of bonds.

Election to determine subscriptions.

SEC. 9. That it shall be the duty of the County Commissioners of any County, upon the written application of a majority of the owners of real estate of the County, specifying the amount to be subscribed therein, to submit to the qualified electors of such County the question of subscription or no subscription to the capital stock of said company, and they shall order an election, specifying the time, place and purpose of the election, and shall appoint three managers of said election at each election precinct in such County or township, as the case may be, who shall, without compensation, hold and conduct such election in the same manner as State and County elections are held and conducted, except that registration shall not be required as a qualification for voting at such election, at which election the ballots shall have written or printed thereon the word "subscription" or "no subscription," the said County Commissioners having first, by a resolution of their Board, fixed the amount proposed to be subscribed according to the request of the petition submitted to them as aforesaid, notice of which resolution shall be given by the Chairman of said Board in one or more newspapers published in the County for which he acts, for three weeks next previous to the election, or if there be no newspaper published in his County, then by posting said notice on the Court House, and by publishing the same, for the length of time aforesaid, in the newspaper having probably the largest circulation in the County; and the proper corporate authorities of

Managers.

Form of ballots.

Notice of election.

Town subscriptions.

A. D. 1889.

any city or town, upon the petition of a majority of the owners of real estate of such city or town, shall, in like manner, and after like notice, submit the question to the qualified electors in such city or town, and declare the result of such election as herein directed in case of County or township elections.

Declaration of result.

SEC. 10. It shall be the duty of the managers conducting the election to count the votes and declare the result as in other elections, which result, at their respective precincts, they shall certify in writing, under their hands, to the Board of County Commissioners, or to the City or Town Council, as the case may be, within three days after the said election, who shall collate the same and declare the result.

Subscription to be made by Counties.

SEC. 11. In case the majority of the ballots cast shall have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County or township election, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said County or township, as the case may be, the sum which may have been fixed and named in the resolution of said Board published as aforesaid, which subscription shall be made in six per cent. coupon bonds, as aforesaid, with interest payable annually; but in case of subscription made under the direction of a township election, as authorized by this Act, it shall be so expressed in the bonds and coupons issued in payment of such subscription; and all tax levies for the purpose of raising funds to pay the said bonds or coupons shall be made only upon the taxable property of such township; and if a majority of the ballots cast in any city or town election shall be for subscription, the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the County Commissioners are required herein in cases of County subscription: *Provided, however*, That the bonds representing the subscription of any County, city, town or township shall be issued and placed in escrow in such bank or trust company as the County Commissioners or city or town authorities issuing the same may select, the same to be held in trust by such bank or trust company until the said railroad shall be fully built and railed with iron or steel rails in first class style through the County, town, city or township so subscribing, and then, and not until then, to be delivered to said railroad company; the said bank or trust company shall before such delivery detach and destroy all interest coupons then past due, said bonds to be delivered in exchange for stock of said company at par as aforesaid.

Amount.

Subscriptions by towns.

Bonds to be put in escrow until road is completed.

Past due coupons to be detached.

A. D. 1869.

Delegates to stockholders' meeting.

SEC. 12. That in all conventions of the stockholders of said railroad company, such County, city, town or township as may have subscribed to the capital stock thereof may be represented by not less than three nor more than five delegates, who shall be appointed by the County Commissioners or by the corporate authorities of such city, town or township of the respective Counties, cities, towns or townships so subscribing; private stockholders representing their own stock in person or by proxy duly executed.

Private stockholders.

Tax to pay interest on bonds.

SEC. 13. That for the payment of the interest on said bonds, the County Auditor or other officer discharging such duty, or the City or Town Clerk or Treasurer, as the case may be, shall be authorized and required to assess annually, upon the taxable property of such city or town, County or township, such per centum as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, which shall be collected by the Treasurer under the same regulations as are provided by law for the collecting of taxes in any of the cities, towns or Counties so subscribing, and which shall be paid over by said Treasurer to the holders of said bonds, as the said interest shall become due, upon the presentation of the coupons which are due, and he shall cancel the same and turn them over so canceled to the County Commissioners, or city or town authorities, as the case may be. And ten years previous to the time said bonds shall fall due the money to pay the same shall be commenced to be raised by taxation and thereafter the County Auditor, or other officer discharging such duty, the City or Town Clerk or Treasurer, as the case may be, shall annually assess upon the taxable property of such County or township, city or town, in the same manner as directed in providing for the payment of the interest, an additional per centum sufficient to pay one-tenth of the principal of said bonds, until the said bonds shall be fully paid, which shall be collected by the County, City or Town Treasurer, as the case may be, and shall be paid over to the holders of said bonds by him, in like manner as herein provided for the payment of the annual interest, a credit for which payment he shall indorse upon said bonds.

Railroad tax.

To be paid to bondholders.

Coupons to be canceled.

Sinking fund to pay bonds.

Tax receipts to be given taxpayers.

SEC. 14. That in collecting said taxes, the County, City or Town Treasurer, as the case may be, shall deliver to the taxpayer a special receipt therefor, which shall express that the amount stated therein is the tax for said railroad; and when any holder of such receipt issued in his own name, or in that of another person, and duly transferred to such holder by the in-

dorsement thereon of the name of the person to whom the same was issued, shall present to the proper custodian of the said stock held by any County, township, city or town in behalf of which the taxes named in such receipts were paid an amount equal to one or more shares of said stock, the said custodian shall transfer and deliver to said holder shares of stock equal in amount to such receipts, and such holder shall thereupon become a stockholder of said company: *Provided*, That said stock shall not be so transferred in amounts less than one share: *Provided, further*, That said custodian shall retain said receipts as vouchers for the said stock so transferred by him.

Which shall be exchangeable for stock.

Receipts to be taken up.

SEC. 15. That nothing herein contained shall authorize the County of Chesterfield to subscribe more than fifty thousand dollars ($50,000) to the capital stock of said company.

Provision as to Chesterfield.

SEC. 16. That this charter shall be subject to all the provisions of Part I, Chapter XL, of the General Statutes, known as the Railroad Act.

Subject to General R. R. Law.

SEC. 17. That this Act shall be deemed a public Act, and shall continue in force until it expires by its own limitation, to wit: for a period of thirty years, and until the first meeting of the General Assembly of this State thereafter.

Public Act.

Duration.

Approved December 24th, A. D. 1889.

AN ACT AMENDING THE CHARTER OF THE EUTAWVILLE RAILROAD COMPANY AND CHANGING ITS NAME TO THE CHARLESTON, SUMTER AND NORTHERN RAILROAD COMPANY, AND EXTENDING THE CHARTER OF THE SAME. No. 251.

SECTION 1. *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 same, That the charter of the Eutawville Railroad Company be, and the same is hereby, amended, so as also to permit the said railroad to be extended, established and operated to and through the town of Sumter, and thence by any convenient route to or near the town of Cheraw, with all proper and convenient side tracks, stations and branches.

Extension of route.

SEC. 2. That the name of the said Eutawville Railroad Company be changed to that of the Charleston, Sumter and North-

Name changed.

A. D. 1889.

ern Railroad Company: *Provided, however,* That the change of name hereby made shall not be construed to impair, affect or change any of the existing rights, duties and obligations of said Eutawville Railroad Company, but as to all such the Charleston, Sumter and Northern Railroad Company shall stand and be as the Eutawville Railroad Company would stand and be if no such change had been made.

Rights, duties and obligations.

Approved December 17th, A. D. 1889.

No. 252. AN ACT TO INCORPORATE THE HAMPTON AND BRANCHVILLE RAILROAD COMPANY.

SECTION 1. *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 same, That the formation of a corporate company is hereby authorized for the construction and operation of a railroad from such point of the State of South Carolina boundary line on the Savannah River, in Hampton County, as the company when formed may determine upon, through the town of Hampton Court House, and passing through the Counties of Hampton, Colleton and Orangeburg to Branchville, with the privilege when the company should see fit to extend its line from Branchville to some point on the North Carolina line, in Chesterfield or Marlboro County, which it when formed may determine upon, which said company shall have the right to construct and operate such railroad or any portion or section thereof.

Incorporation and route.

SEC. 2. That this charter, with its rights and privileges incident thereto, is hereby granted to Henry Schachte, Frank R. Frost, John Ravenel, Henry N. Folk, James W. Moore and such other persons or corporations as may be associated with them, and their successors and assigns; and that the said company shall have all the rights, powers and privileges, and be subject to all liabilities, provisions and limitations, set forth in an Act entitled "An Act to provide for and regulate the incorporation of railroad companies in this State," approved December 23d, 1885.

Corporators.

Rights and liabilities.

19 Stat., 171.

SEC. 3. That the name of said company shall be the Hampton and Branchville Railroad Company.

Name.

A. D. 1889.

Capital stock.

SEC. 4. That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing such capital stock, in such amounts as the said company from time to time may, by a majority vote of its stockholders, determine, to carry out the purposes of this Act: *Provided*, That the said capital stock shall at no time exceed the sum of five million dollars.

Limit.

Meeting for organization.

SEC. 5. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, the said corporators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for a meeting of said stockholders, of which fifteen days' notice shall be given in such newspapers of this State as they deem necessary, at which time and place the said stockholders may proceed to the organization of said company by the election of not less than three nor more than thirteen Directors, as the by-laws to be adopted may determine, which said Directors shall elect one of their number to be the President of the said company. The said Board of Directors and the said President so elected shall hold their offices for one year, and until their successors be elected.

Directors.

President.

Term.

Lease, sale or consolidation.

SEC. 6. That any lease, sale, transfer or consolidation of the company hereby incorporated shall be submitted to a meeting of the stockholders, and be ratified by a majority of the said stockholders who have subscribed to said capital stock at the date of such submission of lease, sale, transfer or consolidation, before the same shall be legal or binding.

May cross highways.

SEC. 7. That the said company shall have power, if need be, to conduct their railroad across any public road, river, creek, water or water courses that may be in their route: *Provided*, That the passage of the roads or the navigation of the waters be not obstructed thereby.

Track through streets.

SEC. 8. That the said railroad company be, and the same are hereby, authorized and empowered, by and with the consent of the Council of any towns or cities through which they may pass, or at which their road may terminate, to construct their tracks through one or more of the public streets or ways of such towns or cities, and to extend the same to any or all of the wharves or landings in such towns or cities: *Provided*, That in such construction and extension all necessary precaution in extending the work be taken not to obstruct or otherwise impair the use of any street or public way through which the said railroad may be constructed or extended.

Proviso.

A. D. 1889.

Operation of completed sections.

SEC. 9. That the said railroad company is further authorized and empowered forthwith, upon the completion, or acquirement by purchase, lease or consolidation, as hereinbefore provided, of any portion or section of said railroad between any points through which the same may run, under this charter, to operate and maintain such portion or section with all the rights, powers and privileges hereby granted to said company.

Rights of way.

SEC. 10. That said railroad company may have the right to take for its right of way one hundred feet on each side of the centre of their road bed: *Provided*, The same be condemned according to existing laws.

Vessels.

SEC. 11. The said company is also authorized and empowered to build, purchase, own, hold, use, sell, or otherwise dispose of, steamships, steamboats and sailing vessels, in connection with their railroad transportation, so as to carry on the business of a general through coastwise and foreign transportation to and from any point of its lines and connections.

Payment on subscribing.

SEC. 12. No subscription to the capital stock of said company shall be valid unless the sum of one dollar per share be paid thereon at the time of the subscribing.

Enforcement of stock subscriptions.

SEC. 13. If any stockholder shall fail to pay any installment thereafter required of him on his share or shares by the President and Directors, or a majority of them, within one month after the call for the same has been made and advertised in one or more of the papers published in this State, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and convey to the purchasers, the share or shares of such stockholders so failing or refusing to pay, giving twenty days' notice of the time and place of such sale, and after retaining the sums due and all expenses incident to the sale shall pay the surplus to the former owner or his legal representative, and any purchaser of the stock of the company under the sale of the President and Directors as aforesaid shall be subject to the same rules and regulations as the original proprietor.

Public Act.

SEC. 14. That this Act shall be held and deemed a public Act, and the rights, powers and privileges conferred by this Act shall vest and continue in said company and their successors for

Duration.

and during the term of fifty (50) years, to be computed from the time of the approval of this Act.

Limitation of time.

SEC. 15. That the construction of said railroad shall be begun within two years from the passage of this Act and completed within ten years therefrom, otherwise the same shall have no

force and effect: *Provided,* That unless so much of said railroad as extends from Hampton Court House to Branchville shall be completed within two years all rights under this charter shall be forfeited. A. D. 1889.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE HARTSVILLE RAILROAD COMPANY." No. 253.

SECTION 1. *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 same, That Section 2 of an Act entitled "An Act to incorporate the Hartsville Railroad Company," approved December 24th, 1884, be amended by adding to said Section the following words: "And the said company, having constructed a railroad from Hartsville, S. C., to Floyd's Depot, on the Cheraw and Darlington R. R., it is hereby authorized to extend and prolong the said Hartsville Railroad from Hartsville, S. C., towards Camden, S. C., or other convenient point on the Charleston, Cincinnati and Chicago R. R., passing through, or into, the territory of one or more of the Counties of Darlington, Chesterfield, Sumter, Kershaw or Lancaster, until it reaches the said Charleston, Cincinnati and Chicago R. R. at such convenient point as may be found most advantageous to said company." So that said Section, as amended, shall read as follows: A. A. 1884, § 2, 18 Stat., 780, amended. Extension of route.

SECTION 2. That the said company is hereby authorized to construct a railroad from Hartsville, in Darlington County, to some point on the Cheraw and Darlington Railroad or the Pee Dee River, or to any points on any railroads within this State, and by such routes as shall be found suitable and advantageous, the precise lines and locations to be determined upon after necessary surveys shall have been made. And the said company, having constructed a railroad from Hartsville, S. C., to Floyd's Depot, on the Cheraw and Darlington R. R., it is hereby authorized to extend and prolong the said Hartsville Railroad from Hartsville, S. C., towards Camden, S. C., or other convenient point on the Charleston, Cincinnati and Chicago R. R., passing through or into the territory of one or more of the Route. When to be extended.

A. D. 1889. Counties of Darlington, Chesterfield, Sumter, Kershaw or Lancaster, until it reaches the said Charleston, Cincinnati and Chicago R. R. at such convenient point as may be found most advantageous to said company.

Approved December 17th, A. D. 1889.

No. 254. AN ACT TO VALIDATE ALL ACTS OF THE SOUTH BOUND RAILROAD COMPANY DONE IN PURSUANCE OF ITS CHARTER AND ACTS AMEDATORY THEREOF, TO AMEND THE CHARTER THEREOF RELATING TO THE ROUTE OF SAID ROAD, AND TO EXTEND THE TIME IN WHICH OPERATIONS ARE TO COMMENCE AND THE ROAD COMPLETED.

Preamble. SECTION 1. *Whereas,* by an Act entitled "An Act to amend an Act entitled 'An Act to charter the South Bound Railroad
17 Stat., 949. Company,' approved February 9th, A. D. 1882," approved De-
19 Stat., 926. cember 24th, A. D. 1886, the time in which said railroad was to be commenced and the same completed was extended for two years: *And whereas* the time so extended did expire in the month of February, A. D. 1889, without actual construction of said railroad having been commenced: *And whereas* the said railroad company has been duly organized under its said charter, and rights of way and terminal facilities have been secured, and other acts pertaining to the construction of said road have been done, and it is desired to validate all acts so done by said railroad company, and to grant further time in which to commence operation on said railroad and complete the same: now therefore,

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, not met and sitting in General Assembly, and by the authority of the same, That
Validation clause. all acts done in the organization of said railroad company, and all acts and things done towards commecing operations as provided by the charter of said railroad company and Acts amendatory thereof, be, and the same are hereby, declared to be legal, valid and binding, as fully and effectually as the same can or may be done by law.

Time for commencing work. SEC. 2. That the said railroad company is hereby granted two years from the passage of this Act in which to commence opera-

tions, and the time for the completion thereof is hereby extended two years from the time heretofore limited by its amended charter for the completion of the same. A. D. 1889. And completing road.

SEC. 3. That the route of said railroad shall be from a point within or near the city of Columbia, or within or near the city of Sumter, to some point on the Savannah River between the town of Hamburg, on said river, and Hampton Court House, and the power to connect with any railroad in this State or the State of Georgia, and thereby make a short line to Jacksonville, Florida; and further, with the power of constructing a branch road from the most convenient point in Barnwell County to make a short line between the cities of Columbia or Sumter, in the State of South Carolina, and Savannah, in the State of Georgia, in the direction of Yemassee. Route of road. Branch road.

SEC. 4. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed. Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE SUMMERVILLE AND ST. JOHN'S RAILROD COMPANY." No. 255.

SECTION 1. *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 same, That the Act entitled "An Act to charter the Summerville and St. John's Railroad Company," approved December 22d, 1886, be, and the same is hereby, amended as follows: That the words "Summerville and St. John's" in the first Section of said Act approved December 22d, 1886, be, and are hereby, stricken out and the words "Charleston and Northern" inserted in lieu thereof, so that the corporate name and style of the body politic constituted by the said Act shall, after the approval of this Act, be the "Charleston and Northern Railroad Company." That all the rights, powers, privileges, franchises and immunities conferred upon and enjoyed by the said Summerville and St. John's Railroad Company under the said Act of incorporation be, and the same are hereby, continued to and conferred upon said railroad company under its new corporate name of the "Charleston and Northern Railroad Company," and the said corporation under its new corporate name shall be subject to A. A. 1886, 19 Stat., 534, amended. Name changed. Rights and privileges continued.

A. D. 1889. all the duties and liabilities imposed upon said company under the Act aforesaid. And the following named persons shall be, and they are hereby, constituted the corporators of said company, namely: A. W. Taylor, T. W. Stanland, O. F. Wieters, R. C. Barkley, W. C. Miller, S. V. Stewart C. St. G. Sinkler and Arthur Brock.

Corporators.

Route of road. SEC. 2. That said Act approved December 22d, 1886, be still further amended by adding to Section 1 thereof the following: And the said corporation shall have the right to extend and operate the said railroad from any convenient point in or near the town of Summerville to any convenient point in or near the city of Charleston, by the most convenient route, crossing the track of the South Carolina Railway Company at a point in or near Summerville aforesaid, and the track of the Charleston and Savannah Railway Company at a point near the Ashley River, and extending from Summerville to Charleston aforesaid, through the Counties of Colleton, Berkeley and Charleston, and to extend its track, if deemed expedient, to some convenient point on the North Carolina line in the County of Lancaster or Chesterfield, with suitable branches and side tracks, not to exceed ten miles in distance from the main track. That in establishing and operating the said extension, the said corporation shall be entitled to all the powers and franchises given, and subject to all the restrictions and liabilities imposed, by the provisions of the said Act entitled "An Act to charter the Summerville and St. John's Railroad Company;" and said company shall have the power, if need be, to lay out and construct said railroad and its branches across any public road, railroad, river, creek, water or water course which may be in its route.

Rights and liabilities.

19 Stat., 534.

May cross highways.

Approved December 23d, A. D. 1889.

No. 256. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE SUMTER AND WATEREE RAILROAD COMPANY," APPROVED FEBRUARY 9TH, A. D. 1882.

SECTION 1. *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 same, That Sections one, two, four, five and seven of an Act entitled "An

A. A. 1882, 17 Stat., 884, amended.

Act to charter the Sumter and Wateree Railroad Company," approved 9th February, 1882, be, and the same are hereby, amended so that hereafter said Sections shall read as follows: A. D. 1889.

SECTION 1. That David J. Winn, A. J. China, J. D. Graham, A. White, J. D. Blanding, R. A. Brand and R. P. Monaghan, their associates and successors, be, and are hereby, constituted a body politic and corporate by the name and style of the Sumter and Wateree Railroad Company. Incorporation. Name.

SECTION 2. That the said company is hereby authorized to construct a railroad from the town of Sumter, in Sumter County, to such point on the South Carolina Railroad, at or North of the town of Orangeburg, as may be selected by said corporation, or from said town of Sumter to the town of Camden, in Kershaw County, or both, with the privilege of extending the same to the town of Chesterfield, in Chesterfield County, with the right to cross any river or other railroad; and such company shall have power to receive, possess, own and transfer real and personal property; to have a common seal; to pass regulations and by-laws not inconsistent with the laws of this State; may sue and be sued, plead and be impleaded; and shall have the same exclusive right of transportation on their road which is enjoyed by any other railroad in this State. Route of road. Property and other rights.

SECTION 4. That whenever the sum of ten thousand dollars shall have been subscribed in money, of which two dollars shall be paid to said Commissioners on each share of stock subscribed, and the same be deposited by them in some bank to the credit of said railroad company it shall be the duty of said corporators, or any five of them, to call a meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine; and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business; and said stockholders, when so met in general assembly, shall have power to elect a President and Directors of said company, whose term of office shall be for one year, and until others are chosen. Meeting for organization. Quorum. President and Directors. Term.

SECTION 5. That it shall be lawful for any incorporated town of this State to subscribe to the capital stock of said company such sum, and to be payable in such manner, as the voters of such town shall determine, upon an election to be ordered by the Town Council thereof: *Provided*, Said company shall be willing to receive such subscription. And in all meetings of stockholders the Council of the town subscribing shall appoint Municipal subscriptions. Proviso. Proxies.

A. D. 1889. some person to represent the stock thereof; that it shall be lawful for any corporate town or city of this State to donate to the said company such grounds for depot purposes and such right of way within its incorporate limits as shall be agreed on by and between such corporation and said company.

Donation for depots. Right of way.

Commencement and completion of work. SECTION 7. That this charter shall cease and determine unless the construction of said railroad, or such portion thereof as said company shall determine to build, is commenced within two and completed within five years from the passage of this Act; and the provisions of this charter to be of force for thirty years.

Duration.

Approved December 23d, A. D. 1889.

No. 257. AN ACT TO AMEND SECTION 5 OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE WADESBORO, WINNSBORO AND CAMAK RAILROAD," APPROVED DECEMBER 24TH, A. D. 1887.

SECTION 1. *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 same, That Section 5 of an Act entitled "An Act to incorporate the Wadesboro, Winnsboro and Camak Railroad," approved December 24th, A. D. 1887, be, and the same is hereby, amended by striking out all of said Section after the word "any" in the first line thereof, and inserting in lieu thereof the following: "County, city incorporated town or township in this State to subscribe to the capital stock of said company such sum, and to be payable in such manner, as the voters of such County, city, town or township shall determine upon at an election to be ordered for that purpose as hereinafter provided. And for the purpose of voting such subscription such County, city, town or township is hereby created and declared to be a body politic and corporate, with full power to subscribe to the capital stock as hereinafter provided." So that said Section, as amended, shall read as follows:

A. A. 1887, § 5, 19 Stat., 961, amended.

Municipal subscriptions. SECTION 5. That it shall be lawful for any County, city, incorporated town or township in this State to subscribe to the capital stock of said company such sum, and to be payable in such manner, as the voters of such County, city, town or township shall determine upon at an election to be ordered for that

purpose, as hereinafter provided. And for the purpose of voting such subscription, such County, city, town or township is hereby created and declared to be a body politic and corporate, with full power to subscribe to the capital stock as hereinafter provided. A. D. 1889. Incorporation of Counties, townships, &c.

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed, so far as they may affect the charter of said railroad company. Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND AND EXTEND AN ACT ENTITLED "AN ACT TO GRANT TO THE WALTON AND WHANN COMPANY, A CORPORATION BY AND UNDER THE LAWS OF THE STATE OF DELAWARE, THE RIGHT TO CONSTRUCT AND MAINTAIN A RAILROAD OR TRAMWAY FROM CLEMENTS' FERRY, ON THE NAVIGABLE WATERS OF THE COOPER RIVER, TO THE NORTHEASTERN RAILROAD, SOUTH CAROLINA RAILWAY AND CHARLESTON AND SAVANNAH RAILWAY ALONG AND ACROSS ANY PUBLIC WAY." No. 258.

SECTION 1. *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 same, That an Act entitled "An Act to grant to the Walton and Whann Company, a corporation by and under the laws of the State of Delaware, the right to construct and maintain a railroad or tramway from Clements' Ferry, on the navigable waters of the Cooper River, to the Northeastern Railroad, South Carolina Railway and Charleston and Savannah Railway, along and across any public way," approved December 22, 1885, be amended and extended by inserting after the word "Delaware" on the 5th line thereof the words "its successors and assigns, and W. Wallace Lawton, his heirs and assigns, either or any of them," and by striking out the words "be, and the same" on the same line, and by striking out the words "railroad" or "tramway," on the 7th line thereof, and by inserting after the word "maintain" on the same line the words "such railroads or tramways," and by inserting after the word "from" on same line the word "such," and by inserting after the word "point" on same line the words A. A. 1885, 19 Stat., 50, amended in sundry particulars.

A. D. 1889. "or points," and by inserting after the word "they" on the 9th line thereof the words "or either, or any of them," and by striking out the word "mill" on the same line and by inserting the word "mills" in the place thereof, and by inserting after the word "works" on the same line the words "or other industrial enterprises," and by striking out the words "their track" on the 10th line thereof and by inserting the words "the tracks of such railroads or tramways" in the place thereof, and by inserting after the word "road" on the 12th line thereof the words "or any part thereof," and by inserting after the word "and" on the same line the word "across." So that the Section shall read as follows:

Authority to construct railroads and tramways. SECTION 1. That the Walton and Whann Company, a corporation and body politic by and under the laws of the State of Delaware, its successors and assigns, and W. Wallace Lawton, his heirs and assigns, either or any of them, is hereby authorized and empowered to construct and maintain such railroads and

Route. tramways from such point or points at or near Clements' Ferry, on the navigable waters of the Cooper River, on which they, or either or any of them, shall establish phosphate mills and works or other industrial enterprises, to the Northeastern Railroad and South Carolina Railway and the Charleston and Savannah Railway, and for that purpose to lay the tracks of such railroads or tramways along and across the Clements' Ferry road or any part

Proviso. thereof, and across any other public way: *Provided*, That such precautions are taken as to offer no hindrance to the public use of such public ways.

Approved December 17th, A. D. 1889.

No. 259. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WINNSBORO AND FISH DAM RAILROAD COMPANY," APPROVED DECEMBER 24, A. D. 1888.

SECTION 1. *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 same, That

A. A. 1888, ante 82, amended. an Act entitled "An Act to incorporate the Winnsboro and Fish Dam Railroad Company," approved December 24th, 1888, be, and the same is hereby, amended by striking out all of said Act

after the fourth Section, and inserting the following in lieu thereof, to be known as Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of said Act: A. D. 1889.

Municipal subscriptions.

SECTION 5. That for the purpose of aiding in raising the capital stock of the said Winnsboro and Fish Dam Railroad Company, in addition to private subscriptions above provided for, it shall and may be lawful for any County, city or town through which the said railroad runs, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as a majority of their qualified electors may authorize the County Commissioners of such County, or the municipal authorities of such city or town, to subscribe, anything contained in the charter of such municipal corporations to the contrary notwithstanding. If such subscription by any County, city or town be in bonds, the said subscription shall be made in seven per cent. bonds, payable in twenty years after date thereof, to be received by the said company at par, and to be of the denomination of one hundred dollars, five hundred dollars and one thousand dollars, interest to be paid annually.

Description of bonds.

Election to determine subscription.

SEC. 6. That for the purpose of determining the amount of said subscription, it shall be the duty of the County Commissioners of any County, or the municipal authorities of any town or city interested in the construction of said road, upon the written application of the majority of the real estate owners of said County, city or town, specifying the amount therein to be subscribed in money or bonds, to submit to the qualified electors of such County, city or town, as the case may be, the question of "subscription" or "no subscription" to the capital stock of said company; and said County Commissioners, or the municipal authorities of any such city or town, shall have power to order an election, specifying the time, place and purpose of the election, and to appoint managers, according to the law, who shall, without compensation, hold and conduct said election, at which election the ballots shall have written or printed thereon either the word "subscription" or "no subscription," the said County Commissioners, by resolution of their Board, and the said municipal authorities of the said city or town, having first fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of said election being published for three weeks immediately prior thereto in one or more of the County newspapers.

Managers.

A. D. 1889.

SEC. 7. It shall be the duty of the managers to make returns, and meet at their respective Court Houses, or Council chambers, as the case may be, and count the votes and declare the result, as in other elections, which result shall be certified, in writing, by the Chairman of each Board of Managers to the Chairman of the Board of County Commissioners, or to the city or town Council, as the case may be.

Declaration of result.

Counties to make subscriptions.

SEC. 8. In case a majority of the ballots have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County elections, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said County, the sum which may have been fixed and named in the resolution of said Board, published as aforesaid, which subscription, if in bonds, shall be made in seven per cent. bonds, as aforesaid, with interest payable annually; if in money, shall be in such annual installments as shall have been named in the petition and in the resolution of the said Board; and all tax levies for the purpose of raising funds to pay said bonds or coupons, or said sums of money subscribed, shall be made upon the taxable property in such Counties; and if a majority of the ballots cast in any city or town election shall be for "subscription," the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the County Commissioners are herein required in all cases of County subscriptions.

Amount.

Tax to pay bonds and coupons.

Towns to make subscriptions.

SEC. 9. That for the payment of the interest on said bonds voted by any County the County Commissioners shall issue their warrant directed to the County Auditor, requiring him to levy and assess such per centum upon the taxable property in said County as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, and he shall enter the same upon the tax duplicate to be turned over to the Treasurer, which shall be his warrant for collecting the said tax, which shall be collected by the said Treasurer of such County under the same regulations as are now provided by law for the collection of State and County taxes therein, and which shall be paid over by the said Treasurer of the County so voting such subscription to the holders of said bonds as the said interest shall become due. In case of the issuing the bonds by municipal corporations, the corporate authorities of such municipalities shall annually levy and collect, in same manner as ordinary cor-

Tax to pay interest.

Railroad tax.

To be paid to bondholders.

Town taxes.

poration taxes are collected, an amount sufficient to meet the interest on such bonds as the same becomes due. A. D. 1889.

SEC. 10. That for the payment of any money subscriptions voted under this Act, the County Commissioners of the respective Counties shall levy a tax upon the taxable property of such Counties sufficient to pay such subscriptions on each installment as it may become due, which tax shall be levied and assessed by the County Commissioners and County Auditor, and be collected by the County Treasurer in the same manner in which other State and County taxes are collected: *Provided, however,* That the said tax may be levied and assessed at a special meeting of the County Commissioners if the time of the annual meeting has passed. The corporate authorities of any city or town so subscribing shall in like manner levy and assess a tax upon the taxable property of said city or town sufficient to pay such subscription on each installment as it becomes due, to be collected as other municipal taxes are collected, at the first annual collection of taxes next after such subscription, and annually thereafter until all the installments are paid. All moneys collected on account of any subscriptions in money under this Act shall, as soon after collection as practicable, be turned over by the County Treasurer or City or Town Treasurer as aforesaid to the Treasurer of the said company or their legally authorized agent, if any.

Tax to pay money subscriptions by Counties.

By towns.

To be paid to railroad company.

SEC. 11. That in collecting said taxes the County, City or Town Treasurer shall deliver to the taxpayer a special receipt therefor, which shall express that the amount therein is the tax for said railroad. And when any person, a holder of said receipts, issued in his own name or in that of another person, and duly transferred to such holder by endorsement thereon of the name of the person to whom the same was issued, shall present an amount thereof to the President of said company, the said President shall cause to be issued to the holder of such receipt one share of stock, and such person shall be a stockholder in said company from the date of the scrip for such stock so issued as aforesaid; and the like proceedings and rights and liabilities shall be had and attach to any person who may present such tax receipts amounting to more than one share: *Provided,* That said scrip shall not be issued for any fractional part of a share.

Receipts to taxpayers.

Exchangeable for stock.

Proviso.

SEC. 12. That for the purposes of this Act all the Counties along the line of the railroad, or which are interested in its construction, as herein provided for, shall be, and they are hereby declared to be, bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this Act, and

Counties incorporated.

A. D. 1889.

shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this Act. The County Commissioners of the respective Counties are declared to be the corporate agents of the Counties respectively.

Corporate agents.

SEC. 13. In all conventions of stockholders of said company, such Counties, cities or towns as may subscribe to the capital stock shall be represented by not less than three nor more than five delegates, to be appointed for such purpose by the corporate authorities of such cities or towns or the County Commissioners of the respective Counties in such Counties.

Delegates to represent stock.

Public Act.

Duration.

SEC. 14. That this Act shall be held and deemed a public Act, and shall vest and continue in said company and their successors for and during the term of thirty years, to be computed from time of the approval of this Act.

Rights and liabilities.

SEC. 15. That the said Winnsboro and Fish Dam Railroad Company shall be entitled to all the rights, powers and privileges, and be subject to all the duties, liabilities and restrictions, enumerated and contained in an Act entitled "An Act to provide for and regulate the incorporation of railroad companies in this State," approved December 23d, 1886.

19 Stat., 171.

Public Act.

Duration.

SEC. 16. This Act shall be deemed a public Act, and shall continue in force for thirty years: *Provided*, That this charter shall cease and determine unless the construction of said railroad is commenced within five years and completed within ten years after the passage of this Act.

Limit as to time.

Approved December 24th, A. D. 1889.

No. 260. AN ACT TO INCORPORATE THE SOUTH CAROLINA DISTRICT ANNUAL CONFERENCE OF THE METHODIST PROTESTANT CHURCH.

SECTION 1. *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 same, That C. McSmith, W. H. Knox, R. M. Pickens and W. L. Moore, and their successors in office, be, and are hereby declared to be, a body politic and corporate under the name and style of "The South Carolina District Annual Conference of the Methodist

Incorporation.

Name.

Protestant Church," and by their corporate name may sue and be sued, plead and be impleaded, in any Court of this State; may have, use and keep a common seal, and the same to alter at will; may contract and be contracted with; may buy, acquire by gift, or otherwise receive, may hold and enjoy, real and personal property, or both, not exceeding in value fifty thousand dollars at any one time, for the uses, purposes and in trust for said corporate body, and may sell and convey the same. A. D. 1889. Rights and powers.

SEC. 2. That this Act shall go into effect from and after its passage. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE BOARD OF CHURCH EXTENSION OF THE METHODIST PROTESTANT CHURCH IN SOUTH CAROLINA. No. 261.

SECTION 1. *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 same, That C. McSmith, W. H. Knox and other members of the Board of Church Extension of the Methodist Protestant Church in South Carolina, and their successors in office, be, and they are hereby, declared to be a body politic and corporate, under the name and style of "The Board of Church Extension of the Methodist Protestant Church in South Carolina," and by their corporate name may sue and be sued, plead and be impleaded, in any Court of this State; may have, use and keep a common seal, and the same to alter at will; may contract and be contracted with; may buy, acquire by gift or otherwise, receive, hold and enjoy, real or personal property, or both, not exceeding in value fifty thousand dollars at any one time, and may sell and convey the same. Incorporation. Name. Rights and powers.

SEC. 2. That this Act shall go into effect from and after its passage. When to take effect.

Approved December 23d, A. D. 1889.

A. D. 1889.

No. 262.

AN ACT TO EXTEND AND RENEW THE CHARTER OF THE SISTERS OF OUR LADY OF MERCY OF SOUTH CAROLINA.

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the Sisters of Our Lady of Mercy of South Carolina," approved on the 21st day of January, A. D. 1870, be, and the same is hereby, renewed and extended for the term of twenty years, with all the rights, powers and privileges heretofore granted.

A. A. 1870, 14 Stat., 319, extended for 20 years.

Approved December 23d, A. D. 1889.

No. 263. AN ACT TO INCORPORATE GRAND LODGE, KNIGHTS OF PYTHIAS, JURISDICTION OF SOUTH CAROLINA.

SECTION 1. *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 same, That Henry T. Thompson, H. C. Hughes, W. H. Talley, P. H. Walsh and C. H. Burgman, the officers of the Grand Lodge of the Knights of Pythias, jurisdiction of South Carolina, and their associates, and their successors in perpetuity, shall be, and they are hereby declared to be, a body politic and corporate, under the name and style of "Grand Lodge, Knights of Pythias, Jurisdiction of South Carolina."

Incorporation.

Name.

Purposes.

SEC. 2. That the general purpose of said corporation shall be to advance the principles of "Friendship, Charity and Benevolence," on which their order is founded, to render aid and assistance to needy members of the order, or to the families of such members, and to do and perform such other acts and things as may be consistent with the laws of the land and agreeable to the constitution of the Supreme Lodge Knights of Pythias of the World.

Rights and powers.

SEC. 3. That said corporation shall have succession of officers and associates or members according to its by-laws, rules and regulations, and shall have power to make by-laws; to have, use and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any Court in this State; to retain, possess and enjoy all such property, real and personal,

as it may now possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner be acquired by it, and the same to sell, alien, or in any way transfer at pleasure, and to have and enjoy every right incident to incorporation not repugnant to the laws of the land or to the constitution of the Supreme Lodge Knights of Pythias of the World. A. D. 1889.

SEC. 4. That this Act shall be deemed a public Act and shall take effect from its passage. Public Act. When to take effect.

Approved December 17th, A. D. 1889.

AN ACT TO ENABLE W. A. BARBER TO APPLY FOR ADMISSION TO THE BAR. No. 264.

SECTION 1. *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 same, That W. A. Barber, a minor over the age of twenty years, who has graduated at the Law School of the University of South Carolina with the degree of Bachelor of Laws, be, and he is hereby, permitted to apply for admission to the bar immediately after the passage of this Act, whereupon, the proper motion being made, the Supreme Court of this State is hereby authorized to admit the said W. A. Barber to all the privileges granted by Section 2160 of the General Statutes of South Carolina to persons applying for permission to practice as attorneys at law. W. A. Barber, a minor, may be admitted.

Approved December 23d, A. D. 1889.

AN ACT TO ENABLE J. L. MICHIE TO APPLY FOR ADMISSION TO THE BAR. No. 265.

SECTION 1. *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 same, That J. L. Michie, a subject of Great Britain, who has declared his intention to become a citizen of the United States, be, and he J. L. Michie, not a citizen, may be admitted to practice.

A. D. 1889. is hereby, permitted to apply for admission to the bar of this State forthwith upon the passage of this Act, and if found qualified he shall be admitted to all the privileges granted by Section 2, page 502, of the Revised Statutes of South Carolina to persons applying for permission to practice as attorneys at law.

Approved December 23d, A. D. 1889.

No. 266. A JOINT RESOLUTION TO AUTHORIZE AND DIRECT THE COMPTROLLER GENERAL TO DRAW HIS WARRANT IN FAVOR OF THOMAS B. LEE FOR ONE HUNDRED DOLLARS, IN FAVOR OF J. S. WHITE FOR ONE HUNDRED AND FORTY-SEVEN AND 60-100 DOLLARS, IN FAVOR OF D. H. WITHERSPOON FOR FOURTEEN DOLLARS, IN FAVOR OF C. L. WINKLER FOR EIGHTY-FOUR AND 50-100 DOLLARS, AND IN FAVOR OF F. W. SCHEPER FOR FIFTY DOLLARS AND EIGHTY-NINE CENTS, AND TO AUTHORIZE AND DIRECT THE STATE TREASURER TO PAY THE SAME.

SECTION 1. *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 same, That

Comptroller General to issue warrant to T. B. Lee. the Comptroller General be, and he is hereby, authorized and directed to issue his warrant in favor of Thomas B. Lee for the sum of one hundred dollars for services rendered the Board of Directors of the State Penitentiary as civil engineer on the

D. H. Witherspoon. Columbia Canal, and in favor of D. H. Witherspoon for the sum of fourteen dollars, for advertising notices of State and Federal elections in the year A. D. 1888 in the "Clarendon Enter-

C. L. Winkler. prise," and in favor of C. L. Winkler for the sum of eighty-four and 50-100 dollars for expenses incurred by Commissioners of Election at an election held for a Probate Judge in Kershaw

F. W. Scheper. County, and in favor of F. W. Scheper for fifty dollars and eighty-nine cents, the same being for overpaid taxes, and in

J. S. White. favor of J. S. White, of Chesterfield County, for the sum of twenty-nine and 60-100 dollars ($29.60) as Commissioner and Messenger for special election held in Chesterfield County, November 5th, 1889, and also in favor of the said J. S. White the further sum of one hundred and eighteen dollars, to be paid to him as Chairman of the Board of Commissioners for said

election, and by him to be paid out to the Commissioners and Managers of said election, as they are respectively entitled. And the State Treasurer is hereby authorized and directed to pay the said warrants out of any funds in the Treasury not otherwise appropriated. A. D. 1889. State Treasurer to pay.

SEC. 2. The County Commissioners of Beaufort County are hereby required to draw their warrant, and the County Treasurer of said County to pay the same, in favor of F. W. Scheper for eighty-nine dollars and eighty-one cents, out of the ordinary County funds, the same being for overpaid taxes. F. W. Scheper to be paid $89.81 out of County funds of Beaufort.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE FARMERS' LOAN AND TRUST COMPANY OF ABBEVILLE COUNTY. No. 267.

SECTION 1. *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 same, That John R. Blake, Jr., John E. Bradley, A. W. Jones, J. Townes Robertson, John H. Morrah, Joe L. Hughey, David Aiken, J. E. Todd, Jesse S. McGee and P. H. Adams are hereby named and appointed as corporators, together with such other persons as are now or may be hereafter associated with them. Corporators.

SEC. 2. That the name and title of said association shall be "The Farmers' Loan and Trust Company of Abbeville County." Name.

SEC. 3. The banking house or office of said association, where its general business shall be conducted, shall be at such place in Abbeville County as shall be determined and agreed upon by the Directors of said association. Place of business.

SEC. 4. The capital stock of said association shall be the sum of fifty thousand dollars, in shares of one hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars by a vote of a majority of the stockholders at the annual or a special meeting called for that purpose. The payment of the subscription to the capital stock to be made in five annual installments of twenty dollars each. As soon as stock of fifty thousand dollars has been subscribed a meeting of the stockholders shall be called by the corporators, or any three of them, for the purpose of organization, by electing a Board of Capital stock. How paid. Meeting for organization.

A. D. 1889.

Directors.

President and other officers.

Payment of 1st installment.

By-laws.

nine Directors, who shall immediately thereafter organize by electing a President and Vice-President and a Cashier, and such other officers as may be necessary for carrying on the business of said association. The said Board shall thereupon call for the payment of the first installment of twenty dollars on each share subscribed, and as soon as the sum of ten thousand dollars has been paid in shall commence to do the regular business of such banking association, under such rules and by-laws as may have been adopted by said association at its first or any subsequent meeting, the subsequent installments to be paid annually thereafter.

Duration of charter.

SEC. 5. The charter shall be for a period of thirty years, unless by the vote of two-thirds of the stockholders it be resolved to close the business of said association and wind up its affairs.

Rights and liabilities.

SEC. 6. This association is to have all the rights, powers and privileges set forth in, and subject to all the liabilities, limitations and provisions of an Act of, the General Assembly to "provide for and regulate the incorporation of banks of this State," passed 24th December, 1885.

19 Stat., 212.

First meeting of subscribers.

SEC. 7. The first meeting of the subscribers to the capital stock for the election of Directors shall be held at such time and place as may be determined upon by the corporators, after ten days' notice by the corporators to the stockholders. At this meeting, or a subsequent one, if deemed proper, all necessary rules and by-laws for the proper conduct of business, annual election of officers, time of such election, term of office, and manner of removal, regulations for increase of stock, and any other matters shall be adopted. No stockholder to have more than ten shares, or to represent more than ten shares individually, and by proxy at any meeting. Directors must be citizens of this State, and hold not less than five shares of stock.

Rules and by-laws.

Limitations of stockholders.

Requirement as to Directors.

Approved December 23d, A. D. 1889.

No. 268. AN ACT TO AMEND THE CHARTER OF THE TOWN OF HODGES.

SECTION 1. *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 same, That the Town Council of Hodges shall have the power to punish

Powers of punishment.

offenses against the ordinances of said town either by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days in the County jail: *Provided*, That said Town Council shall pay the fees of the Sheriff for dieting any prisoners so confined. A. D. 1889. Dieting fees.

SEC. 2. That said Town Council shall have the right to impose a tax upon all property subject to taxation by it not exceeding fifteen cents per hundred dollars. Right to tax.

Approved December 23d, A. D. 1889.

A JOINT RESOLUTION TO PROVIDE FOR THE APPOINTMENT OF A BOARD OF TRUSTEES FOR THE ESTATE OF DR. JOHN DE LA HOWE, DECEASED. No. 269.

SECTION 1. *Be it resolved* 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 same, That Guilford S. Cade, David Morrah, Edmund Cowan, Joseph S. Britt and D. J. Wardlaw be, and the same are hereby, appointed Trustees of the estate of Dr. John De La Howe, deceased. Names of Trustees.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF ABBEVILLE AND GREENVILLE COUNTIES OF THE QUESTION OF 'LICENSE' OR 'NO LICENSE' IN THE INCORPORATED CITIES, TOWNS AND VILLAGES IN SAID COUNTIES AT SPECIAL ELECTIONS," APPROVED DECEMBER 24TH, 1887. No. 270.

SECTION 1. *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 same, That from and after the passage of this Act the town of Abbeville, in the County of Abbeville, be, and the same is hereby, exempted from the provisions and operations of an Act entitled "An Act to provide for the submission to the qualified electors of Abbe- The town of Abbeville exempted from A. A. 1887, 19 Stat., 965.

A. D. 1889.

SEC. 7. It shall be the duty of the managers to make returns, and meet at their respective Court Houses, or Council chambers, as the case may be, and count the votes and declare the result, as in other elections, which result shall be certified, in writing, by the Chairman of each Board of Managers to the Chairman of the Board of County Commissioners, or to the city or town Council, as the case may be.

Declaration of result.

Counties to make subscriptions.

SEC. 8. In case a majority of the ballots have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County elections, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said County, the sum which may have been fixed and named in the resolution of said Board, published as aforesaid, which subscription, if in bonds, shall be made in seven per cent. bonds, as aforesaid, with interest payable annually; if in money, shall be in such annual installments as shall have been named in the petition and in the resolution of the said Board; and all tax levies for the purpose of raising funds to pay said bonds or coupons, or said sums of money subscribed, shall be made upon the taxable property in such Counties; and if a majority of the ballots cast in any city or town election shall be for "subscription," the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the County Commissioners are herein required in all cases of County subscriptions.

Amount.

Tax to pay bonds and coupons.

Towns to make subscriptions.

SEC. 9. That for the payment of the interest on said bonds voted by any County the County Commissioners shall issue their warrant directed to the County Auditor, requiring him to levy and assess such per centum upon the taxable property in said County as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, and he shall enter the same upon the tax duplicate to be turned over to the Treasurer, which shall be his warrant for collecting the said tax, which shall be collected by the said Treasurer of such County under the same regulations as are now provided by law for the collection of State and County taxes therein, and which shall be paid over by the said Treasurer of the County so voting such subscription to the holders of said bonds as the said interest shall become due. In case of the issuing the bonds by municipal corporations, the corporate authorities of such municipalities shall annually levy and collect, in same manner as ordinary cor-

Tax to pay interest.

Railroad tax.

To be paid to bondholders.

Town taxes.

poration taxes are collected, an amount sufficient to meet the interest on such bonds as the same becomes due.

SEC. 10. That for the payment of any money subscriptions voted under this Act, the County Commissioners of the respective Counties shall levy a tax upon the taxable property of such Counties sufficient to pay such subscriptions on each installment as it may become due, which tax shall be levied and assessed by the County Commissioners and County Auditor, and be collected by the County Treasurer in the same manner in which other State and County taxes are collected: *Provided, however,* That the said tax may be levied and assessed at a special meeting of the County Commissioners if the time of the annual meeting has passed. The corporate authorities of any city or town so subscribing shall in like manner levy and assess a tax upon the taxable property of said city or town sufficient to pay such subscription on each installment as it becomes due, to be collected as other municipal taxes are collected, at the first annual collection of taxes next after such subscription, and annually thereafter until all the installments are paid. All moneys collected on account of any subscriptions in money under this Act shall, as soon after collection as practicable, be turned over by the County Treasurer or City or Town Treasurer as aforesaid to the Treasurer of the said company or their legally authorized agent, if any.

Tax to pay money subscriptions by Counties.

By towns.

To be paid to railroad company.

SEC. 11. That in collecting said taxes the County, City or Town Treasurer shall deliver to the taxpayer a special receipt therefor, which shall express that the amount therein is the tax for said railroad. And when any person, a holder of said receipts, issued in his own name or in that of another person, and duly transferred to such holder by endorsement thereon of the name of the person to whom the same was issued, shall present an amount thereof to the President of said company, the said President shall cause to be issued to the holder of such receipt one share of stock, and such person shall be a stockholder in said company from the date of the scrip for such stock so issued as aforesaid; and the like proceedings and rights and liabilities shall be had and attach to any person who may present such tax receipts amounting to more than one share: *Provided,* That said scrip shall not be issued for any fractional part of a share.

Receipts to taxpayers.

Exchangeable for stock.

Proviso.

SEC. 12. That for the purposes of this Act all the Counties along the line of the railroad, or which are interested in its construction, as herein provided for, shall be, and they are hereby declared to be, bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this Act, and

Counties incorporated.

A. D. 1889.

in General Assembly, and by the authority of the same, That the County Commissioners of Abbeville County are hereby authorized to draw their warrants in favor of Joel W. Lites, John E. Brownlee and J. F. C. Dupre, County Commissioners of said County, for the following sums, to wit: In favor of Joel W. Lites for twenty dollars, in favor of John E. Brownlee for fifty dollars, and in favor of J. F. C. Dupre for fifty dollars, the same to be compensation for extra services rendered necessary by the late floods in said County, and by the change in the road law for said County, and the County Treasurer of said County is hereby authorized and required to pay the same.

Warrants to be drawn by County Commissioners of Abbeville.

Amounts.

Payment.

Warrants to be drawn by County Commissioners of Aiken.

SEC. 2. That the County Commissioners of the County of Aiken are hereby authorized and required to draw their warrants in favor of J. F. Baker & Co. and Joseph Togneri--in favor of J. F. Baker & Co. for fifteen dollars and seventy-five cents, and in favor of Joseph Togneri for fifty-four dollars and twenty-five cents, the same to be in full of amounts overpaid for licenses, and the County Treasurer is hereby authorized and required to pay said warrants.

Amounts.

Payment.

Approved December 23d, A. D. 1889.

No. 273. AN ACT TO INCORPORATE THE CITY OF AIKEN.

SECTION 1. *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 same, That from and after the passage of this Act all citizens of this State having resided twelve months within this State and six months within the corporate limits of the city of Aiken shall be deemed, and are hereby declared, a body politic and corporate, and the said incorporation shall be called and known by the name of "The City of Aiken," and its corporate limits shall include all the area embraced in a circle whose centre is the intersection of Park avenue and Union street, and whose radius is one mile.

Incorporation.

Name and area.

Mayor and Aldermen.

SEC. 2. The city shall be governed by a Mayor and six Aldermen, who shall be citizens of the United States and who shall be persons who actually reside in the corporate limits of the said city and have so resided at least twelve months immediately preceding the day of their election. The said Mayor and

Designation and election.

Aldermen shall be known and called the City Council of Aiken, and shall be elected on the second Monday in September, 1890, and at the same time in every second year thereafter, and shall hold their offices for the term of two years, and until their successors shall have been elected and qualified. The Mayor and any three Aldermen, or any four Aldermen, shall constitute a quorum for the purpose of transacting the business of said corporation, or exercising the powers herein granted to the said City Council or the said Mayor and Aldermen. A. D. 1889. Quorum.

SEC. 3. All male of inhabitants of the said city who have resided within the corporate limits thereof for six months next preceding any election for members, or a member, of the said City Council, and who are qualified to vote in State elections, shall be entitled to vote in such election: *Provided*, That no person shall be allowed to vote at any such election who shall not have registered his name as a voter with the Clerk of the City Council, to be entered by him in a book or books to be kept for that purpose, before twelve o'clock meridian, on the tenth day next preceding every such election. The Mayor and Aldermen of said city shall give at least ten days' notice, by advertisement, in any one or more newspapers published therein, of the time and place of said election, together with the names of the three managers appointed by them to conduct such election, and the same notice shall also name the hours and place of registration. The book or books of registration shall be kept securely by the Clerk of said City Council and turned over to the managers on the day of the election: *Provided*, That the said book or books shall be subject to public inspection, and any person shall be permitted to make copies therefrom when the said City Clerk is not actually engaged in the registration of a voter. Electors. Registration. Notice of election and registration. Books of registration.

SEC. 4. The election shall be held in some convenient public place in said city from nine o'clock in the forenoon to three o'clock in the afternoon, and shall be conducted by the managers appointed as aforesaid, who shall be sworn by the Mayor, or an Alderman, or if there be no such person, then the Clerk for the Circuit Court for Aiken County, fairly and impartially to conduct such election and make a true return of the result thereof. When the polls are closed the managers shall forthwith proceed to count the votes and make a statement of the whole number of votes cast in such election, together with the number cast for each person voted for as Alderman, and shall transmit a certificate of the same in a sealed envelope to the Mayor of said city, and if there be no Mayor, then to the Clerk Conduct of the election. Statement by Managers.

A. D. 1889.

of the Circuit Court for Aiken County, and the said Mayor or Clerk of Court shall immediately upon the receipt of the report of the managers open and publish the same by announcing the whole number of votes cast in the election and the number for each person voted for as Mayor and as Aldermen. He shall declare the person receiving the highest number of votes for Mayor duly elected to that office, and the persons receiving the highest number of votes for Aldermen, in number equal to the number of Aldermen to be chosen, duly elected to said offices. And such Mayor and Aldermen, before entering upon the duties of their respective offices, shall take the oath of office prescribed by the Constitution of this State, and the oath against dueling, and in addition thereto the following oath, to wit: "As Mayor (or Alderman) of the city of Aiken, I will faithfully and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected. So help me God."

Declaration of result.

Oaths of office.

Election to fill vacancy.

SEC. 5. In case a vacancy occur in the office of Mayor, or any of the Aldermen, by death, resignation or otherwise, all elections to fill such vacancy shall be held by the appointment of the Mayor and Aldermen, or Aldermen, and in case there be no Mayor and no Aldermen, then by the appointment of the Clerk of the Circuit Court for Aiken County, ten days' notice thereof and a registration of voters to be had, as provided in Section 3 thereof.

Mayor *pro tem.*

Whenever the Mayor of said city shall, from any cause, be temporarily unable to attend to the duties of his office, the City Council shall have power to elect one of the Aldermen to serve as Mayor during temporary disability; and during the time he is so acting such Alderman so designated shall be vested with all the powers, duties and responsibilities attaching to the office of Mayor of the said city.

Judicial powers of Mayor.

SEC. 6. The said Mayor shall have power and authority to try all offenders against the ordinances of the said city in a summary manner, without a jury, upon their apprehension or arrest, or as soon thereafter as possible, unless such persons enter into good and sufficient surety, to be approved by the said Mayor, or, in his absence or inability to serve, by the Clerk of the City Council, to appear for trial within five days after such arrest, or at such other time as may be agreed upon, in which event the trial shall be deferred until that time. Whenever the said Mayor shall find a party tried before him guilty of violating an ordinance of the said city, he shall have power to impose in his

Powers of punishment.

A. D. 1889.

discretion fine or imprisonment, in the alternative, not to exceed the limits prescribed for such violation. From all decisions of the said Mayor any party in interest feeling himself aggrieved shall have the right of appeal to the City Council: *Provided*, He gives notice of such appeal immediately upon the sentence being pronounced, and enter surety to appear and defend before the City Council at any time to be specified in such undertaking, not less than five nor more than ten days after the date of such undertaking. In all cases appealed to the City Council the Mayor shall preside, or some Alderman as hereinbefore provided, and the Aldermen shall sit as a jury to try the facts involved, and may also reverse, modify or affirm any or all of the rulings of the Mayor in the first trial of the case. In all cases tried before the Mayor or City Council the party charged shall first be served with a summons, if he demand the same, citing him to such trial, in which shall be stated with reasonable accuracy the nature of the charge and the time and place of its alleged commission.

Right of appeal.

Trial of the appeal.

Summons to party accused.

Council meetings.

Seal.

Powers.

Property rights.

Limit.

By-laws and ordinances.

Fines and penalties.

SEC. 7. The Mayor shall have authority to summon the Aldermen to meet in Council for the transaction of business pertaining to the corporation whenever in his judgment it may be necessary; they, and their successors hereafter to be elected, shall have and keep a common seal, which shall be affixed to all ordinances passed by them; they may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and may purchase, hold and possess and enjoy, for the trusts herein contained, to them and their successors, in perpetuity, or for term of years, any estate, either real, personal or mixed, and sell, alien and convey the same at will: *Provided*, The same does not at any one time exceed in value the sum of fifty thousand dollars. And the said City Council shall have full power to make, ordain and establish all such rules, by-laws, regulations or ordinances respecting the roads, streets, markets, police, health and order of said city as shall appear to them necessary and requisite for the security, welfare and convenience of the said city, or for preserving the health, peace, order and good government within the same. And the said City Council may fix and impose fines and penalties for the violation of the same, not to exceed the sum of one hundred dollars, or imprisonment for thirty days, and appropriate all revenues arising therefrom to the use of the said corporation: *Provided*, Such ordinances, rules, by-laws or regulations be not contrary to the laws of this State.

A. D. 1889.

Sentences.

SEC. 8. The said Mayor may sentence persons convicted of violation of any of the ordinances of said city to fine or imprisonment, in the alternative, as may be provided, and any person sentenced to imprisonment directly or in consequence of failure to pay the fine imposed shall, during their term of imprisonment, be required to work upon the streets of said city, unless they be expressly exempted therefrom in the sentence pronounced by the said Mayor.

Labor on streets.

Liquor licenses.

SEC. 9. The Mayor and Aldermen of said city shall have power to grant license to retail spirituous liquors within said limits, which licenses shall be granted in the same manner and upon like conditions as they now are or may hereafter be, under the laws of this State, except that the said City Council shall not grant such licenses for retail at less than five hundred dollars per annum, and no such license shall be granted for a longer period than one year. All moneys arising from the granting of licenses; and for fines, or forfeitures for retailing spirituous liquors or keeping taverns or billiard tables in said city without license, shall be appropriated to the uses of said corporation.

Fee.

Appropriation of proceeds.

Streets and ways.

SEC. 10. The Mayor and Aldermen shall have full and exclusive control over all streets, roads and ways in the said city, and it shall be their duty to keep them open and in good repair. They shall have power, with the consent of the adjacent land owners, to close or change all such roads, streets or ways within said city as they may deem conducive to the public convenience, and may sell the freehold of any such streets, roads or ways as they may choose, either at private or public sale, as they may deem best. And they shall have power to lay out, adopt, open and keep in repair all such new ways, streets or roads as they may deem necessary for the improvement and convenience of said city: *Provided*, They first obtain the consent of the land owners through whose land such street, road or way may pass. And the said City Council shall have all the powers over the streets, roads and ways therein which are now given, or may hereafter be given, to County Commissioners over the roads of their several Counties, subject, nevertheless, to the limitations herein prescribed. And they shall have power to compound with all persons liable to work the streets, ways and roads in said city, upon such terms as they shall by ordinance establish, the moneys so received to be applied to the uses of such corporation.

Proviso as to land owners.

Powers of County Commissioners.

Compounding for work.

License tax on business and occupations.

SEC. 11. That the said city be, and they are hereby, authorized, annually, to require the payment of such reasonable sum or sums of money as a license tax by any person or persons, or

corporation, engaged or intending to engage in any calling, business, profession or occupation, in whole or in part, within the limits of the city of Aiken, except those engaged in the calling or profession of teachers or ministers of the gospel; that the said City Council are hereby authorized to pass such ordinances as are necessary to carry the purposes of this Section into full effect, and to provide for the punishment of all delinquents thereunder. And the said City Council shall have power to impose an annual tax on all real estate lying within the corporate limits, and on personal property owned and held within the same, including bonds and stocks of banks and insurance companies, and other corporations, the real estate of churches and school associations from which such churches and school associations derive a revenue or which are intended to be rented out for such purpose, and that purpose they shall appoint three freeholders residing therein to assess the value of said real estate upon oath, and return the assessment, within one month, to said Council for taxation; and the said Council shall have power to fill any vacancy arising from any cause on the said Board of Assessors. The City Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said city, to erect a powder magazine and to compel every person holding more than twenty-five pounds of powder at one time to store the same therein, and to make regulations for rates of storage thereof and for keeping and storing the same. They shall have power and authority to organize, equip and control a fire department for the protection of the said city in such way as they may deem necessary. That the said City Council of Aiken shall have power to establish, by ordinance, fire limits in and upon such squares or blocks in said town as are embraced within the limits bounded by Newberry street on the East, Park avenue on the South, and Short street and Pendleton street on the West and Richland avenue on the North, and to prescribe and designate the kind and character of material to be used in erecting and repairing buildings or structures within and upon the block included in said fire limits. That the said City Council of Aiken shall have power, from time to time, to establish further and additional fire limits within the corporate limits of said town as often as the same may be deemed expedient: *Provided*, That in such cases of establishing additional fire limits, the same shall be done by ordinance, passed by a vote of the Council at a regular meeting. That the said City Council of Aiken shall have power, by ordinance, to prescribe suitable fines and penal-

A. D. 1889.

Tax on property.

Assessments of real property.

Shows.

Powder magazine.

Fire department.

Fire limits.

Penalties.

A. D. 1889.

ties against such person or persons who may be found guilty of violating any of the ordinances of said city relative to the fire limits therein: *Provided*, That such fines or penalties shall not exceed the amounts as regulated in the 48th Section of the charter of said city. That all buildings or structures erected within said fire limits contrary to the ordinance of said city of Aiken may be abated by the City Council as a public nuisance.

Salary to Mayor.

That hereafter it shall be unlawful for the City Council of Aiken to vote a salary to the Mayor of said city until the question of allowing a salary to the Mayor shall have been first submitted to the qualified voters of said city who are real estate owners therein, and shall have been decided in favor of such salary by a two-thirds majority vote of said real estate owners, and that such question shall only be voted upon at a special election called for that purpose, upon at least fifteen days' notice, published in one of the papers of the city.

Returns of sales, income and personal property.

SEC. 12. Returns shall be made on oath to the Clerk, annually, of the amounts of all sales of merchandise, professional, mechanical or other incomes, and of the quantity and kind of all other property than real estate subject to taxation under the provisions of this Act, by the persons who may be liable to pay the taxes on the same, and any property not so returned shall be assessed by the Clerk and a penalty of 50 per cent. added, and the said taxes shall be paid on or before the first day of March then next ensuing. Upon failure thereof any party in default shall be subject to the penalties now provided by law for failure to pay the general State tax.

Penalty.

Police.

SEC. 13. That the said City Council shall have power, and are hereby authorized, to elect one Chief of Police and as many assistants as may be necessary, (in addition to the Sheriff of Aiken County, who shall be *ex officio* a policeman of said city,) to fix their salaries and prescribe their duties. They shall be sworn in and vested with all the powers now conferred by law upon Constables, and subjected to all the duties and liabilities that are now or hereafter may be conferred upon Constables, in addition to the special duties devolved upon them by the said City Council: *Provided*, That their jurisdiction shall not extend beyond the limits of the said corporation.

Powers, duties and liabilities.

Jurisdiction.

Guard House.

SEC. 14. The said City Council shall have power to establish a guard house and prescribe by ordinances suitable rules and regulations for governing the same; and the said City Council may by ordinance, or the Mayor and Aldermen in person, any one or more of them, authorize and require any policeman of said

Arrests.

A. D. 1889.

city to arrest and to commit to said guard house, for a term of not exceeding twenty-four hours before trial, any person or persons who within the said corporate limits may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent; and it shall be the duty of the policemen of said city to arrest and commit all such offenders when required by said ordinances or any member of the City Council so to do, and they shall have power to call to their assistance the *posse comitatus* if need be in making such arrest; and upon failure of such policeman to perform their duty as required, they shall severally be liable to such fines and penalties as said City Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to such imprisonment: *Provided*, That the imprisonment provided for in this Section shall not exempt the party so imprisoned from trial and sentence as hereinbefore provided.

Imprisonment.

Posse comitatus.

Proviso.

Plays and shows.

SEC. 15. That the said city shall have power to collect licenses or taxes from all persons representing publicly within their corporate limits for gain or reward any plays or shows, of what nature or kind soever, to be used for the purposes of said corporation.

Nuisances.

SEC. 16. The said City Council shall have power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of the said Board.

Loans.

SEC. 17. That the said City Council shall have power to borrow money for the public uses of the corporation by issuing from time to time, as occasion may require, the bonds of said corporation, bearing interest at a rate not exceeding seven per centum per annum, to be paid semi-annually, for an amount not to exceed twenty-five thousand dollars, and for the payment of the interest and the ultimate redemption of the principal according to the terms of the loan the said corporation shall be at all times liable: *Provided*, That the property of the inhabitants of said city shall be bound for redemption of said loan in no other way than by the imposition of an annual tax according to the provisions of this Act: *And provided, further*, That a majority of the owners of real estate situate within the corporate limits of said city shall first vote in favor of issuing the said bonds, and the said City Council shall give at least thirty days' notice of holding such election.

Bonds.

Redemption.

To be determined by election.

A. D. 1869.

Exemptions of Mayor and Aldermen.

SEC. 18. The Mayor of said city shall receive no salary except upon a two-thirds vote of the real estate owners of said city. He and the Aldermen shall each be exempt from street duty during the term their office, and each City Council shall within thirty days after the expiration of their terms of office make out and return to their successors a full account of their receipts and expenditures during the term for which they were elected, and they shall likewise publish at the end of each year after the beginning of their term of office a full statement of their receipts and expenditures during the preceding year; and at the expiration of the term of office of any City Council it shall be their duty to pay over to their successors any moneys in their hands at the time of making such return belonging to said corporation, and likewise to deliver up promptly at the end of their term all books, property, records, other papers incident to their said offices, to their successors, and on failure to do so they shall be liable to the punishment prescribed in the twentieth Section of this Act.

Report to successors.

Payment of money.

Surrender of property.

Penalty.

Contests.

SEC. 19. In case of contest or protest as to any municipal or special election held under this charter, or by virtue of the incorporation herein created, the Mayor and Aldermen composing the City Council shall be authorized and empowered to hear and determine the same, subject to the right of appeal to the Circuit Court by any party in interest who may feel himself aggrieved thereby: *Provided*, Notice and grounds of such appeal be served upon the City Council and the opposing party within five days after the announcement of such determination. No Mayor or Alderman interested personally in any way in the event of such contest or protest shall sit in the hearing thereof; and if a majority of the City Council shall be interested therein, the Judge of Probate for Aiken County shall hear and determine the same, subject to appeal from his decision as herein provided from the determination of the said City Council.

Notice.

Who may sit.

Power to open new streets.

SEC. 20. If at any time it shall become necessary or advantageous, in the judgment of said City Council, to open any street over lands whose owner or owners will not consent thereto, the said City Council shall have the right, and they are hereby empowered, to proceed to open such street in the same manner as County Commissioners are authorized to open public highways under like circumstances.

Penalty for malfeasance or misfeasance.

SEC. 21. That for the willful violation or neglect of duty, malpractice, abuse or oppression, the said Mayor and Aldermen, jointly and severally, shall be liable to punishment by fine, not

exceeding one hundred dollars, besides being liable for damages to any person injured by such default on the part of such Mayor or Aldermen. A. D. 1889.

SEC. 22. This Act shall go into effect immediately upon its passage, and all ordinances heretofore passed by the Town Council of Aiken under existing laws be, and they are hereby, declared to be of full force and effect in the said city of Aiken, and until the election for Mayor and Aldermen herein provided for, the Town Council of Aiken be, and they are hereby, declared to be the City Council of Aiken, and the Intendant vested with all the powers and duties of Mayor of the said city, and the said Wardens are vested with all the powers and duties of Aldermen of the said city. When to take effect. Validation of ordinances. Existing Council.

SEC. 23. All Acts or parts of Acts inconsistent with this Act be, and they are hereby, repealed; and Act shall be deemed and taken to be a public Act, and shall continue in force for the term of twenty-five years, and until the end of the Legislature then next ensuing. Repealing clause. Duration.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF SIEVERN, IN AIKEN COUNTY. No. 274.

SECTION 1. *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 same, That all citizens of this State who now are, or hereafter may be, inhabitants of the town of Sievern, and who have resided therein for 90 days, shall be deemed, and are hereby declared to be, a body politic and corporate, and that said town shall be known by the name of Sievern, and the limits shall extend one-half mile in every direction from the depot of the Blackville, Alston and Newberry Railroad, so that the limits shall form a circle. Incorporation. Name and limits.

SEC. 2. Said town of Sievern shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885. Rights and limitations. 19 Stat., 174.

A. D. 1889.

Public Act. Duration.

SEC. 3. That this Act shall be deemed a public Act, and shall continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter.

Approved December 23d, A. D. 1889.

No. 275. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF MADISON, IN THE COUNTY OF AIKEN."

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the town of Madison, in the County of Aiken," approved December 22d, A. D. 1882, be, and the same is hereby, repealed.

Charter, 18 Stat., 148, repealed.

Approved December 23d, A. D. 1889.

No. 276. AN ACT TO RECHARTER SANDBAR FERRY AND FIX THE RATES OF TOLL OF SAID FERRY.

SECTION 1. *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 same, That the Sandbar Ferry across the Savannah River be, and the same is hereby, rechartered with the following rates of ferriage: Six horse wagon, one way, .60; five horse wagon, one way, .50; four horse wagon, one way, .40; three horse wagon, one way, .30; two horse wagon, one way, .20; one horse wagon, one way, .15; one horse cart, one way, .15; two horse cart, one way, .20.

Recharter.

Rates of toll.

CARRIAGES: Two horse carriage, one way, .50; two horse buggy, one way, .40; one horse buggy, one way, .25; man and horse, one way, .15, (both ways, .25); foot passengers, one way, .05; loose horses, mules and cattle, .05; hogs, sheep and goats, .03; two wheel carts known as dog carts, one way, .20. That all

the rights, privileges and franchises incident to the said Sandbar Ferry be, and the same are hereby, vested in Jonathan M. Miller, his heirs and assigns: *Provided, however,* That all ministers of the gospel, when traveling in the discharge of their duties as such, and children crossing and recrossing for the purpose of attending school are hereby allowed to pass free of toll over said ferry.

A. D. 1889.

In whom vested.

Who to be exempt from toll.

SEC. 2. That if any person shall meet with any unnecessary delay at the said Sandbar Ferry in crossing, every such person or persons may recover from the owners of the same the sum of ten dollars for every hour he shall have been so unnecessarily detained, to be recovered by civil action on application from the party or parties aggrieved to any Trial Justice.

Penalty for delays.

SEC. 3. This Act shall continue in force for the term of fourteen years.

Duration.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO REVIVE AND RENEW THE CHARTER OF THE LANGLEY MANUFACTURING COMPANY.

No. 277.

SECTION 1. *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 same, That the charter heretofore granted to the Langley Manufacturing Company by an Act ratified on the 14th day of August, A. D. 1868, be, and the same is hereby, revived, renewed and extended for the period of twenty-one years from the date of the approval of this Act.

Extended for 21 years. 14 Stat., 2.

SEC. 2. That all corporate acts done and privileges exercised by said Langley Manufacturing Company since the expiration of its said charter which accord with the provisions thereof are hereby declared to be as valid and effectual in law as if the said charter had not expired.

Validation clause.

SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 17th, A. D. 1889.

A. D. 1889.
No. 278.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW RELATING TO THE NUMBER, TERRITORIAL JURISDICTION AND PAY OF TRIAL JUSTICES AND CONSTABLES IN THE SEVERAL COUNTIES THEREIN MENTIONED," SO FAR AS THE SAME REFERS TO COLLETON COUNTY, AND TO REGULATE THE AMOUNT OF FEES OF CERTAIN TRIAL JUSTICES IN AIKEN COUNTY IN CRIMINAL CASES.

SECTION 1. *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 same, That

A. A. 1888, ante p. 85, amended.

Section 3 of an Act entitled "An Act to alter and amend the law relating to the number, territorial jurisdiction and pay of Trial Justices and Constables in the several Counties therein mentioned," approved December 24, A. D. 1888, be, and the same is hereby, repealed, and the following substituted in lieu thereof, to be known as:

Number of Trial Justices in Colleton.

SECTION 3. There shall be eleven Trial Justices in the County of Colleton, one of whom shall hold his Court in the town of

Constables and their duties.

Walterboro. That each of said Trial Justices be, and he is hereby, authorized and empowered to appoint a Constable for his Court, who, upon such appointment, taking the oath of office and filing his bond as now required by law, shall have all of the powers and discharge all of the duties of a Constable.

Salaries.

That each of the Trial Justices and Constables herein provided for shall receive an annual salary of fifty dollars, except the Trial Justice appointed for Walterboro, who shall receive a salary of one hundred and fifty dollars per annum, and except the Constable appointed for Walterboro, who shall receive an annual salary of seventy-five dollars; such salaries to be in lieu

No costs against the County.

of all costs against the County, including inquisitions when such Trial Justice shall be acting as Coroner: *Provided*, That any of the Trial Justices in said County, who having been duly deputized by the Coroner of said County to hold inquests, when so

Fees for holding inquests.

doing shall divide with the Coroner one-half the fees now provided by law for the Coroner: *Provided, further*, That said

Fees in civil cases.

Trial Justices and Constables shall be entitled, in addition to the salary herein provided for, to receive fees and costs in civil cases, and in criminal cases when paid by the defendant.

Mileage to Constables.

SEC. 2. That in addition to the salary and fees above provided for, the Constables shall receive five cents for each mile traveled in conveying prisoners to the County jail. Said Constables

shall be required to make return upon oath on all warrants of arrest placed in their hands for execution by said Trial Justices at the expiration of ten days when failing to effect arrest; and upon failing to make such return shall be liable to pay a forfeit of two dollars for each offense, said forfeit to be deducted from his salary by the County Commissioners upon information given to them by the Trial Justice, duly certified under his hand and seal.

Returns to be made within 10 days.

Penalty for neglect.

SEC. 3. That the Trial Justice at Aiken Court House, in Aiken County, shall receive full costs and fees in all cases before him, and the Trial Justice at Graniteville, in Aiken County, shall receive in lieu of costs and fees in criminal cases three hundred dollars per annum.

Fees to Trial Justice at Aiken

Salary to Trial Justice at Graniteville.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF ANDERSON," APPROVED FEBRUARY 9TH, 1882. No. 279.

SECTION 1. *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 same, That an Act to incorporate the city of Anderson, approved the 9th day of February, 1882, be, and the same is hereby, amended by adding thereto the following Section, to be known as Section 10*a*, to follow Section 10 of said Act, to wit:

A. A. 1882, 17 Stat., 978, amended.

SECTION 10*a*. The Mayor and Aldermen of said city shall have full power and authority to purchase and operate water works in or near said city for the use and benefit of said city and its citizens; also, to purchase, own and operate apparatus for generating either electricity or gas for the use and benefit of said city and its citizens, or to contract for the erection of plants either for water works or lighting purposes, one or both, at any point in or near said city, as they may determine suitable for said purposes, for the uses of said city, and to supply the citizens thereof; to grant a franchise or franchises for said purposes to any private corporation or corporations for a term of years as may be deemed

Additional Section.

Water works.

Electricity or gas.

A. D. 1889. By-laws. to the best interests of said city, with power to make such rules, by-laws and ordinances in reference thereto as shall be deemed necessary for the regulation and proper conduct of the same, either for public or private uses, by the citizens of said city. For the Real estate out of the city. purposes of establishing a system of water works as aforesaid, the said City Council shall have the right to purchase and hold, or convey, such real estate outside of the corporate limits of the city as may be necessary; and the said city or the persons with whom Mains and pipes. they shall contract shall have the right to lay mains or pipes along or across any public road in such way as not to injure such road for travel when the work is finished, or for a longer time than necessary in doing the work. The City Council shall Jurisdiction. have the same jurisdiction on the premises upon which the water works are situated to preserve the peace and protect the property, by its ordinances passed therefor, as it has within the corporate limits of the city.

Another Section added. SEC. 2. That said Act be further amended by adding thereto after Section 18 thereof the following Section, to be known as Section 18*a*, to wit:

Additional tax for water and lights. SECTION 18*a*. That in addition to the powers of borrowing, as provided in Section 18, and levying taxes, as provided by Section 11 hereof, the said Mayor and Aldermen shall have the power and authority to levy an additional tax, not to exceed in any year thirty cents on every one hundred dollars' worth of real and personal property, to be levied and collected at the same time as other city taxes, which additional sum so levied and collected shall be kept separate from other taxes, to be used for water purposes and lighting purposes, or for either of said purposes, of said Surplus. city, and for no other purposes: *Provided*, That if any surplus remains the same shall be carried forward for the same purposes the succeeding year.

Approved December 17th, A. D. 1889.

No. 280. AN ACT TO REQUIRE THE COLUMBIA AND GREENVILLE RAILROAD COMPANY TO BRIDGE OVER CERTAIN STREETS IN THE CITY OF ANDERSON.

SECTION 1. *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 same, That

the Columbia and Greenville Railroad Company be, and they are hereby, required and compelled to erect, within sixty days after the approval of this Act, and maintain, substantial and neat bridges over the entire width of Main and McDuffie streets in the city of Anderson, with safe and appropriate railings for sidewalks and street ways where the said railroad cuts the said streets. A. D. 1889. Bridges to be built in 60 days. Location and description.

SEC 2. That the character and design of said bridges shall be agreed upon by the said railroad company and the City Council of Anderson; and if they fail to agree, then the said railroad company shall build them according to specifications to be furnished by the Railroad Commissioners. Character and design.

SEC. 3. That if the said railroad company shall fail or refuse to construct the said bridges as required by this Act within the time herein specified, it shall be the duty of the Railroad Commissioners forthwith to proceed to compel the said railroad company to do so, and for this purpose they shall have the right to apply by writ of *mandamus* to the Courts of this State. How enforced.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE ANDERSON WATER SUPPLY COMPANY. No. 281.

SECTION 1. *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 same, That W. W. Humphreys, B. F. Whitner, W. L. Roddey, John T. Roddey, Wm. C. Whitner, and such others as now are or may be hereafter associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of supplying water for the city of Anderson by means of wells or bringing water from adjacent springs or streams, under the name and style of the "Anderson Water Supply Company," and by that title shall have the power to take, subscribe and raise a capital stock of five thousand dollars, ($5,000.00,) with the privilege of increasing the same to one hundred thousand dollars, ($100,000.00,) in shares of one hundred dollars each, Incorporation. Purpose. Name. Capital stock.

SEC. 2. That said company shall have the power, subject, as hereinafter provided, to the supervision of the City Council of Anderson, to construct such reservoirs in the said town and to Reservoirs and pipes.

A. D. 1869.

lay down such pipes and aqueducts along, in and under the streets, avenues and public places thereof as may be necessary for the purpose of the said company; and for such purposes the said company may, and it is hereby authorized and empowered to, sink wells and to divert from its usual channels any stream or streams of water in or adjacent to said town; also to construct a dam or dams, and to appropriate to the uses aforesaid any private property which may be necessary for the purpose of constructing such reservoirs of water and laying down such pipes and aqueducts as are necessary to collect and distribute water through the said town; and if the said company and the owner or owners of such property shall not be able to agree on the value of such property, or the amount of injury done or the amount of damage sustained by the diversion of such streams of water, sinking of wells or other acts of the company, the said company shall procure the right to do or continue such acts in the same way that railroad corporations are required to proceed in procuring rights of way under Sections 1550–1561 of the General Statutes of this State.

Wells, streams and dams.

Condemnation of property.

Rights and powers.

SEC. 3. That the said company shall be able and capable by its corporate name to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court in this State, to have succession of officers and members, and shall have power to make such by-laws, not repugnant to the laws of the land, for the government and good order of its members as shall be deemed expedient by a majority in value of the stockholders; and to have a common seal, and at will to alter and make new the same. At all meetings of the stockholders the majority in par value of the stock shall constitute a quorum to do business, and each share of stock shall be entitled to one vote.

Quorum.

Subscriptions.

SEC. 4. The said company is authorized to receive subscriptions to its capital stock in money, materials or labor, as may be agreed upon between said company and said subscribers; and may acquire by grant, purchase, lease, or otherwise, any estate, real or personal, and the same may hold, use, sell, convey and dispose of as the said company may see fit. That said company shall have the power and authority to issue bonds for the purpose of construction, or the carrying on of its business, for such amounts and for such periods and on such interest as it may determine, and with power, if it so determine, to secure the same by mortgage of all or any part of its property.

Property rights.

Bonds and mortgages.

Consent of City Council to be obtained.

SEC. 5. That said company, before sinking any wells, building reservoirs or laying pipes or aqueducts for the purpose of supplying water as aforesaid, shall make applications for leave

to do so to the City Council of Anderson, and no such wells shall be sunk, reservoirs erected, or pipes and aqueducts laid, save with the consent and approval of the City Council of Anderson. A. D. 1889.

SEC. 6. Each stockholder in said company, in addition to the loss of the sum paid upon the stock subscribed for or held by him, shall be jointly and severally liable to the creditors thereof in an amount not exceeding five per centum (5 %) of the par value of the share or shares held by him at the time the demand of the creditors was created: *Provided*, That such demand shall have been payable within one year, and that the proceedings to hold such stockholders liable therefor shall be commenced within two years after such debts may have become due and whilst he remains a stockholder therein, or within two years after he shall have ceased to be such stockholder: *Provided, further*, That no person holding a share or shares as executor, administrator, trustee, or in any other fiduciary capacity, shall be liable thereon beyond the value of the estate held by him as such executor, administrator, trustee, or in any other fiduciary capacity. Liability of stockholders. Proviso. Trustees.

SEC. 7. That the capital stock of said company shall be deemed personal property; and the said corporation shall have authority in its by-laws to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock, or for collecting and enforcing by sale or otherwise all subscriptions made thereto. Shares of stock.

SEC. 8. That this Act shall be deemed a public Act, and shall continue in force for thirty years. Public Act. Duration.

Approved December 24th, A. D. 1889.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF BELTON. No. 282.

SECTION 1. *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 same, That all persons who reside in the town of Belton, and their successors, be, and they are hereby, declared to be a body politic and corporate, under the name of "The Town of Belton," and the limits of said town shall extend for one mile in every direction from the present freight depot of the Columbia and Greenville Railroad Company. Incorporation. Names and limits.

A. D. 1889.

Intendant and Wardens.

SEC. 2. The said town shall be governed by an Intendant and four Wardens, who shall be qualified electors therein and who shall be elected on the second Monday in January, A. D. 1890, and on the same day in each year thereafter. They shall be known and styled "The Town Council of Belton," and by this name may sue and be sued, plead and be impleaded, in any Court of this State. They shall hold their office for the term of one year and until their successors are elected and qualified. They shall be elected in the same manner as the Intendant and Wardens of the town of Williamston by electors possessing the same qualifications for voting in the town of Belton as those prescribed for voters in the town of Williamston by an Act entitled "An Act to renew and amend the charter of the town of Williamston," approved December 24th, A. D. 1888.

Town Council.

Term of office.

Election.

Ante p. 104.

Rights and privileges.

SEC. 3. The said town of Belton shall have all of the corporate rights and privileges within the said territory that were granted to and are possessed by the town of Williamston under the provisions of said Act, and the Intendant and Wardens of the town of Belton shall respectively have the same rights, powers and duties in the town of Belton as those conferred upon the Intendant and Wardens of the town of Williamston in the town of Williamston in said Act except so far as the same are modified by the provisions of this Act, and the Intendant and Wardens shall, before entering upon the discharge of their duties, take the same oaths of office for the town of Belton as prescribed by said Act for such officers in the town of Williamston.

Oaths.

Sale of liquors prohibited.

SEC. 4. The said Town Council shall not have authority to grant any license for the sale of spirituous, malt or intoxicating liquors, and it shall be unlawful for any person whomsoever, on any account or under any circumstances, to sell, barter or exchange spirituous, malt or intoxicating liquors in any form in said town. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided by law for retailing without a license.

Penalty.

New streets.

SEC. 5. That where the opening of any new street in said town is opposed by any land owner through whose land such new street runs, the Town Council shall have power and authority to open such new street in the manner and by the same proceedings that County Commissioners are required to take in like cases in opening a new road.

Validating clause.

SEC. 6. That all ordinances heretofore passed and all acts done by the Town Council of Belton under its former charter be, and

the same are hereby, made valid and continued of force in said town until amended or repealed by said Town Council. A. D. 1889.

SEC. 7. This Act shall be deemed and taken to be a public Act, and shall take effect immediately upon its approval by the Governor, and shall continue of force for the term of thirty years. Public Act. When to take effect. Duration.

SEC. 8. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF STARR, IN ANDERSON COUNTY. No. 283.

SECTION 1. *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 same, That all citizens of the United States and of this State who are now, or hereafter may be, inhabitants of the town of Starr, and have resided therein for the term of ninety days, shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall be known by the name of Starr, and the limits of said town shall be three-fourths of one mile in every direction from the present Port Royal and Western Carolina Railway depot. Incorporation. Name and limits.

SEC. 2. That said town of Starr shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, 1885. Rights and limitations. 19 Stat., 174.

SEC. 3. That this Act shall be deemed a public Act, and shall continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter. Public Act. Duration.

SEC. 4. No license for the sale of spirituous or malt liquors, wine, bitters, beers, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Starr, in the County of Anderson, and the sale thereof is strictly prohibited. Sale of liquors prohibited.

A. D. 1889.

Commissioners of first election.

SEC. 5. That P. B. Allen, J. T. C. Jones and E. C. Pruitt be, and they are hereby, appointed to act as Commissioners to conduct the first election to be held under this charter for Intendant and Wardens of said town.

When to take effect.

SEC. 6. That this Act shall take effect immediately on its approval.

Approved December 24th, A. D. 1889.

No. 284. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT A NEW SCHOOL DISTRICT IN ANDERSON COUNTY, AND FOR THE LEVYING AND COLLECTING OF A SPECIAL TAX THEREIN," APPROVED DECEMBER 15TH, 1885.

SECTION 1. *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 same, That an Act entitled "An Act to provide for the establishment of a new school district in Anderson County, and for the levying and collecting of a special tax therein," approved December 15th, 1885, be, and the same is hereby, repealed.

A. A. 1885, 19 Stat., 21, repealed.

When to take effect.

SEC. 2. That this Act shall not go into effect until January 1st, 1891.

Approved December 24th, A. D. 1889.

No. 285. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE PELZER MANUFACTURING COMPANY," APPROVED DECEMBER 21ST, 1880.

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the Pelzer Manufacturing Company," approved December 21st, 1880, be, and the same is hereby, amended by adding thereto the following additional Section, to be known as Section 10:

A. A. 1880, 17 Stat., 337, amended.

Additional Section.

A. D. 1889.

SECTION 10. That in addition to all the rights, powers and franchises hereinbefore conferred upon the said Pelzer Manufacturing Company, the said corporation shall have the right and power to maintain and operate its present railroad and railroad track, and also, from time to time, and at any time that it may deem proper, to enlarge any of its present dams, mills, machine shops, stores, dwellings and other buildings, railroad and railroad tracks, or to erect and operate new, separate and distinct dams, mills, machine shops, stores, dwellings and other buildings, railroads or railroad tracks, upon any property now, or hereafter to be, owned by it, and may add to or alter the same from to time, as may be desired, and conduct and carry on therein and thereupon such branches of manufacture and business as it is legally authorized to do.

Railroads, dams and other erections.

Character of business.

SEC. 2. That the said Act be further amended in Section 2 thereof by striking out in said Section the words "one million (1,000,000)," and inserting in lieu thereof the words "three millions (3,000,000) dollars." So that the said Section, as amended, shall read as follows:

Section 2 amended.

SECTION 2. The parties aforesaid shall have power to raise by subscription a capital for the said corporation of four hundred thousand dollars (400,000) in four thousand (4,000) shares of one hundred dollars ($100) each: *Provided, however,* That a majority of the Board of Directors of the said corporation shall have the power of increasing the said capital stock to any extent not exceeding three millions (3,000,000) dollars, whenever they deem proper so to do; and the said corporation shall, by its by-laws, provide for the manner of raising and distributing such additional capital stock.

Capital stock.

Increase.

Approved December 17th, A. D. 1889.

AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF ANDERSON COUNTY TO PAY W. H. FRIERSON THREE HUNDRED AND FIFTY DOLLARS FOR SERVICES RENDERED AS COUNTY TREASURER FOR A PART OF THE YEAR 1889.

No. 286.

SECTION 1. *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 same, That the County Commissioners of Anderson County be, and they

A. D. 1889.

are hereby, authorized and required to pay W. H. Frierson, by drawing upon the County Treasurer of said County their warrant for that purpose, for the sum of three hundred and fifty dollars, to be paid out of the funds for ordinary County purposes for current year 1890; such amount being due to the said W. H. Frierson for services rendered as County Treasurer for a part of the year 1889.

Warrant to be drawn.

Approved December 24th, A. D. 1889.

No. 287. A JOINT RESOLUTION TO PROVIDE FOR THE PAYMENT OF CERTAIN SCHOOL CLAIMS FOR 1887-88, DRAWN IN EXCESS OF THE APPORTIONMENT IN DISTRICTS NOS. 10 AND 15 IN ANDERSON COUNTY.

Preamble.

Whereas the local Boards of School Trustees for School Districts Nos. 10 and 15 in Anderson County have drawn teachers' pay certificates in excess of the apportionment of funds for their districts for the fiscal year commencing November 1st, 1887, as follows, to wit: School District No. 10, one hundred and eighty-six dollars and ten cents ($186.10), and School District No. 15, one hundred and seventy-seven dollars and eighty-six cents ($187.86): *And whereas* said claims are for services already rendered by teachers holding the same, and are approved by the School Commissioner:

SECTION 1. *Be it resolved* 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 same, That the School Commissioner for Anderson County, in making the apportionment of school funds for the fiscal year commencing November 1st, 1889, shall reserve from the shares of School Districts Nos. 10 and 15, respectively, such amounts as may be necessary in each case to pay all such claims as are drawn in excess of the apportionment for said districts for the fiscal year commencing November 1st, 1887, and that said claims be renumbered and entered upon schedule of claims for the year commencing November 1st, 1889.

School claims provided for.

SEC. 2. That the County Treasurer for Anderson County be, and he is hereby, authorized to pay said claims from funds now in the treasury for the said school districts; but if these funds should be exhausted before this Act shall take effect, then the

Payment of these claims.

said claims shall be paid from funds belonging to said school districts for 1889-90, when collected and apportioned. A. D. 1889.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE THE ISSUE OF CERTAIN NOTES BY THE TOWN COUNCIL OF BARNWELL, AND TO PROVIDE FOR PAYMENT OF THE SAME. No. 288.

SECTION 1. *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 same, That the Town Council of the town of Barnwell be, and they hereby are, empowered and directed to issue to the persons entitled under contract, in payment for the completion and furnishing of the town hall in said town, promissory notes, under their hands and the corporate seal, in such denominations as may seem best to them: *Provided*, That the aggregate sum of said notes, in face value, shall not exceed three thousand dollars. Promissory notes authorized. Limit.

SEC. 2. That said notes shall be so made as to make the entire sum of three thousand dollars due and payable in six annual installments of five hundred dollars each, and each note shall draw interest at the rate of eight per cent. per annum, interest payable annually, the first installment to become due and payable on the 15th day of January, 1890. When payable. Rate of interest.

SEC. 3. That said Town Council shall, for the purpose of meeting the payment of said notes and the interest on the town bonds which are to become due during that year, set apart, out of any moneys then on hand, on or before the 15th day of January of each year, a sum sufficient to meet in full said indebtedness to accrue during said year, and which said sum shall be used for no other purpose whatsoever. Fund for payment.

Approved December 23d, A D. 1889.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF WILLISTON TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING A PUBLIC SCHOOL BUILDING IN SAID TOWN, AND TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE SAME. No. 289.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

in General Assembly, and by the authority of the same, That the Town Council of Williston shall have power, and are hereby authorized, to issue bonds of said town, on or before the first day of March, A. D. 1890, to the amount of three thousand dollars, for the purpose of erecting a public school building, such bonds to be issued in such denominations as said Town Council shall deem best, and to be made payable ten years after date of same, with interest, payable semi-annually, at the rate of not exceeding eight per centum per centum: *Provided*, That the question of issuing said bonds shall be first submitted to the qualified voters of said town at an election to be ordered by the Town Council for that purpose, notice of which election shall be published for at least two weeks prior to said election in one or more of the newspapers published in the County of Barnwell: *Provided, further*, That a majority of said voters shall vote in favor of the issue of such bonds.

Authorized to issue bonds.

Amount and purpose.

To be determined by election.

Not to be sold for less than par.

SEC. 2. That said bonds shall not be sold for less than their par value, and when so sold the proceeds shall be held and used exclusively for the purposes stated in Section 1 of this Act, and shall be expended under the direction and control of the Town Council.

Use of proceeds.

SEC. 3. That the said Town Council shall, semi-annually, at such times and places as they shall fix and determine, pay the interest due on said bonds; and for that purpose, and to create a sinking fund for the final redemption of said bonds, one-half of all sums received for licenses shall be set apart and used exclusively for that purpose.

Interest.

Sinking fund.

Repealing clause.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 290. AN ACT TO PROVIDE FOR PAYMENT OF SALARIES, IN LIEU OF COSTS AND FEES IN CRIMINAL CASES, TO THE TRIAL JUSTICES AND CONSTABLES OF BARNWELL COUNTY.

SECTION 1. *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 same, That the Trial Justices of the County of Barnwell shall receive as compensation for their services in criminal cases, in lieu of all

costs and fees, annual salaries, as follows: The Trial Justice for Barnwell Court House, two hundred and fifty dollars; the Trial Justices for Allendale and Blackville, respectively, one hundred and fifty dollars; the Trial Justice for Bamberg, one hundred and twenty-five dollars; the Trial Justices for Williston, Graham's, Buford's Bridge and Four Mile, respectively, one hundred dollars; the Trial Justice for Fish Pond, seventy-five dollars; and the Trial Justice for Red Oak, fifty dollars. A. D. 1889. Salaries to Trial Justices.

SEC. 2. That each of said Trial Justices be authorized to appoint a person to act as his Constable in serving and executing process issued by him, who shall give the bond and take the oath required by law. The Constables so appointed shall receive, as compensation for their services in criminal cases and in lieu of all costs and fees therefor, annual salaries, as follows: The Constable for Barnwell Court House, two hundred and eighty-five dollars; the Constables for Blackville and Allendale, respectively, one hundred and seventy dollars; the Constable for Bamberg, one hundred and forty dollars; the Constables for Graham's, Williston, Buford's Bridge and Four Mile, respectively, one hundred and fifteen dollars; the Constable for Fish Pond, eighty-five dollars; and the Constable for Red Oak, sixty dollars: *Provided, however,* That in all criminal prosecutions cognizable by the Court of General Sessions the Sheriff of said County be, and hereby is, authorized to serve and execute process issued by said Trial Justices and directed to him, and shall be entitled to receive therefor the fees which are now, or hereafter may be, allowed by law for such services: *And provided, further,* That said Constables shall be entitled, in addition to their salaries, to the mileage which is now, or hereafter may be, allowed for conveying prisoners to jail under commitment. Constables. Bond and oath. Compensation. Fees to Sheriff. Mileage to Constables.

SEC. 3. That the salaries herein provided shall be due and payable quarterly upon the order of the County Commissioners of said County. Salaries payable quarterly.

SEC. 4. That each of said Trial Justices shall collect and pay over to the County Treasurer all costs and fees in criminal cases to which he or the Constable appointed by him would have been entitled but for the provisions of this Act, together with all fines collected by him, and shall at least ten days prior to each term of the Court of General Sessions for the County make out and file with the Clerk of the Court a sworn transcript of his criminal docket, which shall show the amount of fees and costs and fines imposed and the sums collected thereon, which transcript shall be submitted to the Grand Jury at the term next ensuing for investigation. Fees and fines to be paid to County Treasurer. Transcript of docket.

A. D. 1889.

Repealing clause.

SEC. 5. That so much of all Acts or parts of Acts as is inconsistent with this Act be, and hereby is, repealed.

When to take effect.

SEC. 6. That this Act shall take effect immediately upon its approval by the Governor.

Approved December 24th, A. D. 1889.

No. 291. AN ACT AUTHORIZING THE BUILDING OF A COUNTY JAIL FOR BEAUFORT COUNTY AND THE SALE OF THE PRESENT JAIL.

SECTION 1. *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 same, That

Commissioners to be appointed.

the Governor be, and he is hereby, authorized to appoint three Commissioners in the County of Beaufort, whose duty it shall

Jail to be built.

be to cause to be erected, within two years after the passage of this Act, upon a suitable and convenient site near the Court House building, and within the corporate limits of the town of

Cost.

Beaufort, a County jail, at a cost not exceeding six thousand

Site.

dollars: *Provided,* That the site for the same be donated to the County by the town of Beaufort.

SEC. 2. That upon the completion of said jail the said Commissioners, after due advertisement, be, and they are hereby,

Sale of old jail.

authorized and required to sell the present jail and pay the sum

Payment of proceeds.

received therefor into the County treasury of said County, to be applied to the payment of the expenses of building said new jail.

SEC. 3. That for the purpose of raising a fund for the purpose of construction, it shall be the duty of the County Auditor

Tax.

to assess a tax of one (1) mill upon the taxable property of the County for the fiscal year 1889–90 and 1890–91, and the Treasurer shall collect the same in the same manner and at the same time at which other County and State taxes are collected.

SEC. 4. That the said Commissioners are hereby authorized,

Award of contract.

after due advertisement, to award the contract to the lowest responsible bidder for the erection of said jail in anticipation of the collection of said taxes.

SEC. 5. That the said Commissioners, in anticipation of the said special tax, be, and they are hereby, authorized and empow-

Contracting debts.

ered to contract debts and incur liabilities to the extent requisite for the completion of the said County jail; and upon the

completion and acceptance of the same they are hereby authorized to draw upon the County Treasurer to the extent of the collections received by him on account of the said special tax levies. A. D. 1889. Drafts on County Treasurer.

Approved December 17th, A. D. 1889.

AN ACT TO EXTEND THE JURISDICTION OF THE TRIAL JUSTICES FOR HAMPTON AND BEAUFORT COUNTIES RESIDENT AT OR NEAR YEMASSEE AND RIDGELAND. No. 292.

SECTION 1. *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 same, That the jurisdiction of the Trial Justices now appointed, or hereafter to be appointed, for the Counties of Hampton and Beaufort resident at or near Yemassee and Ridgeland be, and the same is hereby, extended over both the said Counties of Hampton and Beaufort to the limit of one-half (½) mile in each and every direction from the Charleston and Savannah Railway depots at said places, in cases of breach of the peace. Jurisdiction in both Counties.

Approved December 17th, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE THE COMPTROLLER GENERAL TO DRAW HIS WARRANT ON THE STATE TREASURER IN FAVOR OF D. H. TRAXLER FOR ONE HUNDRED AND THIRTY-FOUR AND 42-100 DOLLARS, N. CHRISTENSEN FOR TWENTY-FIVE AND 45-100 DOLLARS, A. E. SCHEPER FOR FIFTY-FIVE AND 14-100 DOLLARS, MRS. E. F. HOWE, STATE'S PRO RATA OF FOUR AND 75-100 DOLLARS, AND THE STATE TREASURER TO PAY SAME, AND FOR THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES NAMED HEREIN TO DRAW THEIR CHECKS ON THE COUNTY TREASURERS OF SAID COUNTIES FOR CERTAIN SUMS TO THE PARTIES NAMED. No. 293.

SECTION 1. *Be it resolved* 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 same, That the Comptroller General be, and he is hereby, authorized to draw his warrant on the State Treasurer in favor of the follow- Comptroller General to draw warrants.

A. D. 1889.

ing persons for the payment of the following claims, viz.: in favor of D. H. Traxler, ex-Treasurer of Darlington County, for the sum of one hundred and thirty-four dollars and forty-two cents, to reimburse him funds overpaid to the State Treasurer by him in his settlement for the fiscal year 1887–8, and in favor of N. Christensen, of Beaufort, in the County of Beaufort, for the sum of twenty-five dollars and forty-five cents, as an abatement allowed him on taxes paid the State by him for the fiscal year 1886–7, and in favor of A. E. Scheper, of Beaufort, in the County of Beaufort, for the sum of fifty-five 14-100 dollars as an abatement on the State taxes to be allowed him for the fiscal year 1887, and in favor of Mrs. E. F. Howe, of Darlington County, for the State's *pro rata* of the sum of four dollars and seventy-five cents, being the sum of State and County taxes overpaid by her in the fiscal years 1886–8.

D. H. Traxler for $134.42.

N. Christensen for $25.45.

A. E. Scheper for $55.14.

Mrs. E. F. Howe

State Treasurer to pay.

SEC. 2. That the State Treasurer do pay the said warrants named in Section 1 out of any funds not otherwise appropriated.

County Commissioners to draw warrants.

SEC. 3. That the County Commissioners of Darlington County are hereby authorized and required to draw their checks on the County Treasurer of Darlington County, and the said Treasurer is hereby authorized and required to pay same, to wit: a check in favor of D. H. Traxler, ex-Treasurer of said County, for the sum of sixty-five 71-100 dollars, County funds overpaid by him in the year 1887–8, a check in favor of Mrs. E. F. Howe, of said County, for the said County's *pro rata* of the sum of four 75-100 dollars, being for taxes overpaid by her in the years 1887–8, and that the County Commissioners of the County of Beaufort are hereby authorized and required to draw, and the County Treasurer of said County of Beaufort is hereby required to pay, a check in favor of N. Christensen, of said County, for the sum of forty-four 93-100 dollars, being said County's *pro rata* of taxes overpaid by him during the year 1886–7, and a check in favor of A. E. Scheper, of said County of Beaufort, for the sum of ninety-seven 31-100 dollars, being said County's *pro rata* of taxes overpaid by him during the year 1887.

D. H. Traxler for $65.71.

Mrs. E. F. Howe.

N. Christensen for $44.93.

A. E. Scheper for $97.31.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE J. J. DALE & COMPANY TO ERECT AND MAINTAIN A WHARF AT SARVIS POINT, DALE'S CREEK, IN BEAUFORT COUNTY.

A. D. 1889.

No. 294.

SECTION 1. *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 same, That J. J. Dale, J. R. McDonald and George W. Wilkins, partners, under the firm name of J. J. Dale & Co., be, and they are hereby, authorized to erect and maintain a wharf to deep water in front of their property, at Sarvis Point, on Dale's Creek, Lady's Island, in Beaufort County, and to charge and collect wharfage, layage and storage.

Wharf authorised.

Tolls.

SEC. 2. That the franchise hereby granted shall vest in J. J. Dale & Company, their successors and assigns, for thirty-one years.

Vested for 31 years.

Approved December 24th, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE THE COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO APPLY TO GENERAL COUNTY PURPOSES FOR FISCAL YEAR COMMENCING NOVEMBER 1ST, 1888, ANY UNEXPENDED BALANCE IN THE COUNTY TREASURY FROM THE FUND APPLICABLE TO ROADS AND BRIDGES FOR THE SAID FISCAL YEAR.

No. 295.

Whereas there is an unexpended balance in the County treasury of Beaufort on account of the fund applicable to roads and bridges; therefore,

SECTION 1. *Be it resolved* 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 same, That the County Commissioners of Beaufort County be, and are hereby, authorized and required to apply to general County purposes for the fiscal year ending October 31st, 1889, any unexpended balance in the County treasury of said County arising from the fund applicable to roads and bridges.

Application of unexpended road fund.

Approved December 24th, A. D. 1889.

A. D. 1889. AN ACT TO INCORPORATE THE TOWN OF PECK'S, IN BERKELEY COUNTY.

No. 296.

SECTION 1. *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 same, That all citizens of this State who now are, or hereafter may be, inhabitants of the town of Peck's shall be deemed, and are hereby declared to be, a body politic and corporate, and that the said town shall be known by the name of Peck's; and that the limits shall extend one-half mile in every direction from the depot of the Eutawville Railroad as a centre.

Incorporation.

Name and limits.

Rights and limitations.

19 Stat., 174.

SEC. 2. Said town of Peck's shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885.

Public Act.

Duration.

SEC. 3. That this Act shall be a public Act, and shall continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter.

When to take effect.

SEC. 4. This Act shall take effect immediately on its approval.

Approved December 17th, A. D. 1889.

No. 297. AN ACT TO INCORPORATE THE TOWN OF LINCOLNVILLE, IN THE COUNTY OF BERKELEY.

SECTION 1. *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 same, That all persons, citizens of the State of South Carolina, who are now or who may hereafter become inhabitants of the town of Lincolnville, in the County of Berkeley, shall be deemed, and are hereby declared, a body politic and corporate, and that said town shall be called and known by the name of Lincolnville, and its limits shall be deemed and held to extend one-half mile in every direction from the school house in said town.

Incorporation.

Name and limits.

Election of Intendant and Wardens.

SEC. 2. That the said town shall be governed by an Intendant and four Wardens, who shall be elected on the first Wednesday in April next, on which day, as well as on the first Wednes-

day in April of every year thereafter, an election shall be held for an Intendant and four Wardens, who shall be citizens of the State of South Carolina, and shall have been resident in the said town for sixty days immediately preceding said election, at such place in said town as the Intendant and Wardens shall designate, ten days' notice, in writing, being previously given. That M. Buffett, E. K. Holman, Samuel F. Peterson and Henry Micken be, and they are, appointed a Board of Managers, to hold the first election under this Act. That all male inhabitants of the said town, of the age of twenty-one years, who have resided therein sixty days previously to said election shall be entitled to vote for said Intendant and Wardens; and the election shall be held from 6 o'clock in the morning until 6 o'clock in the afternoon, when the polls shall be closed, and the managers shall publicly count the votes, and proclaim the election, and give notice thereof in writing to the persons elected; and that the Intendant and Wardens for the time being shall appoint the managers to hold the ensuing election, at least twenty days prior to the day of election; that the Intendant and Wardens, before entering upon the duties of their office, shall take the following oath, to be administered to the officers first elected by some officer duly authorized to administer an oath, and by the outgoing Intendant to the Intendant and Wardens thereafter elected, to wit: "As Intendant (or Warden) of Lincolnville, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect the purposes of my appointment according to law: so help me God."

A. D. 1889.

Managers of first election.

Electors.

Conduct of election.

Declaration of result.

Other managers.

Oath of office.

SEC. 3. That in case a vacancy should occur in the office of Intendant or any of the Wardens by death, resignation, removal from the State or town, or from any other cause, an election shall be held by the appointment of the Intendant and Warden, or Wardens, as the case may be, ten days' notice thereof, as aforesaid, being given. And in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council shall be empowered to elect one of their number to act as Intendant during such sickness or absence.

Election to fill vacancy.

Intendant *pro tem.*

SEC. 4. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be empowered to preserve the public peace within the limits of said town; and the Intendant shall, as often as occasion may require, summon the Wardens to meet him in Council, a

Powers.

Council meetings.

A. D. 1889.

majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Lincolnville; and they and their successors in office shall have a common seal; and shall have power and authority to appoint, from time to time, such and so many proper persons to act as

Policemen and their duties.

Marshals and Policemen as they shall deem necessary and proper, which officers shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of Constable. And the Intendant and Wardens, in Council, shall have power

Ordinances.

and authority under their corporate seal to ordain and establish all such rules, by-laws respecting the streets, ways, public wells and springs or fountains of water, markets and police of the said town, and for preserving health, peace, order and good government within the same, as they may deem expedient and proper;

Fines.

and the said Council may affix fines for offenses against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed twenty dollars; all fines may be recovered by an action for debt before the proper tribunal.

SEC. 5. That the said Council shall have power to abate and

Nuisances.

remove nuisances within the limits of said town, and also to

Police duty.

classify and arrange the inhabitants liable to police duty, and to require them to perform such duty as occasion may require, and to enforce the performances thereof by appropriate penalties: *Provided always, nevertheless,* That the said Town Council

Compounding for police duty.

shall have power to compound with persons liable to perform such duties upon such terms as they shall by ordinance establish.

SEC. 6. That it shall be the duty of the Intendant and Wardens

Streets and ways.

to keep all streets and ways which may be necessary for public use within the limits of said town open and in good repair; and for that purpose they are hereby invested with all the powers, rights and privileges granted, or that may hereafter be granted, by law to the County Commissioners, within the limits of said

Neglect of duty.

town. And for any neglect of duty said Intendant and Wardens shall be liable to the pains and penalties imposed by law upon the County Commissioners for like neglect. And they are

Exemptions from road and other duties.

hereby individually exempt from the performance of road and public duty; and the inhabitants of said town are hereby excused from road and police duty without the limits of said corporation.

SEC. 7. That the said Intendant and Wardens shall have

Compounding for road duty.

power to compound with persons liable to work on the said streets and ways, and to release such persons therefrom as may desire it, upon the payment of such sum of money as said In-

tendant and Wardens may deem a fair equivalent therefor, to be applied by them to the use of the said corporation. A. D. 1869.

SEC. 8. That the said Town Council of Lincolnville shall also be empowered to retain, possess and enjoy for the use and benefit of said town all such property as they may now be possessed of or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them in their corporate capacity; and to sell, alien, or in any way transfer the same or any part thereof: *Provided*, The amount of property so held, or stock invested, shall in no case exceed the sum of ten thousand dollars. Property rights. Limit.

SEC. 9. That the said Town Council of Lincolnville shall also have power to impose an annual tax on all real and personal property within the corporate limits of said town, except the property belonging to the churches and schools: *Provided*, Said tax shall not exceed fifty cents on the hundred dollars. Tax on property.

SEC. 10. That the Intendant and Wardens of the town of Lincolnville shall have power to regulate sales at auction within the limits of said town, and to grant licenses therein to auctioneers: *Provided*, That nothing herein contained shall extend to sales by or for Sheriffs, Coroners, Clerks of Courts and Judges of Probate, executors and administrators, assignees, referees and Constables, or by any other person under the order of any Court. Auction sales. Official sales.

SEC. 11. That the Intendant and Wardens of the town of Lincolnville shall have power and authority to require all persons owning a lot or lots therein to keep in repair the sidewalks adjacent to their lots, respectively; and for default in this matter shall have power and authority to impose a fine not to exceed ten dollars. Sidewalks.

SEC. 12. That the power to refuse or grant licenses to keep a tavern or to retail intoxicating drinks be, and the same is hereby, vested in the Town Council of Lincolnville; and that they be, and are hereby, also invested with the necessary power, by ordinance or ordinances, to suppress or to regulate the sale of intoxicating drinks, to be drank at the place where sold, or in or upon any of its appurtenances, or in or upon any of its highways, streets, lanes, alleys, commons, kitchens, stores, shops, public buildings, booths, stalls or outhouses of the said town, or within one-half mile of the limits of the said town: *Provided*, That no rule or regulation shall be made inconsistent with the Constitution and laws of the State. Liquor licenses. Regulation of sales of liquor. Proviso.

SEC. 13. The said Town Council shall have power, under the hand and seal of the Intendant, to issue execution, directed to the Marshal of said town, to collect all taxes and fines imposed Collection of taxes and fines.

A. D. 1889.

by the said Council by virtue of the authority in them vested by this Act; and the Marshal of said town is hereby invested with all the powers and authority conferred by law upon Constables to enforce the satisfaction of such executions, in the same manner and to the same extent.

Powers of Marshals.

Clerk and Treasurer.

SEC. 14. That the said Town Council shall have power to appoint a Clerk and Treasurer annually, and to define their duties and responsibilities.

Public Act.

SEC. 15. That this Act shall be deemed and taken to be a public Act in all the Courts of justice in this State, and shall continue of force until repealed.

Duration.

Approved December 24th, A. D. 1889.

No. 298. AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF MT. PLEASANT TO LAY OUT INTO LOTS AND STREETS AND SELL CERTAIN LANDS IN THE TOWN OF MT. PLEASANT, KNOWN AS GREENWICH COMMONS.

SECTION 1. *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 same, That the Town Council of the town of Mt. Pleasant, in Berkeley County, be, and they are hereby, authorized and empowered to lay out certain lands in said town, known as "Greenwich Commons," into lots and streets, and to sell said lots at such times and upon such terms as the Town Council of said town may deem best and most advantageous.

To be laid out in lots and streets.

Sale of lots.

Execution of deeds.

SEC. 2. That all deeds of said lots shall be signed by the Intendant of said town, countersigned by the Clerk, and the corporate seal thereof affixed thereto.

Approved December 23d, A. D. 1889.

No. 299. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN COUNTIES HEREIN NAMED FROM THE OPERATION OF CHAPTER XXVII, TITLE X, OF THE GENERAL STATUTES, RELATIVE TO THE GENERAL STOCK LAW," APPROVED 24TH DECEMBER, 1886.

SECTION 1. *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 same, That

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A. A. 1886, § 1, 19 Stat., 716, amended.

Section one of an Act to amend an Act entitled "An Act to exempt certain Counties herein named from the operations of Chapter XXVII, Title X, of the General Statutes, relating to the General Stock Law," approved 24th December, 1886, be, and the same is hereby, amended by striking out the whole of said Section and inserting the following in lieu thereof, so that said Section when amended shall read as follows:

Section as amended.

SECTION 1. That all that section of Berkeley County included within the following described limits and boundaries be, and is hereby, exempted from the operations of Chapter XXVII, Title X, of the General Statutes, relating to the General Stock Law:

Portion of Berkeley County exempted.

Beginning at Hilton Cross Road, on the State Road, thence down the said road to the thirty-five mile post; thence along a road leading from the thirty-five mile post to the residence of Henry Measles, and from thence to a point where said road is intersected by the line separating the lands of Frederick Connor and G. W. Shingler; thence Southward along the line of Frederick Connor's land to where it is intersected by the Colleton and Berkeley County line; thence down the said line to where it is intersected by the line of incorporation of the town of Summerville; thence along the said line of incorporation to Saw Mill Branch; thence along the said Saw Mill Branch to a point known as Driggers's Hole; thence by a direct line to the Northeast corner of A. W. Taylor's farm; thence along the said farm fence to the farm fence of the late Harleston Driggers to what is known as the stock line fence already constructed; thence along the said stock line fence, crossing the County road at or near James Davis's and Mrs. A. M. Harmon's and the State Road at or near the residence of T. J. Whaley; thence along the said stock line fence to a point at or near Groomsville; thence by the most direct route to Strawberry Station, on the Northeastern Railroad; thence along the line of the Northeastern Railroad to Oakley Station; thence along the road leading from Oakley Station to The Barrows; from thence along the road leading from The Barrows to Isaac Brown's premises, at which point it will take a Northerly direction to the settlement belonging to the estate of D. W. Winter, following then the line fence already constructed contiguous to the plantation known as Bunker Hill, Summersett, Hog Swamp, White Hall, Bansterdown, Ophir Wood and Duck Pond to Township Church, where it will take the Ridge or Calamus Pond Road to the Monck's Corner Road to Calamus Pond, along West Point Road to West Point, and then along New Road to Hilton Cross Road, the

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commencing point: *Provided*, Any persons who have complied with the requirements of the General Stock Law embraced in or adjoining the territory described in this Section shall have all the rights of Chapter XXVII, Title X, of the General Statutes, relating to the Stock Law, and only be deprived of the same by the erection and keeping up, at the expense of the owners of stock claiming the benefit of the exemption herein, of all such fences as may be necessary for such purpose, whether such fences be necessary around one plantation or several.

Proviso as to persons who have complied with Stock Law.

Approved December 24th, A. D. 1889.

No. 300. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN PORTIONS OF BERKELEY AND CHARLESTON COUNTIES FROM THE OPERATION OF CHAPTER XXVII, TITLE X, OF THE GENERAL STATUTES, RELATING TO THE GENERAL STOCK LAW AND FENCING STOCK," APPROVED DECEMBER 19TH, 1887.

SECTION 1. *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 same, That Section 2 of an Act entitled "An Act to exempt certain portions of Berkeley and Charleston Counties from the operation of Chapter XXVII, Title X, of the General Statutes, relating to the General Stock Law and fencing stock," approved December 19th, 1887, be, and the same is hereby, amended by striking out all after the word "parish," in the fourteenth line, and before the word "thence," in the sixteenth line, and inserting in stead thereof the words "in a due South course to the sea coast." So that the said Section will read as follows:

A. A. 1887, 52, 19 Stat., 973, amended.

SECTION 2. That the portions of said Counties in the foregoing Section referred to shall be bounded by the following lines, to wit: Commencing on the South bank of Santee River, at the point where the Northeastern Railroad touches the same, along the Eastern side of said track to a point where said track crosses the Santee canal; from that point along the Eastern bank of said canal to its Southern extremity; thence, by the shortest line, to the Cooper River road at Wadboo Bridge, and along the Eastern Branch road to Hugh's Bridge on the Eastern

Section of Berkeley and Charleston exempted.

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branch of Cooper River; thence down said Eastern branch of said river to the main river; thence down said river to the Wando River; thence up the Western bank of said Wando River to the Wando plantation; thence to the sea coast; thence along the sea coast line of Charleston County to the mouth of the Santee River, and along said river, the same being the County line, to the point of intersection of the track of the Northeastern Railroad with the said river.

Section of Williamsburg County exempted.

SEC. 3. That so much of Williamsburg County as is embraced in the following lines, to wit: In Sumter Township, between the Centennial and Darlington public road; between the Green road to a line running from Thomas Murphy's, on the Lynchburg road, to Daniel Chandler's, on the Georgetown road, be, and the same is hereby, exempted from Chapter XXVII, Title X, Part 1, of the General Stock Law and Fencing Stock.

Approved December 23d, A. D. 1889.

No. 301.

AN ACT TO PROVIDE FOR THE SURVEY OF A PORTION OF THE BOUNDARY LINE BETWEEN THE COUNTIES OF CHARLESTON AND BERKELEY.

Secretary of State to have survey made.

SECTION 1. *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 same, That the Secretary of State be, and he is hereby, authorized and empowered to cause a survey to be made of so much of the boundary line between the Counties of Charleston and Berkeley as is described in Section 410 of the General Statutes, as follows: "and thence, by the shortest line, make Eastwardly to the South Santee River, so as to include the village of McClellanville."

Line of survey.

How paid for.

SEC. 2. That the cost of making such survey be paid, in equal portions, by each of the said Counties; and the County Commissioners of the said Counties are hereby directed to provide for the same.

Approved December 17th, A. D. 1889.

A. D. 1889. No. 302. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHARLESTON EXCHANGE," APPROVED MARCH 21ST, 1876, AND TO CONFIRM THE ACTS AND DOINGS OF THE BOARD OF DIRECTORS, AND TO CHANGE THE NAME OF THE SAID ASSOCIATION.

SECTION 1. *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 same, That the Board of Directors, as provided in the second Section of an Act entitled "An Act to incorporate the Charleston Exchange," shall hereafter consist of but six Directors instead of twelve as therein provided. All acts done by persons heretofore acting as Directors of the said Exchange be, and the same are hereby, confirmed, and declared as good and valid as if the said Board had consisted of twelve Directors as provided in the said Act, notwithstanding the said Board may at times have consisted of a less number.

Number of Directors.

16 Stat., 149.

Validation clause.

Name changed.

SEC. 2. That the name of the said association be, and the same is hereby, changed to the Charleston Cotton Exchange, instead of the Charleston Exchange.

Approved December 17th, A. D. 1889.

No. 303. AN ACT TO REVIVE AND RENEW THE CHARTER OF THE CHARLESTON CHAMBER OF COMMERCE.

SECTION 1. *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 same, That the charter of the Charleston Chamber of Commerce be, and the same is hereby, revived, renewed and extended for the term of thirty years from the date of the approval of this Act, and that all acts of the Charleston Chamber of Commerce done in its corporate capacity since the expiration of its former charter be, and the same are hereby, confirmed, and declared as good and valid as if the former charter had not expired.

Charter extended for 30 years.

Validating clause.

Approved December 23d, A. D. 1889.

No. 304. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE HOUSE OF REST CHARITY."

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the House of Rest Charity," approved December 23d, 1879, be amended, so that the said Act shall read as follows: A. D. 1889. A. A. 1879, 17 Stat., 53, amended.

That Mrs. Mary P. Bellinger, Mrs. H. Ogier, Miss Celia Campbell, Miss Emma J. Wagener, Miss S. J. Lowndes, Mrs. Mary F. A. Gregg, Miss Mary Jervey, and such other persons as they may associate with them, be, and they are hereby, declared a body corporate and politic, under the name and style of "The House of Rest Charity." Incorporation and name.

SEC. 2. That the said corporation shall by its said name have perpetual succession of officers and members as follows: All and every the corporate franchises and powers of "The House of Rest Charity" shall be exercised by thirteen trustees, who shall serve during good behavior, five of which number shall be a quorum for the exercise of such franchises and powers. The Board of Trustees shall be composed of the Protestant Episcopal Bishop for the time being of the Diocese of South Carolina, *ex officio*, and of two priests, two male lay communicants and four female lay communicants of the Protestant Episcopal Church. Upon a vacancy existing or occurring from death, resignation, disability or any other cause whatsoever, of which cause the Board shall judge, such vacancy shall be filled by the Board whenever and as often as occasion shall require: *Provided, however*, That the Bishop of South Carolina for the time being shall always be *virtute officii* a member and President of the Board: *And further provided*, That the Board shall always be composed as directed in this Section. Succession. Trustees. Quorum. Composition of Board. Provisoes.

The original Board of Trustees shall consist of the following individuals, to wit: the Right Rev. W. B. W. Howe, Bishop, *ex officio*, Rev. A. T. Porter, Rev. C. C. Pinckney, Julian Mitchell, A. M. Lee, Miss Emma J. Wagener, Mrs. Mary P. Bellinger, Miss Annie C. Neufville, Mrs. Hutson Lee, Mrs. E. M. Seabrook, Mrs. James Connor, Miss Mary Pinckney and Mrs. M. G. Parker. Original Board.

SEC. 3. That the object of the said corporation shall be to provide a home for invalid and indigent persons, and to provide for them such industrial pursuits as will enable them to contribute to their own support, to which end it is enacted that the said corporation be, and it is hereby, empowered as follows: To retain, possess and enjoy all such property, real and personal, as it may now possess or be entitled to, or which it may hereafter in any manner acquire, and to sell, alien, mortgage or transfer Objects. Powers.

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the same or any part thereof; to pass such by-laws as it may see proper to adopt and which are not repugnant to the laws of the land; to have, keep and use a common seal; to sue and be sued, to plead and be impleaded, in any Court in this State, and to have and fully enjoy every right incident to corporations of like nature and objects under the laws of this State; and all property and rights acquired heretofore by the said corporation, or to which it may be entitled, are hereby confirmed.

Validation clause.

Repealing clause.

SEC. 4. All Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 17th, A. D. 1889.

No. 305. AN ACT TO REGULATE THE OPENING AND CLOSING OF THE OFFICE OF THE REGISTER OF MESNE CONVEYANCE FOR THE COUNTY OF CHARLESTON.

SECTION 1. *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 same, That from and after the passage of this Act the office of the Register of Mesne Conveyance for the County of Charleston shall be kept open for the transaction of business from nine (9) o'clock A. M. to six (6) o'clock P. M. on each and every day of the year, Sundays and public holidays excepted.

Office to be open every day from 9 A. M. to 6 P. M.

Excepted days.

Approved December 24th, A. D. 1889.

No. 306. AN ACT TO AMEND AND EXTEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE MIDDLE STREET, SULLIVAN'S ISLAND, RAILWAY COMPANY," APPROVED 24TH DECEMBER, 1883.

SECTION 1. *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 same, That the period prescribed by said Act for the commencement and completion of the branch road provided for by said Act be fur-

A. A. 1883, 18 Stat., 553, amended.

A. D. 1889.

ther extended for a period of three years from the approval of this Act: *Provided*, That the consent of the Town Council and corporate authorities of the town of Moultrieville be first had and obtained before any such branch road shall be commenced or built, and that such road shall be built under the supervision of the said Town Council or corporate authorities, and subject to such proper regulations as they may prescribe.

Time for completing road extended.

Consent and direction of Town Council.

Approved December 17th, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ENABLE THE CHARLESTON BRIDGE COMPANY TO CONSTRUCT AND OPERATE A RAILROAD TO CONNECT WITH THE BRIDGE OF SAID COMPANY WHICH CROSSES ASHLEY RIVER." No. 307.

Preamble.

Whereas, by an Act approved the 23d December, A. D. 1887, the Charleston Bridge Company was empowered to construct and operate a railroad on and over its bridge across Ashley River, and beyond, as in said Act is further set forth: *Provided*, The work should be commenced within two years from the approval of said Act; and whereas the said company has recently completed the rebuilding of its bridge across Ashley River, and, in consequence of the expense thereof, is not in a condition to undertake the immediate construction of said railroad: therefore,

SECTION 1. *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 same, That the Act entitled "An Act to enable the Charleston Bridge Company to construct and operate a railroad to connect with the bridge of said company which crosses Ashley River" be amended by striking out Section 5 of said Act, and inserting in lieu thereof the following, so that said Section, as amended, will read as follows:

A. A. 1887, § 5, 19 Stat., 977, amended.

SECTION 5. That the construction of the said railroad shall be commenced on or before the twenty-third day of December, Anno Domini eighteen hundred and ninety-one, and in default thereof the power to construct the same, hereinbefore vested in said company, shall cease, determine and become void.

Time within which work must be commenced.

Approved December 23d, A. D. 1889.

A. D. 1889.

No. 308. AN ACT TO RECHARTER DAVIE'S FERRY, ACROSS CATAWBA RIVER, IN CHESTER COUNTY.

SECTION 1. *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 same, That the ferry across Catawba River, at or near Landsford, in the County of Chester, known as Davie's Ferry, be, and the same hereby is, rechartered, and the same vested in William R. Davie, his heirs and assigns, for the period of fourteen years, with the same rates of toll fixed by the Act of Assembly to re-establish said ferry, approved February 4th, 1878.

Davie's Ferry rechartered.

Duration and tolls.

16 Stat., 378.

Approved December 17th, A. D. 1889.

No. 309. AN ACT TO PERMIT AND AUTHORIZE THE TOWN COUNCIL OF CHESTER TO BORROW MONEY ON NOTE AND BONDS FOR PURPOSE OF BUYING A LOT AND ERECTING THEREON A PUBLIC BUILDING FOR SAID TOWN.

SECTION 1. *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 same, That the Town Council of Chester is hereby permitted and authorized to borrow a sum of money not exceeding ten thousand dollars, as hereinafter set forth, for the purpose of purchasing a lot in said town if necessary, and erecting thereon a suitable public building, containing a public hall, a Council chamber, a town prison, an armory, and a room for a public library: *Provided*, That a majority of the qualified electors of said town voting shall be in favor of such measure, to be expressed at an election held for that purpose.

May borrow $10,000.

Public hall, &c.

If electors so determine.

SEC. 2. That said Town Council is hereby required to give three weeks' previous notice of the time and place of such election by advertisement in one or more of the newspapers published in said town, prescribe the form of the ballots, appoint the managers, receive the returns and determine the result.

Regulations of the election.

SEC. 3. In case the borrowing of the said sum of money be authorized by said election, then said Town Council may borrow a sum not exceeding four thousand dollars at a rate of interest not exceeding eight per cent. per annum, and give a valid obligation

Loan of $4,000.

Rate of interest.

of said town therefor, payable at the option of said Town Council within five years from the date thereof from moneys in the town treasury arising from licenses granted by said Council. The said Town Council is further authorized to issue in the name of said town coupon bonds to an amount not exceeding six thousand dollars, at a rate of interest not exceeding seven per cent. per annum, in denomination of five hundred dollars, signed by the Mayor of said town and countersigned by its Clerk, which shall run for a period of twenty years. The said bonds shall be numbered from 1 to 12 consecutively and redeemable at the option of the said Council, in the order of their numbers, after the expiration of six years from the date of issue, and they together with the note for $4,000 shall constitute a first lien upon all the property purchased and improved from the proceeds of said bonds and note, and the coupons of said bonds shall be receivable in payment for any taxes or other dues to said town.

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Pledge of license fund.

Bonds for $6,000

Description of bonds.

Lien on property.

Coupons receivable for taxes.

SEC. 4. The said Town Council shall sell all of said bonds at public auction after fifteen days' advertisement thereof in the newspapers of said town, but shall receive no bid less than par. The said Council is hereby authorized to pay the interest accruing on said bonds and such part of principal as may be called in (not exceeding the sixth part of the whole in any one year) from moneys in the town treasury, whether derived from taxes, licenses granted, or otherwise, and shall make a full statement of the moneys received and paid on account of said improvement in their annual account rendered to the public as now provided by law.

Sale of bonds.

Payment.

Annual report.

SEC. 5. That this Act shall take effect on its approval.

When to take effect.

Approved December 23d, A. D. 1889.

AN ACT TO ENABLE AND AUTHORIZE SCHOOL DISTRICT NO. 1 OF COURT HOUSE TOWNSHIP IN CHESTER COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A PUBLIC SCHOOL HOUSE, AND TO PROVIDE FOR ADDITIONAL TRUSTEES THEREOF.

No. 310.

SECTION 1. *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 same, That School District No. 1 of Court House Township in the County

A. D. 1889.

of Chester is hereby permitted and authorized to issue six per cent. coupon bonds to amount of ten thousand dollars for the purpose of purchasing ground and of building, furnishing and equipping a public school building thereon, to be located in said school district: *Provided*, That a majority of the qualified electors of said school district voting shall be in favor of such issue as may be expressed at an election hereafter to be held for that purpose.

May issue 6 per cent. bonds.

For public school building.

If electors so determine.

Regulation of election.

SEC. 2. That the Trustees of said school district are hereby required to give three weeks' previous notice in one or more of newspapers of said school district of the time and place of such election, appoint the managers, prescribe the form of ballots, receive the returns and declare the result.

Incorporation.

SEC. 3. That said school district is hereby declared a body corporate for the purpose of executing and issuing said bonds and other powers herein given, in case their issue be authorized by said election. The said bonds shall be in denomination of five hundred dollars, shall be signed by the Chairman of the Board of Trustees and countersigned by its clerk, and shall run for a period of thirty years. Their coupons shall be receivable in payment for any taxes in said school district, and said bonds shall constitute a lien upon all the property which may be bought and improved from proceeds of sale thereof. The said bonds shall be divided into three classes, designated as Class "A," Class "B" and Class "C." Class A shall amount to $3,000, and shall be redeemable at the option of the Board of Trustees after the expiration of fifteen years from date. Class B $3,000, and redeemable as aforesaid after the expiration of twenty years from date, and Class C of $4,000, and redeemable as aforesaid after the expiration of twenty-five years from date.

Execution of bonds.

Coupons receivable for taxes.

Lien.

Description of bonds.

Tax to pay interest and principal.

SEC. 4. That for the purpose of paying the interest accruing on said bonds and such part of the principal of redeemable bonds not exceeding one-fifth part thereof in any one year, the Auditor of Chester County, under written direction or warrant from the said Board of Trustees, shall levy annually such a tax on all the taxable real and personal property in said school district as will raise a sum sufficient for said purposes, and the amount so levied shall be collected by the Treasurer of Chester County as State and County taxes are collected, to be held and applied by him solely to the payment of the interest, or of interest and part of the principal, of said bonds, (as the case may be,) upon a written warrant drawn on him for that purpose by the said Board of Trustees.

Collection and application.

A. D. 1889.

Sale of bonds.

SEC. 5. The Board of Trustees shall sell all of said bonds at public auction, after fifteen days' public advertisement thereof in the newspapers of Chester, at which auction no bid less than par shall be received, and shall deposit all money coming to them by said sale at the National Bank of Chester to the credit of said Board, to be drawn in checks signed by a majority of said Board, and they shall account for the money so received and the expenditure thereof to a meeting or meetings of the taxpayers of said school district, called in accordance with the provisions of the Act of 1879 entitled "An Act to provide for the establishment of a new township and school district in Chester County, and to authorize the levy and collection of a local tax therein."

Deposit of proceeds.

Report to taxpayers.

17 Stat., 9.

Board of Trustees.

SEC. 6. The Board of Trustees of said school district shall hereafter consist of seven members, three of whom shall be appointed by the County Board of Examiners, and three by the Town Council of Chester, and the six so appointed shall elect the seventh member. One-third of the members first appointed by the Board of Examiners and by the Town Council, respectively, shall hold office for two years, and one other third for four years, and the remainder and all succeeding appointees shall hold for six years. The member elected by the six shall hold office for two years and till his successor is elected and qualified.

Term of office.

When to take effect.

SEC. 7. This Act shall go into effect upon its approval.

Approved December 23d, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF RICHBURG, IN CHESTER COUNTY. No. 311.

Incorporation.

SECTION 1. *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 same, That all citizens of this State who have resided within the limits of said town sixty days, who are now are or hereafter may be inhabitants of the town of Richburg, shall be deemed, and are hereby declared to be, a body politic and corporate, and that said town shall be known by the name of the "Town of Richburg," and the limits shall extend in every direction from the Richburg Cross Roads one-half mile.

Name and limits.

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Rights and limitations.

19 Stat., 174.

Sale of liquors prohibited.

SEC. 2. Said town shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, 1885: *Provided, however,* That no part of said Act shall be construed to grant to, and no power shall be vested in, said corporate body to issue license for the sale of intoxicating liquor in any form whatsoever within the limits of the said town of Richburg.

Repealing clause.

SEC. 3. This Act shall be a public Act and shall continue in force until repealed.

When to take effect.

SEC. 4. This Act shall take effect immediately upon its passage.

Approved December 24th, A. D. 1889.

No. 312. AN ACT TO REGULATE THE ELECTION OF SCHOOL TRUSTEES IN THE SCHOOL DISTRICT OF THE TOWN OF CHERAW.

Trustees.

Election.

SECTION 1. *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 same, That from and after passage of this Act the Trustees of the "School District of the Town of Cheraw," County of Chesterfield, in this State, shall consist of *five* persons, who are and shall be qualified electors and voters in said school district on the question of a special tax therein for schools, and said five Trustees shall be elected at the next election to be holden for the purpose of deciding the question of a special tax for schools in said district for a term of two years by those electors who are qualified to vote at said election on the question of the special tax, and thereafter each alternate year for the term of two years.

Repealing clause.

SEC. 2. That all Acts and parts of Acts inconsistent with this Act be, and are hereby, repealed.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE MANNING COLLEGIATE INSTITUTE.

A. D. 1889.

No. 313.

Preamble.

Whereas a number of the citizens of the town of Manning and of the County of Clarendon did for the purpose of securing educational advantages form themselves into an organization under the name of the Manning Collegiate Institute, and elect the persons hereinafter named as Trustees; *And whereas* the said association embraces the large majority of the taxpayers of Manning and vicinity, and controls the only school for whites in the school district in which the town of Manning is embraced; *And whereas* the persons so organized authorized Moses Levi, Samuel A. Rigby, Wiley K. Bell, J. Anderson Mills, Joseph T. Stukes, James E. Davis and B. Pressley Barron, the persons elected by them as Trustees of the Manning Collegiate Institute, to purchase real and personal property, and to secure necessary legislation for incorporation for the control of the same and for carrying on the purposes of the association; now, therefore, to carry the said purposes into effect:

Incorporation.

SECTION 1. *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 same, That Moses Levi, Samuel A. Rigby, Wiley K. Bell, J. Anderson Mills, Joseph T. Stukes, James E. Davis and B. Pressley Barron, their associates and successors, are hereby declared to be a body politic and corporate by the name and style of the Manning Collegiate Institute, located in the town of Manning, County of Clarendon, State of South Carolina.

Name and location.

Powers.

SEC. 2. That the said corporation shall have power in its corporate name to sue and be sued, plead and be impleaded, in any of the Courts of law in this State, to hold real and personal property acquired, and in respect to all such real and personal property now acquired or hereafter to be acquired to have and to enjoy every right and privilege, power and franchise incident and belonging to incorporate bodies; to take and hold, by donation, bequest or purchase, real and personal property for the benefit and use of the Manning Collegiate Institute to any amount not exceeding fifty thousand dollars; to have a seal, and to make all such by-laws for the government of said corporation as may be deemed necessary, not inconsistent with the laws of the State.

Property rights.

Limit.

Seal and by-laws.

Officers and instructors.

SEC. 3. That the said corporation shall have power to elect and appoint all officers, professors and teachers, and to remove

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them at discretion, and to fill such vacancies as may occur; to provide rules and regulations to govern the conduct of officers, professors, teachers and students, and a course of studies to be pursued by the students; to confer degrees and award diplomas and such other honorary distinctions to graduates as are common to colleges of similar grade.

Rules and regulations.

Degrees and diplomas.

Liability of stockholders.

SEC. 4. That the liability of the stockholders of said incorporation shall be the same as provided under the Act of the General Assembly entitled "An Act to conform all special Acts of incorporation to the provisions of the Constitution of the State respecting the liabilities of stockholders therein," approved February 20th, 1880.

17 Stat., 284.

Approved December 23d, A. D. 1889.

No. 314. AN ACT TO INCORPORATE THE TOWN OF SUMMERTON, IN CLARENDON COUNTY.

SECTION 1. *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 same, That all citizens of the United States who now are or hereafter may be inhabitants of the town of Summerton, in Clarendon County, in this State, shall be deemed, and are hereby declared to be, a body politic and corporate; and that said town shall be known by the name of Summerton, and the limits of said town shall embrace an area of one mile square, the Methodist Church of the white people situate in said town being the centre of said square.

Incorporation.

Name and limits.

SEC. 2. Said town of Summerton shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23, A. D. 1885, that are not inconsistent with this Act.

Rights and limitations.

19 Stat., 174.

SEC. 3. That the election for Intendant and Wardens of said town shall be held on the first Tuesday in March in each year, until otherwise fixed by an ordinance of said town.

Day of election.

SEC. 4. That for the purpose of the first election for Intendant and Wardens of said town, J. C. Lanham, S. R. Cole and J. J. Ragin be, and they are hereby, appointed managers to

Managers of first election.

conduct said election; and the said managers shall give ten days' public notice of such election by posting same in three conspicuous places in said town, or by publication in some newspaper published therein. A. D. 1889. Notice to be given.

SEC. 5. That the sale of spirituous or intoxicating liquors be, and the same is hereby, prohibited within the corporate limits of said town. Sale of liquors prohibited.

SEC. 6. This Act shall be a public Act, and shall continue in force for thirty years from the date of its approval. Public Act. Duration.

SEC. 7. This Act shall take effect immediately upon its approval. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER F. C. FISHBURNE TO CONSTRUCT AND MAINTAIN A BRIDGE ACROSS THE EDISTO RIVER, IN THE COUNTY OF COLLETON. No. 315.

SECTION 1. *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 same, That F. C. Fishburne be, and he is hereby, authorized and empowered to construct and maintain a bridge across the Edisto River, at or near Cannaday's Landing, in the County of Colleton, and to construct and maintain a railroad, built of iron, steel or wood, or partly of either, over the same; and to run tram cars, with steam or horse power, over the same: *Provided*, That said bridge will be constructed with a draw with an opening of thirty feet, with sufficient fenders for the protection of boats, vessels and rafts. Bridge at Cannaday's Landing. Railroad. Draw.

SEC. 2. That this Act shall be exempt from the operation of Sections 1149 and 1150 of the General Statutes of this State, and none of the provisions of said Sections shall apply to the construction and maintenance of the bridge herein authorized. Exempt from §§ 1149 and 1150 of Gen. Stat.

SEC. 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed, so far as they in any way affect the same. Repealing clause.

Approved December 17th, A. D. 1889.

A. D. 1889.

No. 316.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN PORTIONS OF COLLETON COUNTY FROM THE OPERATIONS OF CHAPTER XXVII, TITLE X, OF THE GENERAL STATUTES, IN RELATION TO THE GENERAL STOCK LAW."

SECTION 1. *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 same, That the following portions of Colleton County be exempted from the operations of Chapter XXVII, Title X, of the General Statutes, relating to the General Stock Law: All that portion of Colleton County bounded North by the Edisto River, South by the Little Saltkahatchie and Combahee Rivers, East by the Charleston and Savannah Railway and West by a line located by the County Commissioners, commencing two miles below the Barnwell line on the Edisto River, and running thence to the Little Saltkahatchie River, the same distance from the said Barnwell line.

Exempted area.

See 19 Stat., 1002, and 30 S. C., 360.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act be, and they are hereby, repealed.

Repealing clause.

Approved December 17th, A. D. 1889.

No. 317. AN ACT TO EXEMPT CERTAIN PORTIONS OF COLLETON COUNTY FROM THE OPERATION OF CHAPTER XXVII, TITLE X, OF THE GENERAL STATUTES, RELATING TO THE STOCK LAW.

SECTION 1. *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 same, That all that section of Colleton County included within the following described limits and boundaries be, and the same is hereby, exempted from the operations of Chapter XXVII, Title X, of the General Satutes, relating to the General Stock Law: Beginning at the fence erected under the Act of the General Assembly of 1886 exempting certain portions of Berkeley County from the General Stock Law, at Four Hole Swamp, thence across Four Hole Swamp; thence down the Four Hole Swamp across the South Carolina Railway; thence up the South Carolina Railway to Rosse's Station; thence South to the Edisto River; thence down the Edisto River to Four Hole Swamp, where it empties

Exempted area.

into said river, so as to include the territory hereinbefore described, with the territory exempted under the Act relating to Berkeley County aforesaid: *Provided*, That this Act shall be inoperative unless the residents of the territory hereinbefore mentioned shall erect and keep in repair a good and substantial fence from the fence at Four Hole Swamp to the Edisto River, along the line hereinbefore described. A. D. 1889. Fences to be maintained.

Approved December 23d, A. D. 1889.

AN ACT TO PROVIDE FOR THE CONTROL AND DISPOSITION OF THE STOCK OF THE GREEN POND, WALTERBORO AND BRANCHVILLE RAILWAY COMPANY HELD AND OWNED BY THE COUNTY OF COLLETON. No. 318.

SECTION 1. *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 same, That the capital stock of the Green Pond, Walterboro and Branchville Railway Company owned by the County of Colleton shall in all future meetings of the stockholders of said road be represented by the following Commission, to wit: R. T. King, J. C. Strickland, J. H. Knight, as County Commissioners of Colleton County; M. P. Howell, F. C. Fishburne, A. F. O'Brien, W. J. Fishburne, A. C. Sanders, J. P. P. Fox, H. D. Padgett, L. E. Parler, A. E. Williams, J. G. Sanders, M. W. Simmons, W. N. Jones, J. E. McTeer, C. E. Kinsey, M. C. Hiers, S. P. J. Garris. Commission to represent County stock.

SEC. 2. That said Commission shall act in all matters affecting the interest of said County in said stock by virtue of the vote of a majority thereof, and the County Commissioners of Colleton County as the corporate agents thereof are hereby authorized and directed to execute all necessary papers in accordance therewith. Powers of Commission.

SEC. 3. That said Commission shall have the power to sell said stock owned by the County as aforesaid for such sums and upon such terms as to them may seem best and most desirable to the interest of said County of Colleton. Power to sell stock.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act be, and the same is hereby, repealed. Repealing clause.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 319.

AN ACT TO FIX AND DETERMINE THE COMPENSATION OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS OF COLLETON COUNTY.

SECTION 1. *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 same, That from and after the passage of this Act the compensation of the Clerk of the Board of County Commissioners of Colleton County shall be two hundred dollars per annum.

Compensation of Clerk.

Repealing clause.

SEC. 2. That all Acts and parts of Acts, so far as relate to Colleton County, that are inconsistent with this Act are hereby repealed.

Approved December 24th, A. D. 1889.

No. 320. AN ACT TO AUTHORIZE AND DIRECT THE CLERK OF COURT OF COLLETON COUNTY TO REINDEX AND ARRANGE CERTAIN RECORDS OF HIS OFFICE.

SECTION 1. *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 same, That the Clerk of Court of Colleton County be, and he is hereby, authorized and directed to arrange and index the judgments and decrees in his office, and that the same be completed on or before the first day of September, 1890.

Judgments and decrees to be indexed.

Compensation to clerk.

SEC. 2. That for the services required of him by the foregoing Section, the said Clerk shall receive the sum of four hundred dollars, same to be paid by warrant of the County Commissioners on the County Treasurer, and to be drawn from any funds in the treasury not otherwise appropriated.

Stationery to be furnished.

SEC. 3. That the County Commissioners be, and they are hereby, required to furnish the said Clerk with all stationery necessary for said work.

Approved December 24th, A. D. 1889.

A. D. 1889.

No. 321.

A JOINT RESOLUTION TO AUTHORIZE AND DIRECT THE COUNTY COMMISSIONERS OF COLLETON COUNTY TO DRAW THEIR WARRANT FOR, AND THE COUNTY TREASURER TO PAY TO J. H. KNIGHT, THE SUM OF ONE HUNDRED AND FOURTEEN DOLLARS, FOR SERVICES RENDERED AS A MEMBER OF THE BOARD OF JURY COMMISSIONERS.

SECTION 1. *Be it resolved* 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 same, The County Commissioners of Colleton County be, and they are hereby, authorized and required to draw their warrant in favor of J. H. Knight, Chairman of the Board of County Commissioners, for the sum of one hundred and fourteen dollars, and that the County Treasurer pay the same out of any funds applicable to the payment of the same, for services rendered by the said J. H. Knight as a member of the Board of Jury Commissioners for said County during the present year.

County Commissioners to draw warrant.

And County Treasurer to pay.

Approved December 24th, A. D. 1889.

No. 322.

A JOINT RESOLUTION TO AUTHORIZE THE PAYMENT OF A CLAIM OF NINETY DOLLARS TO C. C. TRACY, FOR SERVICES AS SCHOOL COMMISSIONER OF COLLETON COUNTY, BY THE TREASURER OF SAID COUNTY, OUT OF THE SCHOOL FUNDS OF THE FISCAL YEAR 1888 AND 1889.

SECTION 1. *Be it resolved* 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 same, That the County Treasurer of Colleton County be, and he is hereby, authorized and required to pay to C. C. Tracy, ex-School Commissioner of said County, the sum of ninety dollars, for services rendered as School Commissioner, out of the school funds of said County for the fiscal year commencing on the first day of November, 1888.

Claim of C. C. Tracy to be paid.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 323.

A JOINT RESOLUTION TO PROVIDE FOR THE PAYMENT TO C. G. WHITE, M. D., OF CERTAIN FEES FOR HOLDING POST MORTEM EXAMINATIONS AT THE REQUEST OF THE CORONER OF COLLETON COUNTY.

Preamble.

Whereas there is now due to C. G. White, M. D., the sum of thirty-five dollars and eighty cents for holding certain *post mortem* examinations at the request of the acting Coroner of Colleton County; *and whereas* there are no funds in said County available for the payment of the same:

Be it resolved 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 same, That the County Commissioners of Colleton County be, and they are hereby, authorized and directed to draw their warrant on the County Treasurer for said County for thirty-five dollars and eighty cents in favor of C. G. White, M. D. That the County Treasurer of Colleton County do pay the said sum out of any funds in the treasury not otherwise specifically appropriated.

Claim of Dr. White to be paid

Approved December 23d, A. D. 1889.

No. 324. AN ACT TO INCORPORATE THE TOWN OF SAINT GEORGE'S, IN THE COUNTY OF COLLETON.

SECTION 1. *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 same, That from and after the passage of this Act all citizens of this State who have resided therein twelve (12) months and who have resided six (6) months within the corporate limits of the town shall be deemed, and are hereby declared, a body politic and corporate, and the said corporation shall be called and known by the name of "The Town of Saint George's," which town shall extend three-fourths (¾) of one mile in every direction from town hall at George's.

Incorporation.

Name and limits.

Intendant and Wardens.

SEC. 2. The said town shall be governed by an Intendant and four (4) Wardens, who shall be citizens of this State, twenty-one years of age, and have resided at least twelve (12) months within the corporate limits of the town immediately preceding the day of their election. The Said Intendant and Wardens

A. D. 1889.

shall be known and called the "Town Council of St. George's," and shall be elected at the same time, and shall hold their offices for the term of two years, and until their successors shall have been duly elected and qualified. The first election under this Act shall take place on the first Monday in March, 1890, and on the same day every two years thereafter. The Intendant and three (3) Wardens, or any four (4) of the Wardens, shall constitute a quorum for the purpose of transacting business or exercising the powers herein granted to the "Town Council of St. George's," or the said Intendant or Wardens.

Style of Council.

Term.

First election.

Quorum.

SEC. 3. That every male citizen of this State of the age of twenty-one years who shall be the owner of a lot within the corporate limits of said town with a dwelling house thereon, and having an estate in fee simple in said lot previous to and at the time of the election for any member or members of the said Town Council, shall be entitled to vote at such election; and all male inhabitants of the town who have resided within the corporate limits thereof for six (6) months next immediately preceding such election, and who are qualified to vote for members of the General Assembly, shall be entitled to vote, upon delivering up their certificates of registration to the Managers of Election.

Male freeholders entitled to vote.

Other electors.

SEC. 4. For the purpose of conducting the election for members of the Town Council, it shall be the duty of the Governor, at least thirty (30) days before such election, to appoint three (3) electors, who shall constitute a Board of Commissioners of Election for the town of Saint George's, who shall hold their office, unless removed by the Governor, until thirty (30) days before the next election for members of the Town Council of said town, and until their successors are duly elected and qualified. The Commissioners of Election shall appoint three (3) Managers of Election, who shall on the third Monday in February, 1890, and on the same day thereafter every second year open lists for the registration of the qualified voters of the town who are not entitled to vote upon a property qualification, between the hours seven A. M. and twelve M., and again at three P. M. and six P. M. The said managers shall elect one of their number Chairman, who, after taking the oath of office prescribed by the Constitution of the State, Section 30, Article 2, before any person qualified to administer an oath, shall administer the same to the other two managers. The managers shall administer to every person offering to register the following oath: "You do solemnly swear that you are duly qualified

Commissioners of Election.

Managers.

Registration.

Duties of Managers.

Oath of elector on registering.

A. D. 1889.

to vote for members of the Legislature of the State of South Carolina, and that you have resided within the corporate limits of this town for four months last past, and that it is your intention to continue to reside within the said corporate limits until the day for holding the ensuing election, and that you have truly stated your name and place of residence. So help you God." Upon the managers being satisfied of such person's right to register, they shall duly register his name and place of residence, and issue to him a certificate of his registration, which certificate shall state the name of the voter, the date of registration, his place of residence, and shall be signed by the Chairman of the Board of Managers and by their clerk. The registration list, when completed, shall be duly sealed up and delivered by the said managers to the Commissioners of Election, together with all books and papers that may pertain to such registration, and the same shall be kept by the said Commissioners unopened, and shall be so returned to the said managers on the day of the said election.

Certificate of registration.

Registration lists.

SEC. 5. Every person entitled to vote upon a property qualification, as set forth in Section 3 of this Act, shall be allowed to vote upon taking the following oath: "I do solemnly swear that I am duly qualified to vote at this election for the members (or member, as the case may be) of the Town Council of Saint George's. So help me God." If any person's right to vote on a property qualification is denied, the manager shall require some evidence of his title to the property giving the qualification. No person except those who vote on a property qualification shall be allowed to vote who does not deliver to the managers his certificate of registration, to be by them destroyed. If the right of any person to vote be challenged, the managers shall decide the matter summarily, and are hereby authorized to examine such persons under oath as to his right to vote. Every person proposing to vote shall be required by the managers to vote his ballot enclosed in an envelope, to be furnished by the managers. Upon the closing of the polls the managers shall proceed to count the votes publicly, and every envelope which shall contain more than one ballot shall, with whatever it contained, be thrown out and not counted. They shall make a return of the number of votes cast for each individual, and deliver the names, together with the poll and register lists, ballot box and ballots, to the Commissioners of Election.

Oath of voter.

Regulation.

Sealed ballots.

Count of the votes.

SEC. 6. The Commissioners of Election shall take and subscribe the oath of office prescribed by the Constitution (Section

Duties and powers of election officers.

30, Article 2), and at their first meeting shall elect one of their number as Chairman and also some person as clerk, who likewise shall be clerk of the Board of Managers. The Commissioners and the managers aforesaid are hereby empowered to administer all oaths that may be required. It shall be the duty of the Commissioners of Election to furnish the Managers of Election the ballot box, envelopes, necessary blanks, returns, instructions, and whatever may be needed for conducting the election. The expenses of the election shall be paid for by the town. The Commissioners are hereby vested with power to keep the peace the whole time the polls are open, both on the days of registration and on the day of election, and all peace officers at the polls shall carry out their instructions. Within two (2) days after the election the Commissioners shall meet at the town hall and proceed to publicly canvass the returns of the managers and declare the persons elected and the offices to which they may be elected. It shall be the duty of the Commissioners to decide any protest or contest that may be made, subject to appeal to the Circuit Court on any question of law that may be made, subject to review by the Supreme Court.

Declaration of result.

Protests and contests.

Oath of Intendant and Wardens.

SEC. 7. The members of the Council elected shall on the Monday succeeding the election, upon taking the oath of office prescribed by the Constitution, the oath against dueling, and the following oath, to wit: "I do solemnly swear that, as Intendant (or Warden) of the town of St. George's, I will faithfully and impartially, to the best of my ability, exercise the trust reposed in me, and use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected. So help me God," be duly inducted into office, and forthwith enter upon the discharge of their duties.

Entry into office.

Election to fill vacancy.

SEC. 8. In case a vacancy occurs in the office of Intendant or any of the Wardens by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Wardens, or by the Intendant and Wardens, or Warden if there be only one, ten days' notice being given of the time when and the place where a registration of the voters will be taken, and that such election will be held twenty days thereafter, said election to be conducted under the regulations hereinbefore provided for the regular election of members of the Town Council.

Judicial powers of Intendant.

SEC. 9. That the Intendant of the town shall have the power and authority of a Trial Justice as to criminal matters within the corporate limits of said town, and shall have full power and authority to hear and determine the charges made against every

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and all person or persons arrested and brought before him for violation of any of the ordinances of the town, or any breach of the peace, and shall be empowered to punish such person or persons, if found guilty of said charges, by fine or imprisonment in the town lockup or County jail: *Provided*, That said fine shall not exceed the sum of fifty (50) dollars or said imprisonment the term of thirty (30) days. That the Intendant shall appoint one of the Wardens to act as Intendant during any inability on his part to discharge the duties of his office, on account of his absence from the town or otherwise, who while so acting shall be vested with the power and authority herein granted to the Intendant. That any person so fined or imprisoned may appeal to the Court of General Sessions, upon entering into recognizance with sufficient surety for his appearance at Court

Limit to punishment.

Intendant *pro tem.*

Right of appeal.

Council meetings.

SEC. 10. The members of the Council shall meet in Council on the first Monday in each month, and whenever at other times they may be summoned by the Intendant so to meet. They shall have and keep a common seal, which shall be affixed to all ordinances passed by them, and they may sue and be sued, plead and be impleaded, in any of the Courts of this State. They may purchase, hold, possess and enjoy to them and their successors in perpetuity, or for a term of years, any estate, either real, or personal, or mixed, and to sell, alien and convey the same at will. The said Town Council shall have full power and authority to make, ordain and establish all rules, by-laws, regulations or ordinances respecting the roads, streets, markets, police, granting of licenses for selling spirituous liquors, for carrying on any trade, craft, calling, business or profession within the corporate limits, and in general every other ordinance that shall appear to them requisite and necessary for the security, welfare and convenience of the town, or for preserving the health, peace, order and good government thereof. That the said Council shall be authorized and empowered to provide against the violation of any and all of the ordinances of said town by imposing punishment for the same by fine or imprisonment in the town lockup or County jail: *Provided*, No fine shall exceed the sum of fifty (50) dollars or term of imprisonment be longer than thirty (30) days. That it shall be the duty of the Town Council to keep all roads, ways and streets within the corporate limits of the town open and in good repair, and shall provide for the punishment of all and every person or persons who may in any way whatsoever willfully obstruct the streets or public ways, or render in any way the traveling thereon dangerous or difficult.

Powers.

Property rights.

Ordinances.

Punishments.

Limit.

Streets and ways.

A. D. 1889.

SEC. 11. That the said Town Council shall be authorized and empowered to pass all ordinances for the imposition of taxes upon real and personal property within the corporate limits, and for the collection of the same, not exceeding one per cent.; that all taxes assessed or levied on real estate in said town by said Town Council shall constitute a prior lien on said real estate, except for taxes due the State and the Counties respectively in which said town is situated, for a period of two years from the date the said tax became due and payable.

Tax on property.

Lien for 2 years.

SEC. 12. The Town Council shall be authorized to elect or appoint a Chief Marshal, and so many Assistant Marshals as they may deem necessary, who shall be sworn in and invested with the authority of Constable. It shall be their duty to arrest and commit to the lockup any person or persons who may be guilty of a willful violation of any ordinance of the town, or of riotous or disorderly conduct, or of a breach of the peace, within the corporate limits of the town, and report the same to the Intendant as soon as possible after the arrest.

Marshals.

Arrest and commitment.

SEC. 13. That the Town Council shall have full power and authority to abate all nuisances within the corporate limits of said town, and to appoint a Board of Health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of such Board.

Nuisances.

Board of Health.

SEC. 14. That for the willful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to punishment by fine not exceeding one hundred dollars, besides being liable for damages to any person injured by such default on the part of such Intendant and Wardens.

Malfeasance and misfeasance.

SEC. 15. That this Act shall be deemed a public Act and take effect immediately upon its approval.

Public Act.

When to take effect.

Approved December 23d, A. D. 1889.

AN ACT TO CHARTER THE TOWN OF WALTERBORO, IN THE COUNTY OF COLLETON.

No. 325.

SECTION 1. *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 same, That

Incorporation.

A. D. 1889.

from and after the passage of this Act all citizens of this State who have resided therein twelve months and who have resided sixty days within the corporate limits of the town shall be deemed, and are hereby declared, a body politic and corporate, and the said corporation shall be called and known by the

Name and limits.

name of "Walterboro," and its corporate limits shall be comprised within a line running as follows: Commencing at a point three-quarters of one mile from a point in said town known as the Council Chamber and describing a circle at all points equidistant from said Council Chamber.

Intendant and Wardens.

SEC. 2. That said town shall be governed by an Intendant and six Wardens, who shall be citizens of the State, twenty-one years of age, and have resided at least twelve months within the corporate limits of the town immediately preceding the day of their election. The said Intendant and Wardens shall be known and called the Town Council of Walterboro, and shall be

Time of election.

elected at the same time on the first Tuesday after the fourth Monday in May of every second year, and shall hold their offices

Term of office.

for the term of two years and until their successors shall have been duly elected and qualified. The next election shall take

First election.

place on the first Tuesday after the fourth Monday in May, A. D. 1890. The Intendant and three Wardens, or any four of the War-

Quorum.

dens, shall constitute a quorum for the purpose of transacting business or exercising powers herein granted to the Town Council of Walterboro or the said Intendant and Wardens.

Male freeholders entitled to vote.

SEC. 3. That every male citizen of this State of the age of twenty-one years who shall be the owner of a lot within the corporate limits of said town with a dwelling house thereon, and having an estate in fee simple in said lot previous to and at the time of the election for any member or members of the said Town Council, shall be entitled to vote at

Other electors.

such election; and all male inhabitants of the town who have resided within the corporate limits thereof for sixty days next immediately preceding such election and who are qualified to vote for members of the General Assembly shall be entitled to vote upon delivering up their certificates of registration to the Managers of Election.

SEC. 4. For the purpose of conducting the election for members of the Town Council, it shall be the duty of the Governor, at least sixty days before such election, to appoint three electors

Commissioners of Election.

who shall constitute a Board of Commissioners of Election for the town of Walterboro, who shall hold their office, unless removed by the Governor, until sixty days before the next elec-

A. D. 1889.

tion for members of Town Council of said town and until their successors are duly elected and qualified. The Commissioners of Election shall appoint the Managers of Election, who shall on the first Tuesday after the third Monday in May immediately preceding the first Tuesday after the fourth Monday in May appointed for holding such election, for two consecutive days at the Council chamber of said town, open lists for the registration of the qualified voters of the town who are not entitled to vote upon a property qualification, between the hours of seven A. M. and four P. M. The said managers shall elect one of their number Chairman, who after taking the oath of office prescribed by the Constitution of the State, Section 30, Article 2, before any person qualified to administer an oath, shall administer the same to the other two managers. The managers shall administer to every person offering to register the following oath: "You solemnly swear that you are duly qualified to vote for members of the Legislature of the State of South Carolina, and that you have resided within the corporate limits of this town for the sixty days last past, and that it is your intention to continue to reside within the said corporate limits until the day for holding the ensuing election, and that you have truly stated your name and residence, so help you God." Upon the managers being satisfied of such person's right to register, they shall duly register his name and place of residence, and issue to him a certificate of his registration, which certificate shall state the name of the voter, the date of registration, his place of residence, and shall be signed by the Chairman of the Board of Managers and by their clerk. The registration list when completed shall be duly sealed up and be delivered by the managers to the Commissioners of Election, together with all books and papers that may pertain to such registration, and the same shall be kept by the said Commissioners unopened, and shall be so returned to the said managers on the day of the said election.

Managers.

Registration.

Duties of Managers.

Oath of elector on registering.

Certificate of registration.

Registration lists.

SEC. 5. On the first Tuesday after the fourth Monday in May appointed for holding the election for members of the Town Council, the Managers of Election shall open the polls at the Council chamber in said town at seven A. M., and keep the same open until four P. M. Every person entitled to vote upon a property qualification as set forth in Section 3 of this Act shall be allowed to vote upon taking the following oath: "I do solemnly swear that I am duly qualified to vote at this election for the members (or member, as the case may be) of the Town

Day and hours of election.

Oath of voter.

A. D. 1889.

Regulations.

Council of Walterboro. So help me God." If any person's right to vote upon a property qualification is denied, the managers shall require some evidence of his title to the property giving the qualification. No person except those who vote on a property qualification shall be allowed to vote who does not deliver to the managers his certificate of registration, to be by them destroyed. If the right of any person to vote be challenged, the managers shall decide the matter summarily, and are hereby authorized to examine such persons under oath as to his right to vote. Every person offering to vote shall be required by the

Sealed ballots.

managers to vote his ballot enclosed in an envelope to be furnished by the managers. Upon the closing of the polls the

Count of votes.

managers shall proceed to count the votes publicly, and every envelope which shall contain more than one ballot shall, with whatever it contained, be thrown out and not counted. They shall make a return of the number of votes cast for each individual and deliver the same, together with the poll and register lists, ballot box and ballots, to the Commissioners of Election.

Duties and powers of election officers.

SEC. 6. The Commissioners of Election shall take and subscribe the oath of office prescribed by the Constitution, Section 30, Article 2, and at their first meeting shall elect one of their number as Chairman, and also some person as clerk, who shall likewise be clerk of the Board of Managers. The Commissioners and the managers aforesaid are hereby empowered to administer all oaths that may be required. It shall be the duty of the Commissioners of Election to furnish the Managers of Election the ballot box, envelopes, necessary blanks, return, instructions and whatever may be needed for conducting the election. The expenses of the election, not to exceed the sum of twenty-five dollars, shall be paid by the town. The Commissioners are hereby vested with the power to keep the peace the whole time the polls are open, and all peace officers at the polls shall carry out their instructions. Within two days after the election the Commissioners shall meet at the Council chamber and proceed to publicly canvass the returns of the managers

Declaration of result.

and declare the persons elected and the offices to which they may be elected. It shall be the duty of the Commissioners to

Protests and contests.

decide any protest or contest that may be made, subject to appeal to the Circuit Court on any question of law, subject to review by the Supreme Court.

SEC. 7. Members of the Council elected shall on the Monday succeeding the election, upon taking the oath of office prescribed

A. D. 1889.

by the Constitution, the oath against dueling, and the following oath, to wit: "I do solemnly swear that as Intendant (or Warden) of the town of Walterboro, I will faithfully and impartially, to the best of my ability, exercise the trust reposed in me, and all my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected, so help me God," be duly inducted into office and forthwith enter upon the discharge of their duties.

Oath of Intendant and Wardens.

Entry into office.

Election to fill vacancy.

SEC. 8. In case a vacancy occurs in the office of Intendant or any of the Wardens by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Wardens, or by the Intendant and Wardens, or Warden if there be only one, ten days' notice being given of the time when and the place where a registration of the voters will be taken, and that such election will be held twenty days thereafter, said election to be conducted under the regulations hereinbefore provided for the regular election of members of the Town Council.

Judicial powers of Intendant

SEC. 9. That the Intendant of the town shall have the power and authority of a Trial Justice as to criminal matters within the corporate limits of said town, and shall have full power and authority to hear and determine the charges made against every and all persons or person arrested and brought before him for violation of any of the ordinances of the town or any breach of the peace, and shall be empowered to punish such person or persons if found guilty of said charges by fine or imprisonment in the town lockup or in the County jail: *Provided*, That said fine shall not exceed the sum of fifty dollars or said imprisonment the term of thirty days. That the Intendant and Wardens shall elect one of the Wardens to act as Intendant during any inability on the part of the Intendant to discharge the duties of his office on account of his absence from the town or otherwise, who while so acting shall be vested with the power and authority herein granted to the Intendant. That any person so fined or imprisoned may appeal to the Court of General Sessions upon entering into recognizance with sufficient security for his appearance at Court. That the town of Walterboro be authorized and empowered to require by summons written the presence of any person that may be wanted as a witness in any case in which said town is interested, whether such be within the town limits or not, and should such witness fail to appear as required he or she shall be liable to a penalty not exceeding ten dollars, or thirty days' imprisonment in the town guard house or County jail. That the town of Walterboro be authorized and empowered to re-

Limit to punishment.

Intendant *pro tem.*

Right of appeal.

Power to require witnesses to appear.

Penalty for non-appearance.

A. D. 1889.

quire the presence of any person or persons charged with the violation of any ordinance of said town, whether such person be within the town limits or not, and said town authorized, by its warrant issued by its Intendant, directed to one of the Marshals of said town or to the Sheriff of Colleton County, to arrest and hold such person to answer for such alleged violation of town ordinance. Nothing herein contained shall prevent the arrest of any person who is committing a breach of the peace or any offense against public decency or any violation of any ordinance of said town, without warrant.

Power to require accused to attend.

Arrest for breach of peace, &c.

Council meetings.

SEC. 10. The members of the Council shall meet in Council on the fourth Friday in every month, and whenever at other times they may be summoned by the Intendant so to meet: *Provided,* That upon the written request of three Wardens the Intendant shall summon the Council to meet. They shall have and keep a common seal, which shall be affixed to all the ordinances passed by them, and they may sue and be sued, plead and be impleaded, in any of the Courts of this State. They may purchase, hold and possess, and enjoy, to them and their successors, in perpetuity or for a term of years, any estate, either real or personal or mixed, and to sell, alien and convey the same at will. They may, from any funds in the treasury not needed for the government of said town, appropriate for the benefit of schools therein such sums of money as may by them be deemed expedient. The said Town Council shall have full power and authority to make, ordain and establish all rules, by-laws, regulations or ordinances respecting the roads, streets, markets, police, granting of licenses for selling spirituous liquors, for carrying on any trade, craft, calling, business or profession within the corporate limits, and in general every other ordinance that shall appear to them requisite and necessary for the security, welfare and convenience of the town, or for preserving the health, peace, order and good government thereof. That the said Council shall be authorized and empowered to provide against the violation of any and all of the ordinances of said town, by imposing punishment for the same by fine or imprisonment in the town lockup or the County jail: *Provided,* No fine shall exceed the sum of fifty dollars, or term of imprisonment be longer than thirty days. That it shall be the duty of the Town Council to keep all roads, ways and streets within the corporate limits of the town open and in good repair, and shall provide for the punishment of all and every person or persons who may in any way willfully obstruct the streets or public ways or render in any way the traveling thereon dangerous.

Powers.

Property rights.

Aid to schools.

Ordinances.

Punishments.

Limit.

Streets and ways.

A. D. 1889.

SEC. 11. That the said Town Council shall be authorized and empowered to pass all ordinances for the imposition of taxes upon real or personal property within the corporate limits, and for the collection of the same, not exceeding one-half per cent. That all taxes assessed or levied on real estate in said town by said Town Council shall constitute a prior lien on said real estate, except for taxes due the State and the County in which said town is situated, for the period of two years from the date the said tax became due and payable. That the said Town Council shall in the month of April in each and every year publish as may be most expedient a true and accurate account of the receipts and expenditures of the said corporation.

Tax on property.

Lien for 2 years.

Annual report.

SEC. 12. The Town Council shall be authorized to elect or appoint a Chief Marshal and so many Assistant Marshals as they may deem necessary, who shall be sworn in and invested with the authority of Constables. It shall be their duty to arrest and commit to the lockup any person or persons who may be guilty of a willful violation of any ordinance of the town, or of riotous or disorderly conduct, or of a breach of the peace within the corporate limits of the town, and report the same to the Intendant as soon as possible after arrest.

Marshals.

Arrest and commitment.

SEC. 13. That the Town Council shall have full power and authority to abate all nuisances within the corporate limits of said town, and to appoint a Board of Health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of said Board.

Nuisances.

Board of Health.

SEC. 14. That all Acts and parts of Acts inconsistent with this Act by this Act are hereby repealed; and shall continue in force for the term of twenty years, and until the end of the session of the Legislature then next ensuing.

Repealing clause.

Duration of charter.

SEC. 15. That this Act shall be deemed a public Act.

Public Act.

Approved December 24th, A. D. 1889.

NOTE.—For Act relating to Trial Justices and Constables of Colleton County, see ante No. 278, page 450.—EDITOR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF DARLINGTON," APPROVED DECEMBER 26TH, 1884.

No. 326.

SECTION 1. *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 same, That

A. D. 1889.

A. A. 1884, 18 Stat., 923, amended.

Section 16 of said Act be amended by inserting after the word "learning" and before the word "the," on the sixth line thereof, the following words, to wit: *Provided*, That if the said Mayor and Aldermen should hereafter issue bonds for the purpose of aiding in the construction of railroads, then they may impose an additional tax to raise a sufficient amount to pay the interest on said bonds, which additional tax shall not exceed fifty cents on each one hundred dollars' worth of real and personal property as above provided. So that said Section, as amended, shall read as follows:

Tax on property.

SECTION 16. That the said Mayor and Aldermen shall have the power and authority to impose taxes each year for the use of the said town, that is to say, not exceeding fifty cents on each one hundred dollars' worth of real and personal property being in the limits of said town, except the property of churches, charitable associations and institutions of learning: *Provided*, That if the said Mayor and Aldermen should hereafter issue bonds for the purpose of aiding in the construction of railroads, then they may impose an additional tax to raise a sufficient amount to pay the interest on said bonds, which additional tax shall not exceed fifty cents on each one hundred dollars' worth of real and personal property as above provided. The value of such real and personal property for the purpose of taxation shall be fixed and assessed as hereinafter provided.

Tax to pay interest on bonds.

Value of property.

Section 29 amended.

SEC. 2. That Section 29 of said Act be amended by inserting after the word "dollars" on the sixth line thereof and before the word "*Provided*" on the seventh line thereof the following words, to wit: "except for the purpose of aiding in the construction of railroads, and for that purpose the said Mayor and Aldermen may issue bonds or scrip in any amount." So that said Section, when amended, shall read as follows:

Loans authorized.

Rate of interest.

SECTION 29. That the said Mayor and Aldermen may for the purpose of internal improvements borrow money, issue bonds or scrip therefor bearing not a greater interest than seven per cent., payable at such times as they may think advisable, and payable out of the taxes and incomes of said town: *Provided*, Said principal of bonds and scrip shall at no time exceed five thousand dollars, except for the purpose of aiding in the construction of railroads, and for that purpose the said Mayor and Aldermen may issue bonds or scrip in any amount: *Provided, further*, That the right to issue said bonds or scrip shall only exist in a majority vote of the town as hereafter provided. That no one shall be entitled to vote on said question unless he or she is the

Limit.

To be authorized by electors.

owner of property within the corporate limits of said town and has returned and paid taxes on one hundred dollars' worth of property the year immediately previous to said voting, and on each one hundred dollars' worth of property so returned and paid for the person or persons shall be entitled to one vote. The manner of holding said election shall be provided for by the Town Council of said town: *It is also provided further*, That the time, manner and form and payment of said bonds or scrip shall be provided for by the Town Council of said town, and that no bond shall be sold for less than its par value.

A. D. 1889.

Who may vote on this question.

Manner of election.

Provisions as to bonds.

SEC. 3. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND SECTIONS 1 AND 6 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NEW SCHOOL DISTRICT IN DARLINGTON COUNTY, AND TO AUTHORIZE THE ISSUE OF BONDS BY SAID SCHOOL DISTRICT AND THE LEVY OF A LOCAL TAX THEREIN."

No. 327.

SECTION 1. *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 same, That Sections 1 and 6 of an Act entitled "An Act to provide for the establishment of a new school district in Darlington County, and to authorize the issue of bonds by said school district and the levy of a local tax therein," approved December 24th, 1888, be, and the same is hereby, amended by striking out in Section 1 in the eighth and ninth lines thereof the words runs of Mill Creek, Swift Creek, Black Creek, and inserting instead thereof the words run of Black Creek, and in line thirteen by striking out the words "Mill Creek" and inserting thereof the words "Black Creek;" and in the said Section 6 by striking out the word "January" in the second line and inserting instead thereof the word "February," by striking out the words except the year 1889, in which year the said Trustees are authorized and empowered on or before the first day of "February," and by striking out the words (3) mills wherever it occurs in said Section and inserting instead thereof the words five (5) mills. So that the said Section as amended will read as follows:

A. A. 1888, §§ 1, 6, ante p. 153, amended.

A. D. 1889.

Darlington School District established.

Area.

Name.

Local school tax.

Mode of determining tax.

Notice of meeting.

Powers of the meeting.

Tax not to be repealed.

Notification, assessment and collection of tax.

SECTION 1. That for the purpose of maintaining public schools in the town of Darlington, the County Board of Examiners for Darlington County be, and they are hereby, authorized and required to establish a separate school district to contain all the territory included in a boundary to the East formed by the run of Black Creek and the part of a circle having its centre at the Court House building in the town of Darlington, commencing at a point on Black Creek three miles East or Southeast of said Court House and running with a radius of three miles until it reaches a point on Black Creek three miles North or Northeast of said Court House. The new school district so established shall be known as the School District of the Town of Darlington.

SECTION 6. The said Trustees are hereby authorized and empowered on or before the first day of February in each year to levy on all real and personal property returned for taxation in said school district a local tax, not exceeding five (5) mills on the dollar in any one year, to supplement the general tax for the support of schools, by the persons and in the mode following, to wit: The Board of Trustees shall, on or before the 15th day of January, 1889, and on or before the same day in each succeeding year, call a meeting of all the legal voters living in the above named school district and returning real or personal property therein: *Provided*, That public notice of said meeting, specifying the time, place and object, shall be given at least ten (10) days before said meeting by posting the same in three conspicuous places in the said school district and publishing the same at least twice in one of the newspapers having the largest circulation in said school district. The persons answering the above designations, when thus assembled, shall appoint a Chairman and also a Secretary, adjourn from time to time, and decide what additional tax, if any at all, be levied, not to exceed five (5) mills on the dollar. No tax thus levied shall be repealed at a subsequent meeting within the same fiscal year. The Chairman shall, one week thereafter, notify the County Auditor of Darlington County of the amount of tax then levied, and the County Auditor shall at once assess such tax on all real and personal property returned in said school district, and the County Treasurer of said County shall collect said tax with the other taxes for the same year, and said tax shall be liable to like process and penalties as are State and County taxes.

Approved December 23d, A. D. 1889.

AN ACT TO RE-ESTABLISH THE BOUNDARY LINE BETWEEN THE COUNTIES OF DARLINGTON AND FLORENCE, AND TO AUTHORIZE THE READJUSTMENT OF THE ADJACENT TOWNSHIP LINES IN DARLINGTON COUNTY, AND TO PROVIDE FOR THE SETTLEMENT OF CLAIMS ARISING IN THE PRESENT TERRITORY OF FLORENCE SUBSEQUENT TO NOVEMBER 1ST, 1888.

A. D. 1889.
No. 328.

SECTION 1. *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 same, That from and after the passage of this Act the boundary line between the Counties of Darlington and Florence, in this State, which will be the Southern boundary of Darlington County and the Northern boundary of Florence County, shall be as follows: Beginning at Sanders' Bridge, on Lynch's River, thence taking an air line direct to the point where the Cheraw and Darlington Railroad crosses High Hill Creek, thence down High Hill Creek to Black Creek, thence up Black Creek to Muses' Bridge, thence following the direction of a straight line from Muses to Cashua Ferry until Black Swamp is reached, thence down Black Swamp to Herring Creek, thence following said Herring Creek to its intersection with the Great Pee Dee River.

Boundary between Darlington and Florence.

SEC. 2. That the County Commissioners of Darlington County are authorized to attach the parts of townships left in Darlington County by the establishment of said line between Darlington and Florence Counties to such existing townships in Darlington County as in their judgment will be most convenient to the citizens of said parts of townships.

Readjustment of townships in Darlington.

SEC. 3. That all legal costs and charges belonging to officials within the present territory of Florence County, and all claims of any character, at law or in equity, which arose or accrued within said territory subsequent to the first day of November, A. D. 1888, shall be assumed and paid by the County of Florence without holding the County of Darlington to account for or to refund any *pro rata* of funds received from that territory for licenses, fines or taxes of any kind prior to said first day of November, 1888: *Provided, however*, That nothing in this Section contained shall be so construed as to apply to any Trial Justices' or Constables' accounts for services rendered by them in the present territory of Darlington County subsequent to November 1st, 1888, and prior to January 11th, 1889.

Claims to be assumed and paid by Florence

Proviso as to Trial Justices and Constables.

A. D. 1889.

Repealing clause.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved December 24th, A. D. 1889.

No. 329. AN ACT TO REGULATE THE COMPENSATION OF THE COUNTY AUDITORS OF DARLINGTON AND MARION COUNTIES.

SECTION 1. *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 same, That

State Treasurer to pay salaries.

from and after the passage of this Act the County Auditors of the Counties of Darlington and Marion shall receive from the State Treasurer the annual salaries hereinafter mentioned, as follows: The County Auditor of Darlington six hundred dollars, and the County Auditor of Marion six hundred dollars; and in addition to the salaries as hereinbefore provided, the said County Auditors of Darlington and Marion shall receive from the funds of their respective Counties the sum of two hundred dollars each, as additional compensation for their services, to be paid in the same manner as is now provided by law for the payment of such additional compensation to the Auditors of the respective Counties in this State.

Auditor of Darlington. Of Marion.

Additional compensation.

Repealing clause.

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and they are hereby, repealed, so far as they relate to the Counties of Darlington and Marion.

Approved December 23d, A. D. 1889.

NOTE.—For Act relating to payment of certain claims in Darlington County, see ante No. 293, page 565.—EDITOR.

No. 330. AN ACT TO AUTHORIZE THE TOWN COUNCIL OF EDGEFIELD TO ISSUE COUPON BONDS FOR THE PURPOSE OF RETIRING ITS PAST DUE INDEBTEDNESS, AND TO PROVIDE FOR THE PAYMENT OF THE SAID BONDS.

SECTION 1. *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 same, That

A. D. 1889.

the Town Council of the town of Edgefield is hereby authorized and empowered to issue bonds to an amount not exceeding eight thousand dollars, for the purpose of paying all past due bonds and coupons issued by said Town Council of the town of Edgefield in payment of its subscription to the Edgefield Branch Railroad Company, under the provisions of an Act entitled "An Act to incorporate the Edgefield Branch Railroad Company and to authorize the Town Council of Edgefield to issue bonds to aid in the construction of the same, and for other purposes therein mentioned," approved March 12th, 1878. Said bonds shall be of the denomination of one hundred dollars and five hundred dollars, and shall be payable twenty years after their date, with interest thereon from their date at the rate of seven per centum per annum, to be paid semi-annually on coupons attached to said bonds. Said bonds shall be payable to bearer at the office of the Clerk of the Town Council of Edgefield, and shall be signed by the Intendant of said town of Edgefield and the Clerk of said Town Council, and a list of said bonds by their numbers shall be recorded by said Clerk in his office.

Bonds to amount of $8,000 authorized.

Purpose.

16 Stat., 454.

Description of bonds.

SEC. 2. That the said Town Council of Edgefield shall annually levy a tax upon all taxable property within the corporate limits of said town of Edgefield sufficient to pay the said coupons as they mature, and the proceeds of such tax shall be exclusively applied by the Treasurer of the Town Council of the town of Edgefield to the payment of said coupons; and coupons issued under the authority of this Act shall be receivable during the fiscal year in which they mature in payment of taxes levied to pay the coupons on said bonds. That the Town Council of Edgefield shall certify the tax so levied to the County Auditor, and the same shall be entered on the tax duplicates, and collected by the County Treasurer at the same time and in the same manner as State and County taxes are collected, and when collected shall be paid over to the Treasurer of the Town Council.

Tax to pay coupons.

Coupons receivable for taxes.

Notification, levy and collection of tax.

SEC. 3. That the said Town Council of the town of Edgefield are further authorized and empowered, in anticipation of the printing and issue of said bonds, to borrow a sum of money not exceeding thirty-five hundred dollars, at a rate of interest not exceeding ten per centum per annum, for a period not exceeding twelve months, and to give their promissory note for the amount so borrowed, secured by a pledge of the bonds and coupons so to be issued: *Provided*, That said bonds and coupons shall be hypothecated at not less than one hundred and ten dollars in bonds for every one hundred dollars borrowed: *Pro-*

Loans on deposit of bonds.

Limit.

Proviso as to hypothecation.

A. D. 1889.

vided, further, That nothing contained herein shall be so construed as to affect a certain suit now pending in the Court of Common Pleas for Edgefield County to foreclose a mortgage executed by the Edgefield Branch Railroad Company to the Town Council of Edgefield, in which the Town Council of Edgefield is plaintiff and the Carolina Cumberland Gap and Chicago Railway Company and others are defendants.

Proviso as to existing suit.

When to take effect.

SEC. 4. That this Act shall take effect immediately upon its approval.

Approved December 23d, A. D. 1889.

No. 331. AN ACT TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NEW SCHOOL DISTRICT IN EDGEFIELD COUNTY AND TO AUTHORIZE THE LEVY AND COLLECTION OF A SPECIAL TAX THEREIN," APPROVED DECEMBER 24TH, 1888.

SECTION 1. *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 same, That Section 2 of an Act entitled "An Act to provide for the establishment of a new school district in Edgefield County and to authorize the levy and collection of a special school tax therein," approved December 24th, 1888, be amended on lines three, four and fourteen by striking out the words "one and one-half mills" and insert in lieu thereof "three mills," and that Section when amended shall read as follows:

A. A. 1888, § 2, ante p. 159, amended.

Section as amended.

SEC. 2. That the voters of the said school district who return real or personal property for taxation are hereby authorized to levy and collect an annual tax not to exceed three mills, to supplement the Constitutional two mill tax, and for said purposes the Trustees of said school district, upon the written request of five taxpayers of said school district, at any time before the first Monday in January in each year, the call for which meeting shall be advertised in some newspaper published in said County once a week for two weeks, and published by posting the same in three conspicuous places in said school district before said meeting. When assembled the meeting of taxpayers shall have power to elect a Chairman and Secretary, adjourn from time to

Local school tax.

Public meetings.

Powers of meeting.

time, and levy a special tax for the ensuing year, not exceeding three mills, for such school purposes, as a majority of those present shall determine, and no tax so voted shall be repealed at any subsequent meeting. A. D. 1889. Tax not to be repealed.

Approved December 23d, A. D. 1889.

A JOINT RESOLUTION AUTHORIZING AND REQUIRING THE COMPTROLLER GENERAL OF THE STATE TO DRAW HIS WARRANT ON THE STATE TREASURER FOR THE SUM OF NINETY-FIVE DOLLARS AND NINETY-FIVE CENTS, IN FAVOR OF MRS. L. H. PICKENS, BEING OVERPAID TAXES ON LAND WHICH DID BELONG TO HER, AND ALSO REQUIRING THE COUNTY COMMISSIONERS OF EDGEFIELD COUNTY TO DRAW THEIR CHECK ON THE COUNTY TREASURER OF SAID COUNTY IN FAVOR OF MRS. L. H. PICKENS FOR EIGHTY-THREE DOLLARS AND FORTY-SEVEN CENTS, AND AUTHORIZING SAID TREASURER TO PAY THE SAME. No. 332.

Whereas during the years 1881, 1882, 1883, 1884 and 1885, Mrs. L. H. Pickens, of Edgefield County, paid taxes on nine hundred and eighteen acres of land, which she had previously sold, and upon which the purchaser of same paid taxes for the years aforesaid: Preamble reciting overpayment of taxes.

SECTION 1. *Be it resolved* 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 same, That the Comptroller General of the State be, and he is hereby, authorized and required to draw his warrant on the State Treasurer for the sum of ninety-five dollars and ninety-five cents in favor of Mrs. L. H. Pickens, being overpaid taxes on lands which did not belong to her. Comptroller General to draw warrant for $95.95.

SEC. 2. That the State Treasurer be, and he is hereby, authorized and required to pay the said warrant out of any funds in the Treasury not otherwise appropriated. State Treasurer to pay.

SEC. 3. That the County Commissioners of Edgefield County are hereby authorized and required to draw their check on the County Treasurer of Edgefield County in favor of Mrs. L. H. Pickens for the sum of eighty-three dollars and forty-seven cents, and the said Treasurer is hereby authorized and required to pay the same. Payment of $83.47 by County of Edgefield.

Approved December 23d, A. D. 1889.

A. D. 1889.

No. 333.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF JOHNSTON, IN EDGEFIELD COUNTY, TO IMPOSE A LICENSE TAX ON ALL PERSONS ENGAGED IN ANY BUSINESS, TRADE OR PROFESSION IN TOWN OF JOHNSTON, EXCEPT MINISTERS OF THE GOSPEL AND TEACHERS.

SECTION 1. *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 same, That the Town Council of the town of Johnston, in Edgefield County, be, and are hereby, authorized to require the payment of such sum or sums of money, not exceeding ($50) fifty dollars, for license or licenses, as in their judgment be just and wise, by any person or persons engaged or intending to engage in any calling, business or profession in whole or in part within the corporate limits of the town of Johnston, except those engaged in the calling or profession of ministers of the gospel and teachers: *Provided*, That nothing herein contained shall be construed to repeal that portion of the charter of said town which prohibits the license or sale of liquors within the corporate limits of said town of Johnston.

License tax on business and occupations.

Exception.

Liquor license not authorized.

Ordinances.

SEC. 2. That the Town Council of Johnston is hereby authorized to pass such ordinances as are necessary to carry the intent and purposes of this Act into full effect.

When to take effect.

SEC. 3. That this Act shall take effect from the date of its approval.

Approved December 23d, A. D. 1889.

No. 334.

AN ACT RELATING TO THE OPENING AND CLOSING OF THE POLLS FOR MUNICIPAL ELECTIONS IN THE TOWN OF RIDGEWAY, IN FAIRFIELD COUNTY.

SECTION 1. *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 same, That after the passage of this Act, at any election held in the town of Ridgeway, in Fairfield County, for Intendant or Wardens of said town, or at any other municipal election held in said town, the polls shall be opened at eight o'clock in the forenoon and shall close at twelve o'clock noon.

Hours for keeping polls open.

Repealing clause.

SEC. 2. That all Acts or parts of Acts in conflict with the provisions of this Act or repugnant thereto be, and the same are hereby, repealed.

Approved December 17th, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN COUNCIL OF RIDGEWAY, IN FAIRFIELD COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF BUYING A SITE AND ERECTING A TOWN HALL THEREON.

A. D. 1889.
No. 335.

SECTION 1. *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 same, That the Town Council of Ridgeway, in the County of Fairfield, be, and they are hereby, authorized and empowered to issue coupon bonds of said town to the amount of two thousand dollars, for the purpose of buying a site and erecting a town hall thereon within the corporate limits of said town; said bonds to be issued in such denominations as said Town Council may deem proper, and to be payable in twenty years, with interest payable annually at the rate of seven per centum per annum, and the coupons for said interest, when due, to be receivable in payment of all taxes levied by or due to said town.

Bonds authorized.

Amount and purpose.

Description of bonds.

Coupons receivable for taxes.

SEC 2. That the money arising from the sale or hypothecation of said bonds shall be used exclusively for the purpose of buying a site and erecting a town hall thereon within the corporate limits of said town, and to these ends shall be expended under the direction and control of the said Town Council of Ridgeway: *Provided*, The title to said property be made to the said town of Ridgeway, to be used for the purpose of a town hall.

Expenditure of proceeds.

Title to property.

SEC. 3. That the Town Council of Ridgeway shall annually, at such time as they may fix and determine, pay the interest due on said bonds, and for this purpose the Town Council, in addition to the power already conferred, shall be authorized and required annually to levy such taxes upon the real and personal property assessed for taxation in said town as may be deemed necessary to pay the interest of said bonds which may become due in each and every year, until the whole of said bonds shall be paid.

Annual tax to pay interest.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 336.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF FAIRFIELD COUNTY TO EFFECT TEMPORARY LOANS OF MONEY TO DEFRAY THE CURRENT EXPENSES OF SAID COUNTY.

SECTION 1. *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 same, That in anticipation of the collection of taxes levied in any fiscal year, the County Commissioners of Fairfield are hereby authorized and empowered to borrow sufficient sums of money to pay in cash the current expenses of said County. And to secure the payment of the money so borrowed, the said County Commissioners are hereby authorized to pledge the taxes of said County for the fiscal year for the current expenses of which said money is borrowed: *Provided,* That no rate of interest greater than eight per cent. per annum shall be paid by said County Commissioners upon any money under the provisions of this Act: *Provided, further,* That the amount so borrowed shall not exceed three-fourths of the levy for said purpose.

Loans authorized.

Pledge of taxes.

Rate of interest.

Limit.

Approved December 23d, A. D. 1889.

No. 337. AN ACT AUTHORIZING THE COUNTY TREASURER AND COUNTY SCHOOL COMMISSIONER OF FAIRFIELD COUNTY TO BORROW MONEY TO PAY SCHOOL CLAIMS.

SECTION 1. *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 same, That the County Treasurer and County School Commissioner of Fairfield County be, and they are hereby, authorized from time to time of any fiscal year to borrow such sums of money as may be necessary to pay the school claims of said County, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest thereon: *Provided,* That the aggregate amount so borrowed shall not exceed the sum of $10,000.00 dollars: *Provided, further,* That the rate of interest shall not exceed eight per cent. per annum: *And provided, further,* That the money so borrowed shall be held and paid by the County Treasurer as now provided by law.

Loans authorized.

To pay school claims.

Limit.

Duty of County Treasurer.

Approved December 23d, A. D. 1889.

AN ACT TO PROVIDE FOR THE PAYMENT OF A SALARY TO BE PAID TO THE SHERIFF OF FAIRFIELD COUNTY, AND TO PROVIDE FOR THE MANNER IN WHICH THE SAME SHALL BE PAID. A. D. 1889. No. 338.

SECTION 1. *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 same, That after the passage of this Act, the Sheriff of Fairfield County shall be paid an annual salary of twelve hundred dollars, which shall be in lieu of all fees and costs which he is now by law entitled to charge and receive for his services. Salary in lieu of fees.

Provided, That nothing contained in this Act shall affect the right of said Sheriff to charge and recover the usual fees allowed by law for dieting prisoners, mileage, and other expenses incurred for services rendered outside of the said County, and his costs and fees in civil cases: *Provided, further*, That said Sheriff shall turn over to the County Treasurer all Sheriff's fees and costs paid by defendants in criminal cases, whether under sentence of Court or otherwise. Exceptions. Fees to be paid over.

SEC. 2. That said salary shall be paid to said Sheriff quarterly, upon the warrant of the County Commissioners drawn upon the County Treasurer of Fairfield County. When and how paid.

SEC. 3. That all Acts or parts of Acts which are inconsistent with any of the provisions of this Act are hereby repealed. Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND SUBDIVISION A OF SECTION 4 OF AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW RELATING TO THE NUMBER, TERRITORIAL JURISDICTION AND PAY OF TRIAL JUSTICES AND CONSTABLES IN THE SEVERAL COUNTIES THEREIN MENTIONED," APPROVED DECEMBER 24TH, A. D. 1888. No. 339.

SECTION 1. *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 same, That Subdivision A of Section 4 of an Act entitled "An Act to alter and amend the law relating to the number, territorial jurisdiction and pay of Trial Justices and Constables in the several A. A. 1888, § 4, ¶ A, ante p. 98 amended.

A. D. 1889.

Counties therein mentioned," approved December 24th, A. D. 1888, be, and the same is hereby, amended by striking out the word "East" in the third line of said subdivision, and inserting in lieu thereof the word "West," so that said subdivision as amended shall read as follows: Subdivision A. That all of Bear Creek Township, in Fairfield County, except that portion thereof lying North of the road leading from H. L. Crumpton to Nelson Mills, and West of Bull Neck Road, be, and the same is hereby, declared to be a judicial district, and the same shall be known as the Thirteenth Judicial District.

Thirteenth Judicial District of Fairfield.

Approved December 23d, A. D. 1889.

No. 340. AN ACT TO CHARTER A FERRY IN FAIRFIELD AND LANCASTER COUNTIES AT A POINT FORMERLY KNOWN AS "PEAY'S FERRY."

SECTION 1. *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 same, That a public ferry be, and the same is hereby, established and chartered to reach across the Wateree River, in Fairfield and Lancaster Counties, at a point formerly known as "Peay's Ferry" on the Lancaster side to a point on the Fairfield side just opposite, and that said ferry be vested in the County Commissioners for Fairfield and Lancaster Counties, their successors in office, for the term of twenty years; and that the following rate of toll be charged and collected and no more, viz.: For every four-horse wagon, 50 cents; for every two-horse wagon or vehicle, 30 cents; for every one-horse wagon or vehicle, 20 cents; for every single horse and rider, 10 cents; for every foot passenger, 5 cents; for every head of cattle, goats, sheep and hogs, 5 cents: *Provided*, That children going to and returning from school, voters going to and returning from elections, militia going to and returning from muster, and clergymen be passed free of toll: *Provided, further*, That the owners of land on either side of the river upon which the ferry boats land be, and they are hereby, authorized to erect a gate or gates across the road leading to such ferry, through which all persons may pass at all times without payment of toll or other charges therefor.

Ferry chartered.

Location.

Vested in County Commissioners.

Tolls.

Children, voters and clergymen.

Gates by land owners.

A. D. 1889.

SEC. 2. That the said County Commissioners for the said Counties shall apportion equally between said Counties the expenses of keeping up, maintaining and repairing said ferry, and the proceeds arising from tolls received shall be equally divided between said Counties, to be used for ordinary County expenses, and said County Commissioners of said Counties shall jointly have the power to lease said ferry upon such terms as they may think proper.

Apportionment of expenses and receipts.

Lease of ferry.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM PORTIONS OF DARLINGTON, MARION, WILLIAMSBURG AND CLARENDON COUNTIES, TO BE KNOWN AS FLORENCE COUNTY, AND TO ADJUST THE REPRESENTATION OF SAID COUNTIES IN THE GENERAL ASSEMBLY. No. 341.

A. A. 1888, § 1, ante p. 168, amended.

SECTION 1. *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 same, That Section one of an Act to establish a new judicial and election County from portions of Darlington, Marion, Williamsburg and Clarendon Counties, to be known as Florence County, and to adjust the representation of said Counties in the General Assembly, approved December 22, 1888, be hereby amended so as to read as follows:

Section as amended.

SECTION 1. Beginning at Sander's Bridge on Lynch's River, running an air line to the point where the Cheraw and Darlington Railroad crosses High Hill Creek, thence down High Hill Creek to its confluence with Black Creek, thence up Black Creek to Muse's Bridge, thence following the direction of a straight line running from Muse's Bridge to Cashua Ferry to Black Swamp, thence down Black Swamp to Herring Creek, thence down said creek to its confluence with the Great Pee Dee River, thence following the said Great Pee Dee River down to its intersection with Lynch's River, thence following said Lynch's River up to a point at and above Anderson's Bridge, thence in a straight line Westward to the Williamsburg and Clarendon County line so as to embrace twenty-eight square miles of the

Area of new County.

A. D. 1889. territory of Williamsburg County, thence following said Clarendon and Williamsburg County line in a Southwesterly direction to its intersection with what is known as Centennial Road, thence following said road in a Westerly direction to Hudson's Mill, thence running in a Northerly direction a straight line to a point on the Clarendon and Sumter County line at Wood's Mill, thence following the Clarendon and Sumter County line in Northeasterly direction to Lynch's River, thence following the said Lynch's River up to Sander's Bridge, the beginning corner.

Section 6 amended. SEC. 2. That Section 6 of said Act be amended so as to read as follows: SECTION 6. That the County of Florence be, and is hereby, attached to the 6th Congressional District, of which it forms a part territorially, and it shall form a part and parcel of the Third (3) Judicial Circuit. And the Trial Justices shall be located as they now are in the territory covered by the new County until hereinafter provided for by law, except an additional Trial Justice for the Township of Lynch.

In 6th Congressional District and 3d Judicial Circuit.

Trial Justices.

Additional Section. SEC. 3. The following Section shall be added, to be hereafter known as Section 12:

SECTION 12. From and after the passage of this Act all suits pending in the Counties of Darlington, Marion, Williamsburg and Clarendon in which all of the defendants reside in that portion of the said Counties now established as the County of Florence, and all indictments pending in said Counties charging offenses committed in the territory now embraced in the County of Florence, shall be transferred to the calendars of the Court of the County of Florence, and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Florence.

Pending causes.

Transferred to Florence County.

Transfer of records and papers.

SEC. 4. The following shall be added, to be known hereafter as Section 13:

SECTION 13. The County Commissioners of the County of Florence are hereby authorized to reform the townships thereof, so as to adjust them in size and convenience to the lines of the new territory, and for that purpose may employ a surveyor.

Readjustment of townships.

Section 5 amended. SEC. 5. That Section 5 of said Act be amended so as to read as follows:

SECTION 5. That the voting precincts heretofore established by law in those portions of Marion, Darlington, Williamsburg and Clarendon Counties included in the new County of Florence

Voting precincts.

shall be the precincts of the last named County, with the addition of one voting precinct in Ebenezer Township, to be known as Ebenezer. A. D. 1889. See ante p. 341.

SEC. 6. The following shall be added, to be known hereafter as Section 14:

SECTION 14. The Acts of the General Assembly issued since 1882 shall be furnished to all such officers of the County of Florence as are entitled to them by law. Acts to be furnished.

SEC. 7. That Section 9 of said Act shall be known hereafter as Section 15. Change in numbering.

Approved December 23d, A D. 1889.

AN ACT TO FIX THE SALARIES OF THE COUNTY AUDITOR, COUNTY COMMISSIONERS, THE CLERK OF THE COUNTY COMMISSIONERS, JURY COMMISSIONER AND SUPERVISOR OF REGISTRATION OF FLORENCE COUNTY, AND TO PROVIDE FOR THE PAYMENT OF THE SALARIES OF THE SAID OFFICERS FROM THE 1ST JANUARY, 1889, TO 1ST NOVEMBER, 1889. No. 342.

SECTION 1. *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 same, That the County Auditor of the County of Florence shall receive from the State Treasurer an annual salary of six hundred dollars, to be paid monthly on the Comptroller General's warrant, and in addition thereto the sum of three hundred dollars, to be paid out of the County treasury of said County on the warrant of the County Commissioners, as an additional compensation in taking the returns and making the assessment of the real and personal property of said County. Salary of County Auditor. Additional pay.

SEC. 2. That hereafter the County Commissioners shall each receive a salary of two hundred and fifty dollars per annum, in lieu of all per diem and mileage. Salary of County Commissioners.

SEC. 3. That the clerk of said Board of County Commissioners shall receive an annual salary of two hundred and fifty dollars. Salary of Clerk to Board.

SEC. 4. That the salaries of said County Commissioners and their clerk shall be paid by the the County Treasurer of said County out of County funds, upon the certificate of the County How paid.

A. D. 1889.

Itemized account.

Auditor thereof approving such accounts of said Commissioners and their clerk, which accounts are hereby required to be itemized by said Commissioners and examined and passed upon by said Auditor, and filed in his office as required by law for Commissioners of other Counties of the State.

Salary of Supervisor of Registration.

SEC. 5. That the salary of the Supervisor of Registration of said County shall be one hundred dollars per annum, to be paid out of the State Treasury upon the warrant of the Comptroller General as now fixed by law for the salaries of the Supervisors of Registration for other Counties: *Provided*, That during years of general elections his salary shall be two hundred dollars.

Pay of Jury Commissioner.

SEC. 6. That the per diem and mileage of the Jury Commissioner of said County shall be two dollars per day for each day spent in the discharge of the duties of said office, and five cents per mile for each mile necessarily traveled, to be paid out of the County treasury upon the warrant of the County Commissioners after the accounts for the same shall have been audited and allowed and passed upon by the County Commissioners.

Pay of officers up to November 1, 1889.

SEC. 7. That the officers named herein shall receive as compensation for their services as officers for said County for the period from the date of their commissions and qualifications up to November 1, 1889, the same compensation as is hereinbefore fixed for each of them, to be paid as hereinbefore denoted; except the

Exception as to Auditor.

County Auditor, who shall receive nine hundred dollars, six hundred of which shall be paid out of the State Treasury, and three hundred out of the County treasury, to be paid upon the warrants of the Comptroller General and County Commissioners respectively, out of any funds in said treasuries collected for State and County purposes for fiscal year 1888–1889, and except

As to Supervisor of Registration.

the Supervisor of Registration, who shall receive two hundred dollars, to be paid out of the State Treasury, upon the warrant of the Comptroller General, out of funds collected for fiscal year

As to County Commissioners.

1888–1889, and except the County Commissioners, who shall receive the sum of two dollars per day for each day spent in the discharge of their official duties, and five cents per mile for every mile traveled by them in such capacity during the period of their services ending November 1st, 1889.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN COUNCIL OF THE TOWN OF FLORENCE TO BORROW MONEY TO COMPLETE THE PAYMENT FOR THE SITES, ERECTION AND COMPLETION OF THE COURT HOUSE AND JAIL FOR THE COUNTY OF FLORENCE, AND FOR THE USE OF THE CORPORATION, AND TO AUTHORIZE THE LEVYING OF A TAX TO PAY THE SAME.

A. D. 1889.
No. 343.

SECTION 1. *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 same, That the Town Council of the town of Florence be, and they are hereby, authorized and empowered to borrow the sum of fifteen thousand dollars in addition to the amount they are already authorized to borrow by law, for the public use of the corporation, and for such other uses as may promote the general good of the citizens, by issuing from time to time, as occasion may require, the bonds of the corporation, bearing interest at a rate not to exceed seven per centum per annum, to be paid semi-annually, for an amount not to exceed the said sum of fifteen thousand dollars in addition to the amount they are already authorized by law to borrow as aforesaid; and for the payment of the interest, and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall at all times be liable. And that the said Town Council of Florence is hereby empowered and authorized, at their discretion, to use the said additional fifteen thousand dollars, or so much thereof as may be necessary, for the purpose of completing the payment for the sites and for the erection and completion of the Court House and jail for the County of Florence, free of all expense to the said County of Florence. And that the said Town Council shall have the power to levy a tax of not exceeding three mills on every dollar of the real and personal property liable to taxation within the corporate limits of the said town, for the purposes of creating a sinking fund and paying the interest on the bonds issued for the borrowing of the said additional fifteen thousand dollars, or any part thereof, as aforesaid: *Provided*, That the private property of the inhabitants of the town shall be bound for the redemption of the said additional loan in no other way than by the imposition of an annual tax, in the same manner as the annual tax is now authorized to be raised, according to the provisions of an Act entitled "An Act to amend 'An Act to incorporate the town of Florence,'" approved March

Loans authorized.

Use and purpose.

Bonds, amount and interest.

Liability of corporation.

Use of the money.

Tax to raise sinking fund and pay interest.

Liability of private property

14 Stat., 648.

A. D. 1889. 19 Stat., 1009.

9th, 1871, and "An Act to amend an Act entitled 'An Act to incorporate the town of Florence' and an Act amendatory thereto," approved December 19, A. D. 1887.

Approved December 23d, A. D. 1889.

No. 344. AN ACT TO REGULATE THE TERM OF OFFICE OF THE FOUR COMMISSIONERS OF THE SCHOOL DISTRICT OF THE TOWN OF FLORENCE.

SECTION 1. *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 same, That from and after the passage of this Act the term of office of the four School Commissioners of the School District of the Town of Florence, in this State, shall be as follows, to wit: The Commissioner from Ward 1 of said town shall hold office for one year from the date of his election, and at the expiration of his said term a Commissioner shall be elected for a term of four years from Ward 1; and that the Commissioner from Ward 2 shall hold office for two years, and at the expiration of his term a Commissioner from Ward 2 shall be elected for a term of three years; and that the Commissioner from Ward 3 shall hold office for three years, and at the expiration of three years from the date of his election a Commissioner for Ward 3 shall be elected for the term of two years; and that the Commissioner from Ward 4 of said town shall hold office for a term of four years from the date of his election, and at the expiration of his said term there shall be elected a Commissioner from Ward 4 for a term of one year; and that such election shall so be had hereafter in the same way as to terms, so that one Commissioner, unless re-elected, shall be retired each year.

Terms of office of School Commissioners.

Times of future elections.

SEC. 2. That all Acts and parts of Acts inconsistent with this Act be, and are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE PAYMENT OF A CLAIM OF JOHN S. STANDLY FOR TEACHING A FREE PUBLIC SCHOOL IN SIMPSON CREEK TOWNSHIP, SCHOOL DISTRICT ——, IN HORRY COUNTY, DURING THE MONTHS OF MARCH, APRIL AND MAY, 1887, AND TO AUTHORIZE AND REQUIRE THE SCHOOL COMMISSIONER OF FLORENCE COUNTY TO ISSUE AND THE TREASURER OF SAID COUNTY TO PAY A WARRANT OR TEACHER'S PAY CERTIFICATE IN FAVOR OF MISS JENNETTE MCKENZIE FOR TWENTY DOLLARS AS SALARY FOR TEACHING A PUBLIC SCHOOL, ENDING NOVEMBER 2D, 1888, IN SAID COUNTY.

A. D. 1889.
No. 345.

SECTION 1. *Be it resolved* 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 same, That the School Trustees of School District No. ——, in Simpson Creek Township, in Horry County, be, and they are hereby, authorized and required to issue a teacher's pay certificate to and in favor of John S. Standly for the sum of forty-six dollars for teaching a free public school in said district during the months of March, April and May in the year A. D. 1887, and the County School Commissioner of Horry County is hereby authorized and required to approve such claim, and the County Treasurer of Horry County is hereby authorized and required to pay the same out of any funds now on hand or that may hereafter be apportioned to said district.

Pay certificate for $46 to be issued.

Approved.

And paid.

SEC. 2. That the School Commissioner of Florence County be authorized and required to issue and the Treasurer of said County to pay a warrant or teacher's pay certificate in favor of Miss Jennette McKenzie for twenty dollars as salary for teaching a public school in McMillan's Township, District No. 16, ending November 2, 1888.

Miss McKenzie of Florence County to be paid school claim.

Approved December 23d, A. D. 1889.

AN ACT TO EXEMPT A PORTION OF JEFFERIES TOWNSHIP, IN FLORENCE COUNTY, AND A PORTION OF WHITEWATER TOWNSHIP, IN OCONEE COUNTY, FROM THE OPERATION OF THE GENERAL STOCK LAW.

No. 346.

SECTION 1. *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 same, That that portion of Jefferies Township, in Florence County, bounded

A. D. 1889.

on the North by the run of Black Creek, East by the run of the Great Pee Dee River, and South and West by a line of fence now established and extending from Mars Bluff Ferry, on said river, to Black Creek, thus embracing a territory liable to overflow from said river and said creek, and only valuable as pasture lands, be, and the same hereby is, exempted from the operation of Chapter XXVII, Title X, Article I, of the General Statutes, known as the General Stock Law, and from all Acts amendatory thereof: *Provided*, Said line of fencing be kept in good repair.

Area of exempted Section.

Fences.

SEC. 2. That that portion of Oconee County beginning at J. H. Whitmire's, on Keowee River, and running to J. M. Whitmire's, on Whitewater River, *via* R. D. Talley's, A. Crow's, J. Crow's, L. Crow's and Isaac Crow's, now enclosed by a fence, be, and the same is hereby, exempt from the operation of the General Stock Law, Chapter 27, Title 10, of the General Statutes: *Provided*, Said line of fence be kept in good repair.

Section of Oconee exempted.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

NOTE.—For Act relating to boundary line between Darlington and Florence Counties, and for settlement of claims which arose in the present territory of Florence County, see ante No. 328, page 507.—EDITOR.

No. 347. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASCERTAINMENT AND PAYMENT OF THE VALID PAST SCHOOL INDEBTEDNESS OF THE COUNTY OF GEORGETOWN, AND TO AUTHORIZE THE LEVY AND COLLECTION OF A SPECIAL TAX THEREFOR," APPROVED DECEMBER 20, 1888.

SECTION 1. *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 same, That Section 6 of an Act entitled "An Act to provide for the ascertainment and payment of the valid past school indebtedness of the County of Georgetown, and to authorize the levy and collection of a special tax therefor," approved December 20th, 1888, be, and the same is hereby, amended so that the proviso at the end of said Section shall read as follows:

A. A. 1888, § 6, ante p. 178, amended in its proviso.

Provided, That the said Commission may approve school claims which shall appear to their satisfaction to have been issued *bona fide* and in payment for services actually rendered, notwith-

Proviso.

A. D. 1889.

standing the fact that they may have been issued by the Trustees of any school district in excess of the funds apportioned to such district; but such claims shall not be entitled to payment out of the fund hereinafter provided for until all other valid school claims approved by said Commission shall have first been paid.

Claims issued in excess of funds may be approved.

When paid.

Approved December 23d, A. D. 1889.

AN ACT TO GRANT TO WILLIAM MILES HAZZARD CERTAIN FRANCHISES FOR THE PURPOSE OF CULTIVATING SHELL FISH. No. 348.

SECTION 1. *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 same, That for the purpose of raising and cultivating shell fish, canning and selling the same, William Miles Hazzard, E. P. Alexander and R. J. Donaldson, of Georgetown County, State of South Carolina, their heirs and assigns, are hereby granted a franchise for the term of twenty years in and to the public grounds lying under the navigable waters from Winyah Bay to North Inlet, and all navigable creeks running into or out of said North Inlet, in the County of Georgetown, State of South Carolina: *Provided,* That the said William Miles Hazzard, E. P. Alexander and R. J. Donaldson, their heirs and assigns, at the termination of the term herein granted, shall have the option of continuing the said franchise for another term of twenty-five years, on such terms as the State shall at that time affix to such franchises; and the said William Miles Hazzard, E. P. Alexander and R. J. Donaldson, their heirs and assigns, are hereby authorized to remove from the natural oyster beds of the State such oysters as may be needed for setting the cultivated grounds; and any entry upon the said cultivated grounds by any other person shall be a trespass and misdemeanor, punishable by fine not exceeding twenty dollars, or imprisonment not more than ten days, provided signs forbidding such entry are posted thereon. But nothing in the provisions of this Act shall be construed as authorizing any obstruction of the free navigation of the waters covered by this grant, by course and channel usually traveled,

Franchise granted to Hazzard and others.

Term of grant.

Locations.

Renewal of franchise.

Setting of oysters.

Penalty for trespasses.

Obstruction of streams.

A. D. 1889.

nor any interference with the free passage of migratory fish, or with the free exercise of the public rights of hunting and fishing for swimming fish; and all grounds located and planted under this Act shall be subject to taxation as real estate (after the beds commence yielding), and shall be so considered in settlement of the estates of deceased: *And provided, further,* That the said William Miles Hazzard, E. P. Alexander and R. J. Donaldson, their heirs and assigns, or legal representatives, shall within two years from the approval of this Act furnish to the Commissioner of Agriculture satisfactory evidence under oath that not less than ten acres have been actually planted in oysters under the rights and privileges hereby granted.

Taxation.

Proviso as to work done.

Approved December 24th, A. D. 1889.

No. 349. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN PORTIONS OF GEORGETOWN COUNTY FROM THE PROVISIONS OF CHAPTER XXVII OF THE GENERAL STATUTES, RELATING TO THE GENERAL STOCK LAW AND FENCING STOCK," APPROVED DECEMBER 22, 1889.

SECTION 1. *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 same, That Section 1 of an Act entitled "An Act to exempt certain portions of Georgetown County from the provisions of Chapter XXVII of the General Statutes, relating to the General Stock Law and fencing stock," approved December 22, 1888, be, and the same is hereby, amended, so that said Section, as amended, shall read as follows:

A. A. 1888, § 1, ante p. 176, amended.

"SECTION 1. That from and after the passage of this Act, all those portions of the County of Georgetown embraced within the boundaries hereinafter described shall be exempt from the provisions of Chapter XXVII of the General Statutes of this State, relating to the General Stock Law and fencing stock, viz.: 1st. All that section having for its Northern boundary the Black River, for its Southern boundary the Santee River, for its Western boundary the line between the Counties of Georgetown and Williamsburg, and for its Eastern boundary a line beginning at Santee Ferry, extending along the Charleston public road to

Exemption from Stock Law.

Area of first exempted section.

Sampit Ferry, near Georgetown, thence along the line of the corporate limits of the town of Georgetown to the Black River road, and thence along said Black River road to Pringle's Ferry, on Black River. 2d. All that section of said County lying between Black River and Black Mingo Creek, and bounded on the West by the line between the Counties of Georgetown and Williamsburg. 3d. All that section of said County bounded on the West by the County of Williamsburg, on the South by Black Mingo Creek and Black River, and on all other sides by the Great Pee Dee River. A. D. 1889. Second section. Third section.

Approved December 23d, A. D. 1889.

AN ACT TO EXEMPT CERTAIN PORTIONS OF GLASSY MOUNTAIN TOWNSHIP, IN GREENVILLE COUNTY, FROM THE OPERATIONS OF THE PROVISIONS OF CHAPTER 27 OF THE GENERAL STATUTES OF THIS STATE, ENTITLED "GENERAL STOCK LAW AND FENCING STOCK," AND ALSO TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN PORTIONS OF LEXINGTON COUNTY FROM THE OPERATION OF CHAPTER XXVII OF THE GENERAL STATUTES OF THIS STATE, RELATING TO THE STOCK LAW." No. 350.

SECTION 1. *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 same, That all that certain section of Glassy Mountain Township, in Greenville County, lying within the following boundaries, to wit: "Commencing at the North Carolina line, at a point at the foot of the mountains, near Milton Trammell's; thence Southeast to Saluda River, at a point near James Gosnel; thence across said river and across Rich Mountain to Lindley's Gap, near John Harrison's, on Pacolet River; thence down said river to the Claybern Trammell place; thence to Lewis Pearlis, *via* Austin Balew's; thence to the upper end of Thomas M. Balew's mill pond, *via* Mrs. Adams' and Cornelius Wofford's; thence to Howard's Gap Road, on North Carolina line at Flint Mills, *via* Mrs. Smith's place and Dr. Simpson's," be, and the same is hereby, exempted from the operations of the provisions of Chapter XXVII of the General Statutes of this State, entitled "Gen- Area of exempted section.

A. D. 1889.

eral Stock Law and Fencing Stock": *Provided,* That the residents of the section named shall at their own expense build a good and sufficient fence along the line above described, or if already built to keep the same in good repair, sufficient to protect the lands outside of said territory from incursions of all stock and animals named in said General Stock Law, and this exemption shall not take effect until the said fence is completed, or if already built shall cease as soon as there is a failure to keep up said fence at any point: *Provided, further,* That good, convenient and substantial gates shall be placed on all public roads crossed by this fence at the expense of the residents of the boundary herein exempted; and the penalty for having said gates open shall be the same as for leaving pasture fences down, as provided for in the General Stock Law.

Exemption from Stock Law.

Fences to be built and maintained.

Gates on public roads.

Penalty for leaving gates open.

SEC. 2. That the County Commissioners of Greenville County shall, and they are hereby authorized and directed to, determine the exact location of the aforesaid boundary line.

Location of boundary line.

SEC. 3. That an Act entitled "An Act to exempt certain portions of Lexington County from the operation of Chapter XXVII of the General Statutes of this State, relating to the Stock Law," be amended by striking out Section 3 of said Act and inserting the following, to be known as Section 3:

A. A. 1887, p 3, 19 Stat., 1057, amended.

"SEC. 3. That all that portion of said County lying within the following boundaries, to wit: Beginning at Daniel Hutto's, on Cedar Creek, and adjoining the Big Pasture, running thence to Daniel Yonce's; thence to Ben Sharp's, on Water's Ferry Road; thence down the said road to E. H. Jefcoat's field, near R. E. Mack's; thence to Russell Stirkie's; thence along the Church Road to R. Peel's; thence to Ebenezer Church; thence to North Edisto River; thence up said river to the now 'Big Pasture,' above Black Creek, making the Edisto River a lawful fence; containing about seventy-five square miles, be, and the same is hereby, exempted from the provisions of Chapter XXVII of the General Statutes of this State, relating to the General Stock Law: *Provided,* That the residents of the portion named as aforesaid shall build a fence along the lines described, exempted as aforesaid, sufficiently strong and close to protect the land outside of said pasture from the incursions of all stock and animals named in the General Stock Law: *Provided,* That said fence be completed on or before the 20th of December, 1890: *And provided, further,* That said change shall not go into operation or be effectual until the following conditions be complied with—that is to say, until the question of said

Exempted section.

Fences.

When to be built.

A. D. 1889.

change shall be determined by a vote of the freeholders living within the lines aforesaid at an election to be held for that purpose; and, further, that said change shall only take place after said election, and when it shall be ascertained by the same that *two-thirds* of the freeholders living within the boundaries of the proposed additional territory to be exempted as aforesaid shall have voted therefor. And the County Commissioners are hereby authorized and required to give thirty days' notice, by publication in the County papers and posting in three public places in the within boundaries, of said election, which shall be held on or before the first day of April next, at Thomas Craft's mill, said point being centrally located in said proposed boundaries. Said election shall be conducted after the manner of general elections in this State; return to be made to the County Commissioners, who shall appoint three managers to conduct the said election. Upon the ballots to be used shall be written the words 'Fence' or 'No Fence;' and if it shall appear upon counting the same that two-thirds majority of the said ballots are for 'Fence,' then the provisions of this amendment shall be effected and go into operation."

To be determined by election.

Notice of election.

Time and place.

Regulations.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF GREENVILLE COUNTY TO DRAIN REEDY RIVER IN SAID COUNTY. No. 351.

SECTION 1. *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 same, That the County Commissioners of the County of Greenville are authorized and empowered, on the petition of two-thirds of the land owners up and down the Reedy River, in Greenville County, for a distance of ten miles from the city of Greenville, the beginning point being the foot bridge across Reedy River, on River street, in said city, to drain the lands upon such river. The County Commissioners of Greenville County shall, upon said petition being filed, hear the testimony adduced, and if in their

On petition of two-thirds of land owners.

County Commissioners to hear testimony and determine.

A. D. 1889.

judgment practicable, they are empowered to make contracts for the drainage of such part of said river in the corporate limits of and from the city of Greenville up said river to such point as they may determine upon, and to impose the proper assessment upon the various properties benefited by the same, and the party owning the same, and the said assessment shall have the force of a legal judgment and be a lien upon said properties, and said judgment to be enforced as judgments in the Courts of Common Pleas are now enforced: *Provided*, That should any party feel aggrieved by the decision of the County Commissioners in the premises, it shall be lawful for him or them to appeal to the Court of Common Pleas for the said County.

Assessment on property benefited.

Right of appeal.

Approved December 23d, A. D. 1889.

No. 352. AN ACT TO AUTHORIZE AND EMPOWER THE CITY COUNCIL OF THE CITY OF GREENVILLE TO ISSUE BONDS FOR THE PURPOSE OF PAYING FOR ERECTING AND BUILDING AN IRON BRIDGE ACROSS REEDY RIVER WITHIN THE INCORPORATE LIMITS OF SAID CITY, AND TO PROVIDE FOR THE INTEREST ACCRUING THEREON AND THE PRINCIPAL.

SECTION 1. *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 same, That the City Council of the city of Greenville shall have power, and they are hereby authorized and empowered, to issue bonds of said city to the amount of twelve thousand dollars, for the purpose of erecting, building and paying for an iron bridge across Reedy River within the corporate limits of said city; said bonds to be issued in such denomination as said City Council may deem best, and to be payable from five to fifteen years after the date of the issue thereof, at the discretion of said City Council, with interest payable semi-annually at the rate of not exceeding seven per centum per annum, and the coupons for said interest when due to be receivable in payment of all taxes levied by or due to said city.

Bonds to be issued.

Limit.

To build iron bridge over Reedy River.

Description of bonds.

Coupons receivable for taxes.

SEC. 2. That the said City Council shall semi-annually, at such times as they may fix and determine, pay the interest due on said bonds; and for this purpose the said City Council, in ad-

Interest to be paid semi-annually.

dition to the powers already conferred, shall be authorized and required annually to levy such tax upon the real and personal property assessed for taxation in said city as may be deemed necessary to pay the interest of the said bonds which may become due in each and every year, and the principal of said bonds when they become due. A. D. 1889. Tax to pay interest and principal.

SEC. 3. That this Act shall take effect from and after its approval.

Approved December 24th, A. D. 1889.

AN ACT TO AUTHORIZE AND EMPOWER THE CITY COUNCIL OF THE CITY OF GREENVILLE TO ISSUE COUPON BONDS FOR THE PURPOSE OF REFUNDING THE INDEBTEDNESS OF SAID CITY, FALLING DUE IN 1891, UPON BONDS ISSUED IN AID OF THE ATLANTA AND RICHMOND AIR LINE RAILWAY COMPANY. No. 353.

SECTION 1. *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 same, That for the purpose of refunding the indebtedness of the city of Greenville upon bonds issued in aid of the Atlanta and Richmond Air Line Railway Company, which bonds fall due in 1891, the said City Council of the city of Greenville be, and they are hereby, authorized and empowered to issue coupon bonds to an amount not exceeding twelve thousand five hundred dollars, said bonds to bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually on the first days of January and July of each year, and to be made payable in from five to twenty years from the date of the same, at the discretion of the said City Council.. Bonds to be issued. Amount and description.

Approved December 24th, A. D. 1889.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO CHARGE A TAX NOT EXCEEDING ONE THOUSAND DOLLARS FOR EACH LICENSE FOR THE SALE OF SPIRITUOUS LIQUORS IN SAID CITY. No. 354.

SECTION 1. *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 same, That

A. D. 1889. the City Council of Greenville be, and hereby is, authorized and empowered to fix and require the payment of such sum or sums of money as in the judgment of said City Council is proper, not exceeding one thousand dollars per annum, for each license to any person or firm engaged, or intending to engage, in the business of wholesale or retail liquor dealer in said city.

Liquor license tax.

Ordinances. SEC. 2. That the said City Council is hereby authorized and empowered to pass any and all such ordinances as are necessary to carry into effect the intent and purposes of this Act.

When to take effect. SEC. 3. That this Act shall take effect immediately after the date of its passage.

Approved December 7th, A. D. 1889.

No. 355. A JOINT RESOLUTION TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO SELL ONE OR MORE SHARES OF STOCK OWNED BY THE CITY OF GREENVILLE IN THE PORT ROYAL AND WESTERN RAILROAD COMPANY.

SECTION 1. *Be it resolved* 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 same, That the City Council of the city of Greenville be, and they are hereby, authorized and empowered to sell one or more shares of the stock now owned by the said city of Greenville in the Port Royal and Western Carolina Railroad Company.

Sale of stock authorized.

Approved December 24th, A. D. 1889.

No. 356. AN ACT TO INCORPORATE THE TOWN OF SIMPSONVILLE, IN GREENVILLE COUNTY.

SECTION 1. *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 same, That all citizens of the United States who now are or hereafter may be inhabitants of the town of Simpsonville, in Greenville

Incorporation.

County, shall be deemed, and are hereby declared to be, a body politic and corporate; and that said town shall be known by the name of Simpsonville, and the limits shall extend one-half a mile in every direction from the depot of the Greenville and Laurens Railroad, so that the limits shall form a circle. A. D. 1889. Name and limits.

SEC. 2. Said town of Simpsonville shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885. Rights and limitations. 19 Stat., 174.

SEC. 3. That this Act shall be deemed a public Act, and shall continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly next thereafter. Public Act. Duration.

SEC. 4. No license for the sale of spirituous or malt liquors, wines, bitters, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Simpsonville, in the County of Greenville. Sale of liquors prohibited.

SEC. 5. This Act shall take effect immediately on its approval. When to take effect.

Approved December 7th, A. D. 1889.

AN ACT TO PROVIDE FOR THE HOLDING OF AN ELECTION IN THE TOWN OF GREER'S, IN GREENVILLE COUNTY, AND GRANTING CERTAIN POWERS TO THE OFFICERS ELECTED. No. 357.

Whereas the time fixed by the charter of the town of Greer's for the election of an Intendant and Wardens of said town has passed and no election been held, doubts being entertained as to the authority of the last Council of said town to order or to fix a day for said election: now, therefore, Preamble.

SECTION 1. *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 same, That an election be held in said town of Greer's on the first Tuesday in February, A. D. 1890, for an Intendant and Wardens of said town. Time of election.

SEC. 2. That said Intendant and Wardens, when so elected, shall hold office for the term of one year, and an election shall Term of office.

A. D. 1889. be held on the first Tuesday in February in each and every year thereafter for an Intendant and Wardens of said town.

Subsequent elections.

Managers—their powers and duties.

SEC. 3. That in the first election to be held under this Act, W. C. Stewart, C. Pennington and W. F. Cunningham be, and they are hereby, appointed the managers, who shall count all the votes cast and declare the result of the election.

Repealing clause.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act be repealed, and this Act shall take effect from its approval.

Approved December 23d, A. D. 1889.

No. 358. AN ACT TO AMEND AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPTON COUNTY TO OPEN AND CONSTRUCT A PUBLIC HIGHWAY ACROSS COOSAWHATCHIE SWAMP.

SECTION 1. *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 same, That

A. A. 1885, 19 Stat., 188, amended.

an Act to authorize the County Commissioners of Hampton County to open and construct a public highway across Coosawhatchie Swamp be, and the same is hereby, amended by adding an additional Section, to be known as Section 2. So that said Act as amended shall read as follows:

To construct road and bridge at Possum Corner Ford.

SECTION 1. That the County Commissioners of Hampton County be, and they are hereby, authorized and required to open and construct a public road across Coosawhatchie Swamp, at or near the point known as 'Possum Corner Ford, and for this purpose are authorized to call out such persons as are liable by law

Payment therefor.

to work on public highways; and further, to expend such a sum of money as in their judgment is necessary to complete the road

Time for completing work.

and any bridge thereon: *Provided*, That if in the judgment of the Commissioners the road cannot with proper economy be completed in one fiscal year the work and expenditure of money therefor may be extended into the next fiscal year.

Application of moneys on hand

SEC. 2. That the money now in the hands of the County Treasurer of Hampton County arising from the tax levies made in pursuance of law to open and construct a public highway across Coosawhatchie Swamp, at or near Opossum Corner Ford, be, and the same are hereby, directed to be applied by the County

Commissioners to ordinary County expenses for the fiscal year commencing November 1st, 1889, and that the same shall be replaced in the County treasury to be applied to the construction of the said highway out of the tax levy for County expenses for the said fiscal year when the same shall have been collected. A. D. 1889. Refunding of same.

SEC. 3. That this Act shall take effect from its passage. When to take effect.

Approved December 23d, A. D. 1889.

AN ACT TO REGULATE THE SALARY AND APPOINTMENT OF TRIAL JUSTICES AND CONSTABLES IN HAMPTON AND UNION COUNTIES. No. 359.

SECTION 1. *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 same, That the eight Trial Justices now appointed for Hampton County shall each receive a salary of one hundred dollars per annum. Salary of Trial Justices in Hampton. Each of the Trial Justices now appointed shall be authorized and empowered to appoint and employ a person to act as Constable, who shall receive as compensation for his services the same amount as that received by the Trial Justice making such appointment. Constables and their pay. The salaries of said Trial Justices and Constables shall be paid quarterly by the County Treasurer in equal installments, upon the warrant of the County Commissioners, and shall be in lieu of all costs and fees in criminal cases. To be paid quarterly. In lieu of costs. The costs and fees to which said Trial Justices and Constables would have been entitled but for the provisions of this Act shall be collected and paid over to the County Treasurer of said County, together with all fines collected. Fees to be paid over to County Treasurer. And each of said Trial Justices shall, at least ten days prior to each term of the Court of General Sessions for the County wherein he resides, make out and file with the Clerk of said Court a certified transcript of his criminal docket, which shall show the amount of fees, costs and fines imposed, and the amount collected thereon. Transcript of docket to be filed.

SEC. 2. That if any Trial Justice or his Constable shall receive any compensation for discontinuing or compromising any criminal case, it shall be deemed sufficient cause for forfeiture of his office, and if any such charge should be substantiated the Governor shall at once remove him and appoint a successor. Forfeiture of office.

A. D. 1889.

Appointments by the Governor

Salaries of six Trial Justices of Hampton.

Constables and their pay.

Payment of salaries.

Bond by Constables.

SEC. 3. That during the session of the Legislature in the year 1890 the Governor shall appoint, by and with the advice and consent of the Senate, six Trial Justices for Hampton County, one for each township, who shall reside therein. The salaries of the six Trial Justices when appointed shall be as follows: For Coosawhatchie Township, one hundred dollars; for Goethe Township, one hundred and twenty-five dollars; for Lawton Township, one hundred and fifty dollars; for Peeples Township, one hundred and fifty dollars; for Pocataligo Township, one hundred dollars; for Robert Township, one hundred and twenty-five dollars. Each of the Trial Justices so appointed shall be authorized and empowered to appoint and employ a person to act as Constable, who shall receive as compensation for his services the same amount as that received by the Trial Justice making such appointment; the salaries of said Trial Justices and Constables to be paid in the same manner as is provided for in the first Section of this Act. And each of said Trial Justices and Constables shall enter into bond in the penal sum of two hundred and fifty dollars, with security to be approved by the County Commissioners of Hampton County.

Salary of Trial Justices in Union.

When payable.

Costs to be paid over to County Treasurer.

SEC. 4. That from and after the passage of this Act, the two Trial Justices appointed for Union Township, in Union County, shall each receive a salary of fifty dollars per annum, and the Trial Justices for the other townships of the County shall each receive a salary of thirty-five dollars per annum, in lieu of all services rendered the County and State in criminal cases, payable quarterly by the County Treasurer out of the County funds; and all costs taxed and received in criminal cases in the Courts of Trial Justice shall be paid over to the Treasurer of the County.

Constables in Union and their pay.

Fees to Sheriff.

SEC. 5. That the Trial Justices for Union Township shall receive together, in addition to said salary, the sum of eighty dollars, payable quarterly, to be used in compensating the person appointed by them as Constable; and the other Trial Justices of the County each receive the sum of forty dollars to be used in compensating such person as shall be appointed by them respectively as Constable: *Provided*, That in criminal prosecutions cognizable by the Court of General Sessions the Sheriff of the County may be authorized to serve process, and he shall receive therefor the same fees as are now, or hereafter may be, allowed by law for such purpose.

Repealing clause.

SEC. 6. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 7. That this Act shall go into effect from the date of its approval. A. D. 1889. When to take effect.

Approved December 23d, A. D. 1889.

NOTE.—For Act relating to Trial Justices on line of Beaufort and Hampton Counties, see ante No. 292, page 465.—EDITOR.

AN ACT TO PRESCRIBE AND FIX THE SALARY OF THE CLERK OF THE COURT OF GENERAL SESSIONS FOR THE COUNTY OF HORRY. No. 360.

SECTION 1. *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 same, That from and after the first day of January, eighteen hundred and ninety, the Clerk of the Court of General Sessions for the County of Horry shall receive an annual salary of three hundred dollars in lieu of all fees and costs in criminal cases, which salary shall be paid to him quarterly, and the County Commissioners of said County shall issue their warrant on the County Treasurer of said County every three months for said salary. Salary in lieu of costs. When and how paid.

SEC. 2. That all fees or costs collected by said Clerk in criminal cases shall be paid into the County treasury. Fees to be turned over.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed. Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO FURTHER REGULATE THE SALE OF DOMESTIC WINES IN MARLBORO, MARION AND HORRY COUNTIES, IN THIS STATE. No. 361.

SECTION 1. *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 same, That from and after the passage of this Act it shall be unlawful for any person or persons in the Counties of Marlboro, Marion or Horry of this State to sell, trade or barter, without license, any Wines to be sold only on premises.

A. D. 1889.

domestic wines, except on the premises where such wines are manufactured from grapes or berries grown in this State, and then and there only in bottles, casks or demijohns, containing each not less than one quart, and each bearing a label containing the name of the person or persons manufacturing and the person or persons selling the same, and each of said packages or vessels then and there to be delivered up sealed to the purchaser with the contents, and not opened on the premises, and the contents shall not be there distributed, treated out or retailed, or the vessel or label returned to the seller.

In labeled vessels holding a quart or more.

And sealed.

Not to be opened on premises.

Penalty for violations.

SEC. 2. That any person or persons who shall violate the provisions of Section 1 of this Act, either as to the selling of domestic wine, or as to the opening any package or vessel, and retailing or distributing the contents thereof on the premises where sold, or as to returning the vessel or label to the seller, shall, upon conviction, be deemed guilty of a misdemeanor, and subject to a fine of not more than one hundred dollars, and to imprisonment for not exceeding thirty days, either or both, in the discretion of the Court.

Repealing clause.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed, in so far as they affect the provisions of this Act.

Approved December 23d, A. D. 1889.

No. 362. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A MORE EFFICIENT SYSTEM OF WORKING THE PUBLIC ROADS IN LAURENS, ANDERSON, EDGEFIELD, LEXINGTON, MARLBORO, RICHLAND, ABBEVILLE AND NEWBERRY COUNTIES," APPROVED DECEMBER 22D, 1888, SO AS TO INCLUDE HORRY AND UNION COUNTIES, AND PROVIDE FOR COMMUTATION FOR ROAD WORK THEREIN.

SECTION 1. *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 same, That Section one (1st) of an Act entitled "An Act to provide a more efficient system of working the public roads in Laurens, Anderson, Edgefield, Lexington, Marlboro, Richland, Abbeville and Newberry Counties," approved December 22d, 1888, be amended

A. A. 1888, ante p. 93, amended.

by inserting the word "Horry," Union, after the word Abbeville and before the word "and" in the fifth line of said Section one (first), so that said Section when so amended shall read as follows:

A. D. 1889.

To include Horry and Union.

SECTION 1. *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 same, That the County Commissioners of Laurens, Anderson, Edgefield, Lexington, Marlboro, Richland, Abbeville, Horry, Union and Newberry Counties be, and they are hereby, authorized and required to divide the public roads of said Counties into highway districts of such size as they may deem advantageous, and appoint an overseer for each district, and assign such hands to each district as they may see proper, having regard to the importance of the road and the residence of the hands so assigned.

Section 1 as amended.

Roads to be divided into highway districts.

Overseer and hands.

SEC. 2. That Section eight (8th) of said Act be amended by inserting in the fifth line of said Section eight after the word "annum" and after the comma, and before the word "and," the following: "And except in Horry County, where it shall be two dollars per annum." So that said Section when so amended shall read as follows:

Section 8 amended as to Horry.

SECTION 8. Any hand in said Counties may compound for his work by paying to the overseer, and taking his receipt in writing therefor, the sum of six dollars, except in Edgefield, Richland and Abbeville Counties, where it shall be five dollars per annum, and except in Horry County, where it shall be two dollars per annum, and all sums so received shall be returned by such overseer to the County Commissioners at their next meeting thereafter, with a list of the persons paying the same.

Commutation tax.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE BURROUGHS SCHOOL, OF CONWAY, HORRY COUNTY, SOUTH CAROLINA, AND TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN ONE MILE THEREOF. No. 363.

SECTION 1. *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 same, That F. G. Burroughs, B. G. Collins, E. Norton, J. A. Mayo and C.

Incorporation.

A. D. 1889. P. Quattlebaum, and their associates and successors, be, and they are hereby, created a body corporate, by the name and style

Name. of the Trustees of Burroughs School, a seminary of learning, situated at Conway, Horry County, South Carolina; and that

Powers. said corporation, by the name aforesaid, shall have power to sue, and be liable to be sued, in any of the Courts of this State, to use a common seal, and to make all such by-laws, rules and regulations as it may deem necessary and proper for the establishment, organization and government of such seminary of learning and the transaction of the business of such corporation: *Provided, however*, Such by-laws, rules and regulations be not inconsistent with or repugnant to the laws of the land.

Property rights. SEC. 2. That the said corporation shall have power to purchase, acquire, hold, to sell and convey, property, real and personal; and also shall have power and authority to confer the

Degrees. degrees of Bachelor of Elements and Master of Elements.

Sale of liquor within one mile prohibited. SEC. 3. That the sale or barter of spirituous liquors, wine, beer, or other intoxicating drink or beverage of any kind, in any quantity whatever, be, and the same is hereby, expressly prohibited within a radius of one mile from said school; that no license, from any authority whatever, shall warrant such sale;

Penalties. and whosoever shall be found guilty of a violation of this Act shall be punished the same as if convicted of retailing liquors without a license in this State.

Public Act. SEC. 4. This Act shall be deemed a public Act, and shall con-

Duration. tinue in force until repealed.

Approved December 23d, A. D. 1889.

No. 364. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF PUBLIC SCHOOLS IN SCHOOL DISTRICT NO. 11, KNOWN AS SOCCASTEE, IN HORRY COUNTY, AND TO AUTHORIZE THE LEVY AND COLLECTION OF A LOCAL TAX THEREIN."

SECTION 1. *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 same, That

A. A. 1887, 19 Stat., 1089, repealed. an Act entitled "An Act to provide for the establishment and maintenance of public schools in School District No. 11, known

as Soccastee, in Horry County, and to authorize the levy and collection of a local tax therein," ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and eighty-seven, be, and the same is hereby, repealed. A. D. 1889.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act are hereby repealed. Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO CHARTER A PUBLIC FERRY AT WORTHAM'S LANDING ON THE WACCAMAW RIVER, IN HORRY COUNTY, AND TO FIX THE RATE OF TOLLS THEREAT. No. 365.

SECTION 1. *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 same, That a public ferry over and across Waccamaw River, in Horry County, at a point known as Wortham's Landing, be, and the same is hereby, chartered and vested in R. D. Best, his heirs and assigns, who shall be allowed the following ferriage or rates of toll, to wit: For single horse and rider, ten cents; for single horse cart, fifteen cents; for single horse and buggy, twenty-five cents; for two horses and vehicle, forty cents; for four horses and vehicle, fifty cents. That the rates of ferriage not herein provided for shall be the same as now fixed by General Statutes, Section 1147. Ferry established. Vested in R. D. Best. Rates of toll.

SEC. 2. That the charter shall remain in force for fourteen years. Duration.

Approved December 23d, A. D. 1889.

NOTE.—For Joint Resolution relating to payment of a school claim in Horry County, see ante No. 345, page 523.—EDITOR.

AN ACT TO INCORPORATE THE TOWN OF WESTVILLE, IN KERSHAW COUNTY. No. 366.

SECTION 1. *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 same, That from and after the passage of this Act all citizens of this State

A. D. 1889.

who have resided sixty days in the town of Westville shall be deemed, and are hereby declared a body politic and corporate, and the said town shall be called and known by the name of Westville, and its corporate limits shall extend one-half mile North, East, South and West from the public well at the intersection of Main and Mill streets, so that said town shall be one mile square.

Incorporation.

Name and limits.

Rights and limitations.

SEC. 2. That the said town of Westville shall have all the rights, powers and privileges, and be subject to all the provisions and limitations, enumerated and contained in an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, 1885.

19 Stat., 174.

Public Act.

Duration.

SEC. 3. This Act shall be deemed a public Act, and shall continue in force until amended or repealed.

Approved December 23d, A. D. 1889.

No. 367. AN ACT TO AUTHORIZE AND EMPOWER THE TOWN COUNCIL OF CAMDEN TO ISSUE AND DISPOSE OF BONDS FOR THE REDEMPTION OF BONDS OF SAID TOWN ISSUED UNDER ACT OF THE GENERAL ASSEMBLY APPROVED DECEMBER 24TH, A. D. 1884.

SECTION 1. *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 same, That the Town Council of the town of Camden, in said State, be, and they are hereby, authorized and empowered to issue and dispose of negotiable bonds of the said town to an amount sufficient to take up and redeem all bonds of said town issued under authority of an Act of the General Assembly of this State entitled "An Act to authorize and empower the Town Council of Camden, S. C., to issue and dispose of bonds of the said town to provide for building a new town hall," approved December 24th, 1884.

Issue of new bonds.

To redeem old bonds.

18 Stat., 818.

Amount.

Denomination.

Interest.

SEC. 2. That said bonds shall not exceed in amount the amount authorized by said Act; shall be in denominations ranging from one hundred to one thousand dollars, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and

to become payable in ten years from the issuance thereof, on the fifteenth day of March of any year designated therein; said bonds, or their proceeds, to be applied to the redemption of bonds issued under said Act of December 24th, A. D. 1884, as the same, or any of them, shall fall due. A. D. 1889. When payable.

SEC. 3. That said Town Council are hereby authorized and empowered to levy an annual tax on all the taxable property of said town, not exceeding five mills upon the assessed value thereof, if the same be necessary, to provide for the payment of the principal and interest of said bonds, as the same may fall due. Annual tax. Limit. To pay principal and interest.

Approved December 23d, A. D. 1889.

AN ACT TO CONSTITUTE THE TOWN OF KERSHAW A SEPARATE SCHOOL DISTRICT, AND TO AUTHORIZE THE LEVY AND COLLECTION OF A SPECIAL TAX THEREIN FOR THE PURPOSE OF MAINTAINING ONE OR MORE GRADED PUBLIC SCHOOLS IN SAID TOWN. No. 368.

SECTION 1. *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 same, That for the purpose of maintaining one or more graded public schools in the town of Kershaw, in this State, the said town of Kershaw be, and the same is hereby, constituted and declared to be a separate school district, to be known as the School District of Kershaw. School District established. Name.

SEC. 2. That the Board of School Trustees for said separate school district shall consist of three members, two of whom shall be appointed by the Board of Examiners for Lancaster County and one by the Board of Examiners for Kershaw County, who shall at any time previous to the 30th day of June in each year, upon the written request of a majority of the freeholders residing in said town, issue a call for a meeting, after two weeks' notice, of all those citizens who return for taxation real or personal property in said district. Such notice shall specify the time and place of meeting, and be published in one or more newspapers published in the town, or be posted in four conspicuous places therein. Board of Trustees. Meeting of taxpayers. Notice of meeting.

A. D. 1889.

Powers of meeting.

SEC. 3. That the persons entitled to vote in said meeting shall have power: First. To appoint a Chairman and Secretary. Second. To adjourn from time to time. Third. To levy on all real and personal property in said district returned for taxation

Levy tax.

a tax not exceeding three (3) mills on the dollar, if, by a vote of a majority of the citizens assembled at such meeting, it shall be deemed expedient to levy said tax, in addition to the amount of the Constitutional school tax apportioned to the use of the

Voters.

schools in said district. Only those persons shall vote at such meetings who are citizens of this State and return for taxation

Tax not to be repealed.

real or personal property in said district, and no tax thus levied shall be repealed at any subsequent meeting.

Notice to Auditors.

SEC. 4. It shall be the duty of the Chairman of such meeting to notify the County Auditors of Kershaw and Lancaster Coun-

Who shall assess tax.

ties, within one week, of the tax so levied, and said Auditors shall thereupon proceed to assess such tax on all real and personal property returned in said district for taxation that may be situated in their respective Counties.

County Treasurers to collect.

SEC. 5. That the County Treasurers for Kershaw and Lancaster Counties shall collect said tax at the time of collecting

Lien.

the State and County taxes, and it shall be a lien upon all property returned in said district for taxation until paid, as is provided for in the case of State and County taxes; and the

Payments.

proceeds arising from said tax shall be paid out by said County Treasurers on warrants from the School Trustees of said district, countersigned by the County School Commissioner of Kershaw or Lancaster County as the case may be, and said

Penalties.

officers shall be liable to all penalties prescribed by law for non-performance of duty.

Compensation to Auditors.

SEC. 6. That the County Auditor of Lancaster County shall receive the sum of twenty-five ($25) dollars and the County Auditor of Kershaw County the sum of fifteen ($15) dollars for his services in assessing the tax that may be levied under the provisions hereof, the same to be paid out of the funds so levied and collected.

Repealing clause.

SEC. 7. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND "AN ACT TO PROVIDE A MORE EFFICIENT SYSTEM OF WORKING THE PUBLIC ROADS IN KERSHAW AND LANCASTER COUNTIES." A. D. 1889. No. 369.

SECTION 1. *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 same, That Section 7 of an Act entitled "An Act to provide a more efficient system of working the public roads in Kershaw and Lancaster Counties" be, and the same is hereby, amended by striking out all after the words "shall be" on the third line, and inserting in lieu thereof "expended by such overseer on the road to which such hand belongs in hiring other labor on said road, and shall make a monthly return under oath to the County Commissioners, showing of whom received and how expended, and any amount not expended as directed above shall be returned for the permanent road fund." So that said Section as amended shall read as follows: A. A. 1888, ante p. 187, amended.

SECTION 7. Any hand may compound for his work by paying to the overseer, and taking his receipt in writing therefor, the sum of fifty cents for each day actually worked, which sum shall be expended by such overseer on the road to which said hand belongs in hiring other labor on said road, and shall make a monthly return under oath to the County Commissioners, showing of whom received and how expended, and any amount not expended as above directed shall be returned for the permanent road fund. Compounding for work. Returns by Overseers.

SEC. 2. That Section eight of said Act be also amended by striking out the word "shall" on the first line, and inserting in lieu thereof the word "may." So that said Section as amended shall read: Section 8 amended.

SECTION 8. The County Commissioners of the said Counties may pay to the overseer so appointed, out of the tax annually levied and collected for County expenses, as compensation for his work, a sum not to exceed one and one-half dollars per day for each and every day so employed, said compensation to be paid by the County Commissioners after the work has been done by said overseer: *Provided*, That said overseer shall not be exempt from road duty by reason of his service as such overseer. Compensation to Overseer. Overseer liable to road duty.

SEC. 3. That said Act be also amended by adding the following, to be known as Section nine thereof: Additional Section.

SECTION 9. The provisions of existing laws relating to the working of highways shall remain of force in the said County, except so far as they are modified by the provisions of this Act. Other laws to remain of force.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 370.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE A MORE EFFICIENT SYSTEM OF WORKING THE PUBLIC ROADS IN KERSHAW AND LANCASTER COUNTIES," SO FAR AS THE SAME RELATES TO LANCASTER COUNTY.*

SECTION 1. *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 same, That an Act entitled "An Act to provide a more efficient system of working the public roads in Kershaw and Lancaster Counties" be, and the same is hereby, repealed, in so far as said Act relates to the County of Lancaster.

A. A. 1888, ante p. 187, repealed.

Approved December 23d, A. D. 1889.

No. 371. A JOINT RESOLUTION TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF LANCASTER COUNTY TO USE AN UNEXPENDED BALANCE OF FIFTEEN HUNDRED AND THIRTY-THREE AND 56-100 DOLLARS, NOW IN THE HANDS OF THE TREASURER, FOR ORDINARY COUNTY PURPOSES.

SECTION 1. *Be it resolved* 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 same, That the County Commissioners of Lancaster County be, and they are hereby, authorized and empowered to apply an unexpended balance of fifteen hundred and thirty-three and 56-100 dollars, now in the hands of the County Treasurer, and arising from the railroad tax, and dividends paid to said County on stock of the Chester and Cheraw Railroad Company, to the ordinary expenses of said County. And the County Treasurer of Lancaster County is hereby authorized and directed to pay out said unexpended balance upon the warrant of the County Commissioners.

Appropriation of unexpended balance.

County Treasurer to pay out.

Approved December 23d, A. D. 1889.

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*See next previous Act, No. 369, page 545, of one day later date.—EDITOR.

AN ACT TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF LANCASTER, AND REDUCE ALL ACTS AND PARTS OF ACTS IN RELATION THERETO INTO ONE ACT," APPROVED MARCH 12TH, 1878, A. D.

A. D. 1889.
No. 372.

SECTION 1. *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 same, That Section 2 of an Act entitled "An Act to alter and amend the charter of the town of Lancaster, and reduce all Acts and parts of Acts in relation thereto into one Act," approved March 12th, 1878, A. D., be, and the same is hereby, amended so that said Section shall hereafter read as follows:

A. A. 1878, § 2, 16 Stat., 472, amended.

SECTION 2. That the said town shall be governed by an Intendant and four Wardens, who shall be citizens of this State and residents of said town for sixty days and of the State twelve months immediately preceding their election, who shall hold their respective offices for the term of two years from the date of their election, and who shall be elected biennially on the second Monday in December, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one years, citizens of the State and who have resided in the said town sixty days and in the State twelve months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens, paupers and persons under disabilities for crime excepted: *Provided*, That the first election after the passage of this Act shall be held on the second Monday in April, 1890, A. D., and that the Intendant and Wardens thus elected shall hold their respective offices until their successors, who shall be elected on the second Monday in December, 1891, A. D., shall qualify and enter upon the discharge of their duties.

Intendant and Wardens.

Term of office.

Elections.

Electors.

Next election.

Term.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

NOTE.—For Act chartering Peay's Ferry, partly in Lancaster County, see ante No. 340, page 516.—EDITOR.

A. D. 1889.

No. 373.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LAURENS COUNTY TO USE THE SINKING FUND IN THE PAYMENT OF PAST INDEBTEDNESS AND CURRENT EXPENSES.

SECTION 1. *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 same, That the County Commissioners of Laurens County are authorized and empowered to use certain funds heretofore collected as the railroad tax and known as the Sinking Fund, in payment of the past indebtedness and current expenses of said County.

Appropriation of sinking fund.

Approved December 23d, A. D. 1889.

No. 374. AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LAURENS COUNTY TO ISSUE COUPON BONDS FOR THE PURPOSE OF REFUNDING THE INDEBTEDNESS OF SAID COUNTY, FALLING DUE IN JANUARY, 1890, UPON BONDS ISSUED IN AID OF THE GREENVILLE AND LAURENS RAILWAY COMPANY, OR TO BORROW MONEY TO PAY OFF THE SAME.

SECTION 1. *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 same, That for the purpose of refunding the indebtedness of the County of Laurens upon bonds issued in aid of the Greenville and Laurens Railway Company, which bonds fall due in January, 1890, the Board of County Commissioners of the County of Laurens be, and they are hereby, authorized and empowered to issue coupon bonds to an amount not exceeding the amount of said bonds falling due in January, 1890, now outstanding, said bonds to bear interest at a rate not exceeding seven per cent. per annum, payable annually on the first day of January of each and every year, to bear date from the first day of January, 1890, and to be made payable thirty years from the date of the same.

New bonds to refund old.

Amount.

Interest.

When payable.

SEC. 2. That should the Board of County Commissioners of Laurens County deem it advisable and to the interest of said County to borrow money and pay off said indebtedness or any part of it and not issue bonds as aforesaid, that then they be,

Loans authorized.

and are hereby, authorized and empowered to borrow such sum or sums of money as may be necessary for that purpose and to execute the obligations of the County therefor. A. D. 1889.

Approved December 23d, A. D. 1889.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LEXINGTON COUNTY AND THE CITY COUNCIL OF THE CITY OF COLUMBIA TO PURCHASE THE TWO BRIDGES KNOWN AS THE BROAD RIVER BRIDGE AND CONGAREE BRIDGE, NEAR THE CITY OF COLUMBIA, OR TO ERECT OTHER BRIDGES ACROSS THE CONGAREE AND BROAD RIVERS. No. 375.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met, sitting in General Assembly, and by the authority of the same, That the County Commissioners for the County of Lexington and the City Council of the city of Columbia be, and they are hereby, authorized to contract provisionally for the purchase of either or both of the two bridges near the city of Columbia, the one across Broad River, known as the Broad River Bridge, and the other across the Congaree River, known as the Congaree Bridge, to be paid for, in such proportions as are hereinafter specified, by the city of Columbia and Lexington County, as may be voted therefor under the provisions of this Act: *Provided,* That the price to be paid for both of said bridges shall not exceed in the aggregate the sum of fifty thousand dollars: *And provided, further,* That in case both of said bridges cannot be purchased for said sum, said County Commissioners and the City Council may contract provisionally for the erection of other bridges across one or both of said streams, not to exceed in cost said sum of fifty thousand dollars.

Provisional contract for purchase of bridges

To be paid for by Columbia and Lexington.

Limit to price.

Erection of new bridges.

SEC. 2. That before such contract shall become binding the County Commissioners of the County of Lexington shall submit to the qualified voters of said County, which is hereby created a body politic and corporate for the purposes of this Act, the question of purchasing said bridges and of issuing bonds of said County to an amount equal to one-third of the price agreed to be paid for said bridges, which said one-third shall be apportioned

To be voted on by Lexington County.

Lexington to pay one-third.

A. D. 1889.

Apportioned among the townships.

among the townships in said County as follows: to Fork Township, 14-100; to Congaree Township, 14-100; to Lexington Township, 11-100; to Sandy Run Township, 11-100; to Platt Springs Township, 10-100; to Bull Swamp Township, 8-100; to Saluda Township, 6-100; to Broad River Township, 6-100; to Boiling Springs Township, 6-100; to Hollow Creek Township, 5-100; to Gilbert Hollow Township, 5-100; to Chinquapin Township, 2-100; to Black Creek Township, 2-100; and the City Council of the city of Columbia shall likewise submit the question of purchasing said bridges or either of them and of issuing bonds of the said city to an amount equal to two-thirds of the price agreed to be paid for said bridges or either of them, to the qualified voters of said city: *Provided*, Four-fifths of the actual resident male freeholders of the city of Columbia, to be ascertained from the books of the Auditor of Richland County, shall first petition said Council to call such election, and the said City Council shall determine whether four-fifths of the resident male freeholders of the city have signed the said petition; and the said County Commissioners of the County of Lexington and the City Council of the city of Columbia shall respectively order elections to be held in the said city of Columbia and County of Lexington specifying the time and purpose of the election, which shall be held at the usual voting precincts for the respective city and County, and they shall respectively, for the said County and city, appoint their managers for every election precinct, who shall, without compensation, hold and conduct said elections, at which election the ballots shall have written or printed thereon either the words "for bridges" or the words "against bridges." Notice of the election in the city of Columbia shall be published in one newspaper published in the city of Columbia for one month prior to such election, and notices of the election to be held in the County of Lexington shall be published for the same period in one newspaper published in said County, in all of which notices the amount to be paid for said bridges shall be stated, and the amount to be subscribed by the said city of Columbia and County of Lexington; at such election registration of voters shall not be required, but such voters shall possess all other qualifications now required by law for voters at general elections. It shall be the duty of the managers in the County of Lexington to count the votes at their respective precincts and make their return to the County Commissioners, who shall receive and tabulate the same and declare the result, which result shall be certified to as correct by said County Commissioners and filed in their

And by City of Columbia for two-thirds.

If election be asked for by four-fifths of freeholders.

Order for elections.

Managers and their duties.

Form of ballots.

Notice of election.

Contents of notice.

Who may vote.

Declaration of result.

A. D. 1889.

office; and it shall be the duty of the managers appointed by the City Council of the city of Columbia to count the votes at their respective voting precincts in said city, and make their returns to the City Council, who shall receive and tabulate the same and declare the result, which shall be certified to as correct by said City Council and filed in their office. Contests in such elections shall be heard and determined by the Board of County Commissioners of Lexington County and the City Council of Columbia, respectively. In case a majority of the ballots cast at such elections in said city and County shall have the words "for bridges" written or printed thereon, said city and County shall be held to have voted in favor of the purchase or erection of said bridges; otherwise they shall be held to have voted against the same: *Provided,* That the vote so taken in the County of Lexington and city of Columbia shall be construed as applying only to the question of the purchase or erection of the said bridges if the city of Columbia shall vote in favor of two-thirds and the County of Lexington one-third of the amount agreed to be paid for either or both of said bridges according to the amounts specified, shall also vote in favor thereof, the contract so provisionally entered into shall be affirmed as to either or both of the said bridges accordingly as the vote may be; otherwise it shall be void.

Contests.

Result.

How far binding on city and County.

Affirmance of contract.

Issue of coupon bonds by Lexington.

SEC. 3. That in case such provisional contracts, or either of them, shall be affirmed as hereinbefore provided for, the County Commissioners for Lexington County shall execute in the name of said County coupon bonds, payable to bearer, maturing in twenty years, bearing interest at the rate of six per centum per annum, payable annually, to an amount equal to two-thirds of the price agreed to be paid for either or both of said bridges, accordingly as the contracts therefor may have been affirmed at said elections, as hereinbefore provided for. And the City Council of the city of Columbia shall in like manner execute the bonds of said city equal to two-thirds of the price agreed to be paid for either or both of said bridges, according as the contract therefor may have been affirmed at said elections as herein provided. The bonds issued by the City Council to be similar in form and maturity to those issued by the County of Lexington.

Description.

Issue of bonds by city of Columbia.

Description.

SEC. 4. That the County Commissioners for Lexington County shall annually levy a tax upon all taxable property within said County sufficient to pay the interest on the bonds so issued by them. And the City Council of the city of Columbia

Annual tax levy.

A. D. 1889.

shall annually levy a like tax upon all the taxable property within the city limits in whose name such bonds are issued sufficient to pay the interest on the bonds issued in the name of said city.

Free to all.

SEC. 5. That said bridges shall be opened for the free passage

To be kept in repair.

of all persons, and shall be maintained in good repair at the equal cost of said city of Columbia and Lexington County, but

Pledge of property.

they shall stand pledged as security for the payment of the principal and interest of the bonds issued for their purchase or erection respectively.

Approved December 24th, A. D. 1889.

No. 376. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF PEAK'S STATION, IN LEXINGTON COUNTY."

SECTION 1. *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 same, That

A. A. 1880, § 13, 17 Stat., 283, amended.

an Act entitled "An Act to incorporate the town of Peak's Station, in Lexington County," approved 19th February, 1880, be, and the same is hereby, amended by striking out Section thirteen, so that said Section, when amended, shall read as follows:

Liquor licenses prohibited.

SECTION 13. That no license for the sale of spirituous or malt liquors, wines, liquors, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Peak's Station, in Lexington County

Sale of liquors prohibited.

after the first day of January, 1890; and the sale of spirituous or intoxicating liquors, bitters, or other beverages of which spirituous liquors form an ingredient, within the corporate limits of said town is prohibited after said date.

Approved December 23d, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF CHAPIN, IN LEXINGTON COUNTY. A. D. 1889. No. 377.

SECTION 1. *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 same, That all citizens of the State who now are or hereafter may be inhabitants of the town of Chapin, in Lexington County, shall be deemed, and are hereby declared to be, a body politic and corporate; and that said town shall be known by the name of Chapin, and the limits shall extend three-quarters of a mile North, East and West from the residence of M. Chapin as a centre, so that the limits shall form a square. Incorporation. Name and limits.

SEC. 2. Said town of Chapin shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885. Rights and limitations. 19 Stat., 174.

SEC. 3. That this Act shall be a public Act, and shall continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter. Public Act. Duration.

SEC. 4. No license for the sale of spirituous or malt liquors, wines, bitters, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Chapin, in the County of Lexington. Liquor licenses prohibited.

SEC. 5. This Act shall take effect immediately on its approval. When to take effect.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF SPRING HILL, IN LEXINGTON COUNTY. No. 378.

SECTION 1. *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 same, That all citizens of this State who now are or hereafter may be inhabitants of the town of Spring Hill, in Lexington County, shall be deemed, and are hereby declared to be, a body politic and corporate, and that said town shall be known by the name of Spring Hill, and the limits shall extend one-half a mile North, South, East and West from the public road immedi- Incorporation. Name and limits.

A. D. 1889.

ately in front of the residence of W. S. Eleazer as a centre, so that the limits shall form a square.

Rights and limitations.

SEC. 2. Said town of Spring Hill shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled

19 Stat., 174.

"An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885.

Public Act.

SEC. 3. That this Act shall be a public Act, and shall con-

Duration.

tinue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter.

Liquor licenses prohibited.

SEC. 4. No license for the sale of spirituous or malt liquors, wines, bitters, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Spring Hill, in the County of Lexington.

When to take effect.

SEC. 5. This Act shall take effect immediately on its approval.

Approved December 24th, A. D. 1889.

No. 379. A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF THE COUNTY OF LEXINGTON TO DRAW THEIR WARRANTS IN FAVOR OF D. J. GRIFFITH AND LEWIE, DRAFTS & CO., AND TO AUTHORIZE AND REQUIRE THE COUNTY TREASURER OF SAID COUNTY TO PAY THE SAME.

SECTION 1. *Be it resolved* 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 same, That

Warrants to be drawn.

the County Commissioners of the County of Lexington are hereby authorized and required to draw their warrants in favor of D. J. Griffith and Lewie, Drafts & Co. for the following

D. J. Griffith for $83.25.

sums, to wit: In favor of D. J. Griffith for eighty-three dollars

Lewie, Drafts, & Co. for $8.

and twenty-five cents ($83.25), and in favor of Lewie, Drafts &

In full of certain claims.

Co. for eight dollars ($8.00.) The same to be in full payment of claims numbered 145, 177 and 179, and held by said D. J. Griffith, and in full payment of claim number 150 and held by

County Treasurer to pay.

said Lewie, Drafts & Co., and the County Treasurer is hereby authorized and required to pay said warrants.

Approved December 24th, A. D. 1889.

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*NOTE.—For Act exempting a certain section of Lexington County from the provisions of the General Stock Law, see ante No. 350, page 527.—EDITOR.

AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF MARION COUNTY TO EXPEND ANY BALANCE OF ANY FUNDS PAID IN COMMUTATION FOR OR TO COMPOUND FOR WORK ON ANY ROAD IN SAID COUNTY IN AND FOR BUILDING OR REPAIRING BRIDGES ON ANY OTHER ROADS IN THE SAME TOWNSHIP.

A. D. 1889. No. 380.

SECTION 1. *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 same, That the County Commissioners of Marion County be, and they are hereby, authorized to expend any balance of any funds heretofore or hereafter paid in commutation or to compound for work on any road in said County in and for building or repairing any bridges on any other roads in the same township.

Surplus of road fund.

Applied to bridges.

SEC. 2. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

NOTE.—For Act relating to salary and additional compensation to Auditor of Marion County, see ante No. 329, page 508.

For Act relating to sales of domestic wines in Marion County, see ante No. 361, page 537. —EDITOR.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF MARLBORO COUNTY TO BORROW TWO THOUSAND DOLLARS PER ANNUM FOR BRIDGES, AND TO EXPEND ANY BALANCE FOR OTHER COUNTY PURPOSES.

No. 381.

SECTION 1. *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 same, That the County Commissioners of Marlboro County be, and they are hereby, authorized and empowered for the present or for any succeeding fiscal year to borrow the sum of two thousand dollars, or any less sum, in any one year, to be expended by them in buying lumber for the building or repairing of any bridges in said County, and to expend any balance remaining over from said purposes in and towards any other County purposes according to their discretion: *Provided*, The said County Commissioners shall not pay more than seven per centum per annum for the money so borrowed.

Loans authorized.

Purposes.

Balances.

Rate of interest.

A. D. 1889.

Pledge of taxes.

SEC. 2. That to secure the payment of the money so borrowed and the interest due thereon, the said County Commissioners are authorized to pledge the taxes of said County to be collected and applicable to the payment of ordinary County expenses, and the tax levy shall be so arranged as to promptly meet the payment of such sum and interest at maturity.

Approved December 23d, A. D. 1889.

No. 382. A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE SCHOOL COMMISSIONER OF MARLBOROUGH COUNTY TO APPROVE CERTAIN SCHOOL CLAIMS.

SECTION 1. *Be it resolved* 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 same, That

School claims to be approved.

the School Commissioner of Marlborough County be, and he is hereby authorized and required to approve the claim of Sharper Powe for twenty dollars, A. S. Cottingham for thirty dollars, and J. M. Cash for twenty-five dollars, teachers in the common schools for Marlborough County, for services in teaching in said County during the year 1887; also the claim of Eliza Terry, of School District No. 2, for the months commencing December 12th, 1887, and ending March 2d, 1888, inclusive, amounting in the aggregate to forty-five dollars, and for which the teachers' pay certificates have been issued by the Trustees of the school districts in which they taught, and the said School

Payment ordered.

Commissioner shall order the same paid by the County Treasurer out of the school funds of the Eighth School District in said County for fiscal year commencing November 1st, 1889.

Approved December 23d, A. D. 1889.

No. 383. A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF MARLBORO COUNTY TO ISSUE WARRANT ON COUNTY TREASURER OF SAID COUNTY FOR FIVE HUNDRED DOLLARS IN FAVOR OF C. M. WEATHERLY.

SECTION 1. *Be it resolved* 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 same, That

the County Commissioners of Marlboro County be, and they are hereby, authorized and required to issue their warrant upon the County Treasurer of said County for the sum of five hundred dollars in favor of C. M. Weatherly, the Clerk of the Court of said County, for services rendered in reindexing and arranging the records of his office. A. D. 1889. Warrant to be issued.

Approved December 24th, A. D. 1889.

NOTE.—For Act relating to sales of domestic wines in Marlboro County, see ante No. 361, page 537.—EDITOR.

AN ACT TO DIRECT AND REQUIRE THE COUNTY COMMISSIONERS OF NEWBERRY COUNTY TO LOCATE THE LINE SEPARATING NUMBER EIGHT AND NINE TOWNSHIPS OF SAID COUNTY, SO FAR AS TO CONFORM TO THE LINE AS LAID OUT IN 1868, AT THE TIME OF THE CREATION OF SAID TOWNSHIPS. No. 384.

SECTION 1. *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 same, That the County Commissioners of Newberry County are hereby directed and required to locate the boundary line between Number Eight and Number Nine Townships of said County so as to conform to the line as laid out in 1868, when said townships were created, to wit: From the mouth of Bush River up said river to the mouth of Timothy Creek, thence up said creek to the ford known as Thomas' Ford, on said creek. Boundary line to be located. Location.

Approved December 23d, A. D. 1889.

AN ACT TO ESTABLISH THE NEWBERRY SCHOOL DISTRICT, TO AUTHORIZE THE ESTABLISHMENT OF FREE GRADED SCHOOLS THEREIN, AND TO PROVIDE THE MEANS FOR THE EFFICIENT MANAGEMENT OF THE SAME. No. 385.

SECTION 1. *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 same, That the territory embraced within the corporate limits of the town of School District established at Newberry.

A. D. 1889. Newberry, in said State, be, and the same is hereby, declared a separate school district, and that it be vested with such corporate powers as may be necessary to carry out the purposes of its organization as declared by this Act.

Corporate powers.

School Commissioner to order election. SEC. 2. That it shall be the duty of the School Commissioner of Newberry County, within thirty days after the approval of this Act, to order that an election be held at the Court House in Newberry, and to appoint three managers to conduct the same, of which election ten days' notice shall be given by advertisement in the newspapers of said town, at which election shall be submitted to the qualified voters resident in said district who return real or personal property within the limits thereof for taxation the question of voting a tax of two mills on the dollar, to be assessed upon all taxable property within said school district, for the purpose of aiding in the maintainance of the free graded schools in said district.

On the question of an additional tax.

Board of Trustees. SEC. 3. That a Board of Trustees is hereby created, to consist of the following persons, to wit: James F. J. Caldwell, George B. Cromer, William H. Wallace, James K. P. Goggins, J. S. Cozby, George S. Mower and N. B. Mazyck, with the power to fill any vacancy caused in the number by death, removal or resignation, and four others to be elected every two years, one from each ward of said town, at the annual school meeting of each alternate year: *Provided*, That the first election shall be held at the time of the election provided for in the second Section of this Act, and that the Trustees then elected shall hold their offices until the annual school meeting of 1891.

First Board.

Organization of Board. That as soon as the election of said four members of said Board herein provided for shall have been had, the said Board shall immediately organize by electing a Chairman and Secretary, and said Board may fill all vacancies arising by resignation, death or removal, except as hereinabove provided; and said Board of Trustees shall have power to remove from their body, for cause, any member of the Board, a majority of the Board voting in favor of such removal.

Removal of members.

Annual meeting of School District. SEC. 4. The Board of Trustees created pursuant to the third Section of this Act shall, between the 1st day of September and the 1st day of October in each year, call together an annual school meeting of the voters resident in said school district, at which meeting the Trustees shall submit a full report of their transactions for the previous school year, and their estimates of expenditures necessary for the ensuing year, and on the day of said meeting, or at some day subsequent to the time

Report by Trustees.

A. D. 1889.

appointed for said meeting (in case the same for any reason should not be held), three managers appointed by said Trustees shall open a poll at the Court House in Newberry, in said district, not later than 10 o'clock A. M., and to be kept open until 5 o'clock P. M., at which election the qualified voters of said district shall vote for or against the assessment and levy of such local tax upon taxable property within said school district as the Trustees may have recommended for the school year commencing on the first day of November following, which shall not exceed the sum of two mills on the dollar in any one year. And it shall be the duty of the Chairman and Secretary of the Board of Trustees to certify to the amount so voted or recommended to the County Auditor of Newberry County, who shall forthwith assess the same for collection and deliver his warrant to the Treasurer of the said County for collection at the time other taxes are collected: *Provided*, That any tax voted to be levied at the first election herein provided for under Section 2 of this Act shall be certified by the County School Commissioner to the County Auditor of Newberry County, whose duty it shall be to assess the same upon all taxable property in said school district for immediate collection, and he shall deliver his warrant to the Treasurer to collect the same within thirty days from the date of the delivery, and subject to the usual penalties prescribed by the law against taxpayers making default in payment.

Election on question of local tax.

Limit.

Notification, assessment and collection of tax

Powers of Trustees.

SEC. 5. That the Trustees herein provided for shall have exclusive control of the free graded schools within said district, and shall be invested with all the powers of School Trustees under the General School Law. They may organize schools, purchase or lease school property, erect school buildings, elect superintendents and teachers, and fix their salaries, prescribe the text books to be used, and the rates of tuition to be paid by pupils not entitled to benefit of the free school fund of said district, and may make rules and regulations for the control of the schools and the school property not repugnant to law.

How moneys are to be disbursed.

SEC. 6. All moneys assessed and collected for school purposes shall be paid out by the County Treasurer for salaries and other school purposes upon the warrant of the Chairman and Secretary of the Board of Trustees. And all school moneys arising from the capitation tax upon the polls in said school district, as well as from the Constitutional school tax, or from any and all other public sources applicable to said district, shall be paid out by the Treasurer in like manner and upon like warrant.

A. D. 1889.

Election on question of school buildings

Bonds and their description

Annual tax levy.

Execution and delivery of bonds.

Payment of interest.

Surplus.

Public Act. When to take effect.

SEC. 7. In the event the Board of Trustees herein provided for shall deem it necessary to erect school buildings for the use of schools therein, or to purchase property for a like purpose, it may be lawful for them to submit to the qualified voters resident in said school district, at an election to be held for that purpose, after ten days' public notice, the question of authorizing the issue of bonds not exceeding the amount of ten thousand dollars, bearing six per cent. interest, and payable in twenty years (the proceeds of which bonds shall be used by said Trustees in purchasing or erecting suitable school buildings, in repairing or improving school buildings, and in providing suitable furniture and apparatus for same), and the levy of an annual tax of six-tenths of a mill to pay the interest on said bonds. The Board of Trustees is hereby empowered to appoint three managers to conduct any such election, to declare the result of the same, and is authorized to execute and deliver the bonds so authorized to be voted, in the event that the majority of the persons voting at said election shall be in favor of the same, and the interest annually accruing upon said bonds shall be paid by the County Treasurer out of the proceeds of said special tax—any surplus remaining after the payment of the annual interest to be applied to the redemption of the bonds issued under the direction of the said Trustees.

SEC. 8. This Act shall be deemed a public Act, and shall become of force immediately upon its approval.

Approved December 23d, A. D. 1889.

No. 386. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF NEWBERRY," APPROVED JANUARY 31ST, 1882.

A. A. 1882, 17 Stat., 712, amended.

Opening of streets.

SECTION 1. *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 same, That an Act entitled "An Act to renew and amend the charter of the town of Newberry," approved January 31st, 1882, be, and the same is hereby, amended by inserting therein the following Section, to be known as Section 14*a*:

That the said Mayor and Aldermen be, and they are hereby, authorized and empowered to open and establish public streets

within the corporate limits of the said town under and in accordance with the provisions of law by virtue of which County Commissioners have the authority to open and establish public highways: *Provided*, That in any case the petition for the opening of a street shall be signed by twenty freeholders residing in the ward in which it is proposed to open the same, and that no tax shall be levied by the said Mayor and Aldermen to defray the expense of opening or changing the location of any street: *Provided, further*, That no street hereafter opened shall be of less width than forty feet. A. D. 1889. Petition by freeholders. No tax to be levied. Width of streets.

Approved December 23d, A. D. 1889.

A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF THE COUNTY OF NEWBERRY TO DRAW THEIR WARRANT IN FAVOR OF W. W. RISER FOR EIGHTY-FIVE AND 50-100 DOLLARS, FOR EXPENSES, &C., PAID IN ARRESTING ONE TOM SIMS, AND THE COUNTY TREASURER TO PAY THE SAME. No. 387.

SECTION 1. *Be it resolved* 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 same, The County Commissioners of the County of Newberry be, and they are hereby, authorized and required to draw their warrant on the County Treasurer in favor of W. W. Riser for the sum of eighty-five and 50-100 dollars for expenses, &c., paid out by him in arresting one Tom Sims, and that the same be paid by the County Treasurer of Newberry County out of the County funds collected for fiscal year commencing November 1st, 1888. Warrant to be drawn. And paid.

Approved December 24th, A. D. 1889.

AN ACT TO PERMIT PERSONS IN OCONEE COUNTY LIABLE TO ROAD DUTY TO PAY A COMMUTATION TAX IN LIEU OF WORKING THE PUBLIC ROADS. No. 388.

SECTION 1. *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 same, That all persons liable to perform road duty in the County of Oconee and who reside outside of the incorporated towns and villages of said County are hereby authorized to pay to the County Trea- Commutation tax.

A. D. 1889.

surer a commutation tax of four dollars in lieu of the time which said persons are required by law to work the public roads annually in said County: *Provided*, That said commutation tax shall be paid between the 1st days of January and March in each year to the County Treasurer.

When to be paid.

Certificate of payer exempts from road duty.

SEC. 2. That whenever any person liable to road duty as aforesaid shall pay to said Treasurer the commutation tax stated in the first Section of this Act, the said Treasurer shall furnish to said person a certificate showing that he has paid the said tax, which certificate shall exempt him from all road duty in said County for a period of twelve months, beginning on the 1st of January of the year in which said tax is paid, and ending on the 31st of December thereafter.

County Treasurer to furnish lists.

SEC. 3. That immediately after payment of the said tax it shall be the duty of the County Treasurer to furnish the County Commissioners of said County with all the names of all persons who have paid said commutation tax; and the said County Commissioners shall furnish all overseers or contractors with the names of all such persons, who shall not be liable to road duty for the year in which said payment may be made.

County Commissioners to furnish lists.

County Treasurer to make report.

SEC. 4. That the tax so paid under the provisions of this Act shall be reported by the said County Treasurer to the County Commissioners, at their first regular meeting following the 1st day of March of each year, and the said County Commissioners are hereby required to spend the tax in the repairs of the highways of the road district where the person paying the same resides.

Expenditure of moneys.

Repealing clause.

SEC. 5. That all Acts or parts of Acts inconsistent with or repugnant to this Act be, and the same are hereby, repealed.

Approved December 23d, A. D. 1889.

No. 389. A JOINT RESOLUTION TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF OCONEE COUNTY TO PAY THE EXPENSES OF THE ELECTION HELD IN OCONEE COUNTY UNDER THE PROVISIONS OF ACT NO. 129, APPROVED DECEMBER 22D, 1888, ON THE QUESTION OF LICENSE OR NO LICENSE FOR SALE OF SPIRITUOUS LIQUORS, &C.

SECTION 1. *Be it resolved* 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 same, That

the County Commissioners of Oconee County be, and they are hereby, authorized and required to audit and allow the accounts of the Commissioners and Managers of the election held under the Act of the General Assembly approved December 22d, 1888, and entitled "An Act to provide for holding a special election in the County of Oconee on the question of license or no license for the sale of spirituous, malt or intoxicating liquors therein, and to carry into effect the result of the said election," and all other expenses incident thereto. A. D. 1889. Expenses of election to be audited. Ante p. 205.

SEC. 2. That after auditing and allowing said claims and other expenses of said election, in the name of the persons entitled thereto, the said County Commissioners shall draw their warrants on the County Treasurer of said County of Oconee in payment thereof, and the said Treasurer is hereby authorized and required to pay the same out of any funds in his hands applicable to the payment of the ordinary expenses of said County levied and collected for the fiscal year 1888 and 1889: *Provided*, Said election expenses shall not exceed one hundred and ninety-three dollars and forty-three cents: *And provided, further*, That the pay of said Commissioners and Managers of Election shall not exceed that allowed by law for general elections. That the County Commissioners of the County of Oconee draw their check on the County Treasurer for the sum of ten and 20-100 dollars in favor of Richard Compton for services rendered as Constable, and that the County Treasurer pay the same out of the ordinary County funds for fiscal year commencing November 1st, 1888. Warrants to be drawn. And paid. Limit. Pay of a Constable.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE TOWN OF FAIR PLAY, IN OCONEE COUNTY. No. 390.

SECTION 1. *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 same, That all citizens of the United States and of this State who are now or hereafter may be inhabitants of the town of Fair Play, and have resided therein for the term of ninety days, shall be deemed and are hereby, declared to be a body politic and corporate; and the said town shall be known by the name Fair Play; and the limits of said town shall be all of the area contained in the ter- Incorporation. Name and limits.

A. D. 1889.

ritory described by straight lines drawn so as to connect the points one-half miles South, West and North from the public well in said town and three-fourths of one mile East from said well so as to include Jones' Chapel, M. E. Church.

Rights and limitations.

SEC. 2. That said town of Fair Play shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled

19 Stat., 174.

"An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, A. D. 1885.

Public Act.

SEC. 3. That this Act shall be deemed a public Act and shall

Duration.

continue in force for thirty years from the date of its passage, and until the final adjournment of the General Assembly thereafter.

Sale of liquor prohibited.

SEC. 4. No license for the sale of spirituous or malt liquors, wines, bitters, beers, or other beverages of which spirituous liquors form an ingredient, shall be granted by the municipal authorities of the town of Fair Play, in the County of Oconee, and the sale thereof is strictly prohibited.

When to take effect.

SEC. 5. This Act shall take effect immediately on its approval.

Approved December 23d, A. D. 1889.

No. 391. AN ACT TO PROVIDE FOR REGISTRATION OF VOTERS OF THE TOWN OF SENECA, IN OCONEE COUNTY, IN MUNICIPAL ELECTIONS.

SECTION 1. *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 same, That

Registration of voters.

the Clerk of the Town Council of the town of Seneca, in the County of Oconee, shall, thirty days immediately preceding the day of election for Intendant and Wardens of said town, open books for the registration of the names of the qualified voters of said town and their occupations, at such place as may be designated by the Town Council of said town, the said books to be open for such registration for twenty days before such election (Sundays and legal holidays excepted) at least five hours per

Books to be open for inspection.

day, and at the close of such registration the said books to remain in the custody of the Clerk, and shall be subject to inspection under such reasonable rules as the said Town Council may prescribe.

A. D. 1889.

Oaths.

Registration necessary to a vote.

SEC. 2. That the Clerk shall administer to every person offering to register an oath that he is duly qualified to vote at the election to be held and that he does truly state his name and occupation; and that no one shall be allowed to vote in any municipal election to be held in said town unless he shall have registered as provided in Section 1 of this Act, and also shall have registered and be entitled to vote in the general election for State and County officers.

Approved December 24th, A. D. 1889.

NOTE.—For Act exempting a section of Oconee County from the provisions of the Stock Law, see ante No. 346, page 523.—EDITOR.

No. 392.

A JOINT RESOLUTION TO AUTHORIZE THE COUNTY COMMISSIONERS OF ORANGEBURG COUNTY TO BORROW MONEY FOR CERTAIN PURPOSES.

Loans authorised.

Limits.

Application.

SECTION 1. *Be it resolved* 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 same, That the County Commissioners of Orangeburg County be, and they are hereby, authorized and empowered to borrow a sum of money not to exceed forty-five hundred dollars, at a rate of interest not to exceed seven per centum per annum, the same to be applied to the use of the account for repairs of roads and bridges and to pay jurors, witnesses and Court Constables in said County.

Pledge of taxes.

SEC. 2. That to secure the payment of the said sum and the interest thereon the said County Commissioners are hereby authorized and empowered to pledge the taxes of the said County levied for the fiscal year beginning on November first, A. D. 1889.

Approved December 23d, A. D. 1889.

No. 393.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ORANGEBURG COUNTY TO BORROW MONEY FOR THE PURPOSE OF PAYING THE PAST INDEBTEDNESS OF THE FISCAL YEARS 1887–1888 AND 1888–1889.

SECTION 1. *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 same, That

A. D. 1889. the County Commissioners of Orangeburg County be, and they are hereby, authorized and directed to borrow so much money as may be necessary, not exceeding forty-five hundred dollars, and at a rate of interest not exceeding seven per cent. per annum, for the purpose of paying off the past indebtedness of the said County for the fiscal years 1887–1888 and 1888–1889, and to execute the obligations of the County therefor.

Loans authorized.

Limits.

Application.

Approved December 23d, A. D. 1889.

No. 394. A JOINT RESOLUTION TO AUTHORIZE AND DIRECT THE SCHOOL COMMISSIONER OF ORANGEBURG COUNTY TO ISSUE TO LAWTON H. WANNAMAKER A PAY CERTIFICATE IN PLACE OF ONE LOST OR DESTROYED.

SECTION 1. *Be it resolved* 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 same, That the School Commissioner of Orangeburg County be, and he is hereby, authorized and directed to issue to Lawton H. Wannamaker a duplicate teacher's pay certificate for thirty-five dollars in place of one heretofore issued to M. E. Tatum, which is alleged to be lost or destroyed: *Provided*, The said Lawton H. Wannamaker do file with said School Commissioner his bond of indemnity, conditioned that if said unpaid pay certificate is found it will not be presented for payment.

Duplicate pay certificate.

Indemnity bond.

Payment.

SEC. 2. That the County Treasurer of said County be, and he is hereby, authorized and directed to pay the said certificate out of the funds in his hands already so appropriated.

Approved December 23d, A. D. 1889.

No. 395. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HARLIN CITY, IN ORANGEBURG COUNTY," APPROVED DECEMBER 23D, 1886.

SECTION 1. *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 same, That

an Act entitled "An Act to incorporate the town of Harlin City, in Orangeburg County," be, and the same is hereby, amended by striking out Section 4 of said Act. A.D. 1889.

A. A. 1886, § 4, 19 Stat., 565, prohibiting sale of liquors, repealed.

Approved December 17th, A. D. 1889.

AN ACT TO RENEW AND EXTEND THE CHARTER OF THE TOWN OF BRANCHVILLE, IN ORANGEBURG COUNTY, AND TO VALIDATE ALL ACTS DONE AND ALL ELECTIONS HELD BY SAID TOWN SINCE THE EXPIRATION OF ITS CHARTER. No. 396.

SECTION 1. *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 same, That the charter of the town of Branchville, as granted by an Act entitled "An Act to grant, renew and amend the charters of certain towns and villages therein mentioned, as amended March 9, 1871," be, and the same is hereby, renewed and extended to the period of thirty years.

Charter extended for 30 years. 14 Stat., 694.

SEC. 2. That all acts done in corporate capacity and all elections held in and by said town since the expiration of its charter be, and the same are hereby, validated and enforced.

Validating clause.

SEC. 3. That this Act shall take effect immediately after its approval.

When to take effect.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRANCHVILLE," APPROVED MARCH 23D, A. D. 1887. No. 397.

SECTION 1. *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 same, That an Act entitled "An Act to amend the charter of the town of Branchville," approved March 23d, A. D. 1887, be, and the same is hereby, amended by adding thereto another Section to be known as Section 118*c*.

A. A. 1887, 19 Stat., 1061, amended.

SECTION 118*c*. It shall be unlawful for any person to inter a dead body within the distance of one hundred and fifty yards of any residence in said town. And any person violating this

Place of burial.

A. D. 1889. Penalties for violations. Section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or be imprisoned not more than thirty days.

Approved December 24th, A. D. 1889.

No. 398. AN ACT TO RECHARTER THE TOWN OF ROWESVILLE.

SECTION 1. *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 same, That Incorporation. all citizens of this State who shall have resided twelve months within this State and sixty days within the corporate limits of the town of Rowesville, as hereinafter defined, shall be deemed, and are hereby declared to be, a body politic and corporate, Name. under the name of the town of Rowesville. They shall have a Powers. common seal, which shall be affixed to all ordinances; may sue and be sued, implead and be impleaded, in any Court of compe- Property rights. tent jurisdiction in this State, and may purchase, hold, possess and enjoy to them and their successors in perpetuity or for any term of years any estate, real, personal or mixed, and sell and convey the same at will: *Provided,* The same shall not exceed Town limits. in value the sum of fifty thousand dollars. The corporate limits of said town shall extend one-half of a mile in each direction from the centre of the present depot of the South Carolina Railway Company.

Intendant and Wardens. SEC. 2. The said town shall be governed by an Intendant and four Wardens, who shall have resided within the State for one year and within the corporate limits of said town sixty days immediately preceding their election; and the said Intendant Time of election and Wardens shall be elected on the fourth Monday in December in each and every second year, ten days' public notice being previously given. And the said Intendant and Wardens shall Term. continue in office two years and until the election and qualifica- Electors. tion of their successors. All male inhabitants of said town, citizens of this State, who shall have attained the age of twenty-one years, and who shall have resided in said town sixty days immediately preceding said election, and shall have registered as hereinafter required, and are not under any of the disabilities mentioned in the Constitution of this State, shall be entitled to

A. D. 1889.

vote for Intendant and Wardens at said election. The first election under this charter shall be held on the first Monday in April, A. D. 1890, and shall be ordered by the present Town Council of Rowesville, who shall remain in office and discharge the duties thereof until their successors are elected under the provisions of this charter and shall have qualified.

First election.

Present Council.

Managers of Election.

SEC. 3. That the said Town Council of Rowesville for the time being, at least fifteen days before any election herein provided for Intendant and Wardens, shall appoint three citizens of said town as Managers of Election. Before entering upon their duties the said Managers of Election shall take an oath to fairly and impartially conduct said election and discharge the duties of their office as said managers. On Monday and Tuesday of the week immediately preceding said election, the said Managers of Election shall open books for the registration of the qualified voters of said town and their occupations and places of residence, said books to be opened at such place as may be designated by said Town Council, and to be kept open on said days, without intermission or adjournment, from eight o'clock in the morning until five o'clock in the afternoon. At the close of the registration the said books of registration shall remain in the custody of the Chairman of the Board of Managers, subject to public inspection, under such reasonable rules and regulations as may be prescribed by the Board of Managers. The said managers shall administer to every person offering to register an oath that he is duly qualified to vote at the election to be held, and that he truly states his name, occupation and place of residence. And shall also administer to every person offering to vote at said election an oath that he is duly qualified to vote at such election according to the Constitution and laws of this State, and has not voted at said election.

Oath of Managers.

Books of registration.

To be open for inspection.

Oaths of voters.

Conduct of election.

SEC. 4. That said election shall be held in some convenient public place, to be designated by the said Town Council, from eight o'clock in the morning until five o'clock in the afternoon of the same day, without intermission or adjournment. Upon closing the polls the Managers of Election shall forthwith proceed to count the votes and to declare the result of the election, giving notice in writing to the persons elected.

Declaration of result.

Oaths of Intendant and Wardens.

SEC. 5. The Intendant and Wardens elect, before entering upon the duties of their offices, shall respectively take the oaths prescribed by the Constitution and laws of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Rowesville, I will faithfully and impartially, to the best

A. D. 1889.

of my ability, exercise and discharge the trust reposed in me, and will use my best endeavors to preserve the peace, quiet and good order of the said town, and will strive to carry into effect, according to law, the purposes for which I have been elected. So help me God."

Election to fill vacancies.

SEC. 6. That in case of a vacancy in the office of Intendant or of any of the Wardens of said town by death, resignation or otherwise, an election to fill such vacancy shall be held by direction of said Town Council, in the same manner as hereinbefore provided for elections. And in case of a vacancy in the office of Intendant of said town, or of the sickness or temporary absence of the Intendant, it shall be the duty of the Wardens, and they are hereby authorized, to meet and elect one of their number to act as Intendant for the time being, and the Warden so elected while acting shall be vested with all the duties and powers of Intendant of said town.

Intendant *pro tem.*

Judicial powers.

SEC. 7. That the Intendant and Wardens of said town are hereby severally and respectively vested with all the powers of Trial Justices of this State within the limits of said town.

No compensation.

SEC. 8. The said Town Council shall serve without compensation; and at least thirty days before the expiration of their terms of office they shall make and file in their office, subject to public inspection, a full, fair and just account of all receipts and disbursements, and of all matter pertaining to the finances of said town; and they shall pay over and deliver to their successors all moneys, books, papers, records and other property belonging to said town.

Report by Council.

Surrender of property.

Council meetings.

SEC. 9. That the Intendant of said town shall, as often as may be necessary, summon the Wardens to meet in Council, and any two Wardens, with the Intendant or acting Intendant, shall constitute a quorum for the transaction of business. They and their successors in office hereafter to be elected shall have, and are hereby vested with, full and ample power and authority from time to time, under their corporate seal, in Council assembled, to make all such ordinances, rules, regulations and by-laws as may be necessary to carry their corporate purposes fully into effect; to make all such ordinances, rules and regulations relative to the streets, roads, markets, public squares, public buildings, public scales, weights, measures, fire department, water supply, police and health of said town as they may deem proper; and to make all ordinances, rules and regulations as may tend to preserve the quiet, peace, safety and good order of said town and the inhabitants thereof, and the protection, se-

By-laws and ordinances.

curity and enjoyment of their property. And the said Town Council may provide for the enforcement of all ordinances, rules and regulations so made by them, and for any violation thereof they may provide for the punishment of the same by fine not exceeding one hundred dollars or imprisonment not exceeding thirty days: *Provided*, That all ordinances shall be published for at least two weeks in some newspaper published in the County or by posting the same in at least two public places in said town. A. D. 1889. Enforcement of ordinances. Punishment. Publication.

SEC. 10. That said Town Council shall have power and authority to abate and remove all nuisances in said town, and they may lay out and open new streets, widen and otherwise alter those now in use in said town: *Provided*, That the owners of lands over which any street or way may be opened shall be duly compensated by said Town Council for said lands so taken. Nuisances. Streets. Compensation to land owners.

SEC. 11. The said Town Council are hereby authorized and empowered to require all male inhabitants of said town between the ages of sixteen and fifty years (active firemen and persons exempted by law from road duty excepted) to work upon the roads, streets and ways of said town not exceeding six days in each and every year, or in lieu of such work the said Town Council may compound with persons so liable to work in any amount not exceeding four dollars per annum, to be applied to the use of said town; and any person failing or refusing to perform such work or to compound as above provided, upon conviction thereof before the Intendant or acting Intendant (who may bring any such person before him by warrant, if necessary), shall be fined not exceeding ten dollars, or be imprisoned in the County jail not exceeding thirty days. Work on streets. Commutation for work. Penalty for failing to work.

SEC. 12. That it shall be the duty of said Town Council to keep all roads, streets and ways within the corporate limits of said town open and in good repair, and for that purpose they are hereby vested with all the powers and duties of County Commissioners within the limits of said town. Streets and ways.

SEC. 13. That the said Town Council shall have power and authority to appoint a Clerk and Treasurer, to prescribe his duties and fix his compensation. He shall give bond with sureties for the faithful discharge of his duties, in such amount as shall be fixed by the said Town Council from time to time; they shall have power to establish a guard house or town prison for the imprisonment of offenders; and they shall have power, and are hereby authorized, to use a room in the common jail of the County of Orangeburg for the confinement and imprison- Clerk and Treasurer. Bond. Guard House. Use of jail.

A. D. 1889.

ment of all offenders against the ordinances, rules and regulations of said town: *Provided*, That all costs and expenses of such imprisonment in the County jail shall be paid by the said town of Rowesville. The said Town Council shall have power, and are hereby authorized, to establish, equip and control a fire department for the protection of said town, in such manner as they may deem expedient. They shall have power to organize and maintain a police force for said town and to elect a Chief of Police, and to prescribe and define the duties of said Chief and police force; and the Intendant may from time to time appoint such number of special policemen as may be necessary to preserve the peace, quiet and good order of said town. The said policemen are hereby vested with all the powers and duties of Constables, in addition to such special duties as may be imposed by said Town Council. Any of said policemen are hereby authorized and empowered to arrest and commit to prison for trial before the Intendant any person or persons who may be guilty, within the corporate limits of said town, of a breach of the peace, or of public drunkenness or open indecency, or of resisting said police, or any other disorderly conduct injurious to the peace, safety and good order of said town or of its citizens; and any person or persons who may violate any of the ordinances of said town. And the said police shall, whenever necessary in the discharge of their duty, have authority to call the *posse comitatus* of said town to their assistance; and any person so arrested shall, upon conviction, be liable to such fine or imprisonment as the Intendant trying the same may impose: *Provided*, That no fine shall exceed the sum of one hundred dollars, and no imprisonment shall be imposed for a longer term than thirty days: *Provided, further*, That no person so arrested shall be detained in prison for a longer period than forty-eight hours awaiting trial.

Proviso.

Fire department.

Police.

Powers of policemen.

Posse comitatus.

Punishments.

Trial after arrest.

Trial of offenders.

SEC. 14. The Intendant of said town shall have full power and authority to try all offenders arrested by the police of said town as soon after such arrest as may be practicable, and to sentence such offenders to pay a fine not exceeding one hundred dollars, or be imprisoned not exceeding thirty days, in the discretion of the Intendant, unless the same be limited by ordinance, when the sentence shall conform to such ordinance. And any person sentenced to imprisonment directly or in consequence of a failure to pay any fine imposed may, during the term of imprisonment, be required to work upon the streets, roads and ways of said town.

Punishment.

Labor on the streets.

Business licenses.

SEC. 15. The said Town Council shall have full and only power to grant or refuse a license to any person, firm, corporation or company, engaged in, or intending to be engaged in, any trade, business, profession, calling or occupation within the corporate limits of said town, upon such conditions and terms as to them may seem proper and right, and which are not in conflict with the laws of this State. That the said Town Council are hereby authorized to pass all such ordinances as are necessary to carry the purposes of this Section into full effect, and to provide for the punishment of all delinquents thereunder.

Ordinances.

Property tax.

SEC. 16. The said Town Council shall have power, and are hereby authorized, to levy an annual tax not exceeding five mills on the assessed value of all real and personal property within the corporate limits of said town, (except such property as is exempt from taxation by the Constitution and laws of this State.)

Returns for taxation.

SEC. 17. All persons liable to taxation shall make a return of their property, under oath, at its actual value to the Clerk and Treasurer of said town, who is hereby empowered to administer said oath in each year, at such time and place as may be designated by said Town Council. That should any person, firm or corporation neglect or refuse to make said return within the time required, the Clerk and Treasurer of said town may make out an assessment from the books of the County Auditor of the real and personal property of such person liable for taxation, and may add thereto a penalty of thirty per centum for such failure; and the said Town Council shall have power and authority to amend and equalize all returns or assessments for taxation: *Provided*, That no assessment or return shall be increased until the person making the same be notified and given an opportunity for a hearing in relation thereto before the said Town Council.

Assessments by Clerk with penalty.

Notice to taxpayer.

Ordinances levying taxes.

SEC. 18. That the said Town Council shall annually pass an ordinance declaring the annual rate of taxation upon property and other subjects of taxation, and fixing the time when said taxes shall be due and payable, and all persons liable to taxation shall make payment of their taxes to the said Clerk and Treasurer as required by said ordinance: *Provided*, That said ordinance shall be published by posting the same in said town or otherwise for at least two weeks before the time fixed for the payment of said taxes. Any person or persons, firm or corporation failing to make payment of his taxes when so required shall be subject to a penalty of twenty per centum upon the amount of their taxes. It shall be the duty of said Clerk and Treasurer

Publication.

Penalty for non-payment.

Executions may be issued.

A. D. 1889.

to enforce the collection of any and all taxes, penalties, commutation moneys or other charges due to said corporation, and for this purpose he is hereby authorized and empowered to issue execution under the seal of the said corporation directed to such officer of said town as may be designated for that purpose by the said Town Council, requiring said officer to levy and sell of the property, real and personal, of such person who shall have defaulted in the payment of the taxes levied as herein provided, sufficient to pay all such taxes, penalties, charges and costs. That the same costs and charges shall be allowed on said executions as are now provided by law on executions against property for the non-payment of taxes: *Provided*, That no *nulla bona* costs shall be charged against said town. And all property upon which a tax shall be levied is hereby declared to be, and is made, liable to the payment thereof, together with the penalties and other charges thereon, in preference to all other debts and encumbrances against said property, except debts due to the State.

Sale of property.

Costs.

Lien.

Show licenses.

SEC. 19. That the said Town Council shall have the power, and are hereby authorized, to require and fix the prices of licenses upon all shows and public exhibitions for gain in said town.

Appropriation of license fees.

SEC. 20. That all moneys received for licenses and fines imposed in accordance with the provisions of this charter shall be appropriated to the public uses of said town.

Validating clause.

SEC. 21. That all ordinances heretofore passed by the Town Council of Rowesville in conformity with the authority granted by existing laws shall, and they are hereby, declared legal and valid until repealed by said Town Council.

Public Act.

Duration.

When to take effect.

Repealing clause.

SEC. 22. That this Act shall be deemed a public Act, and shall continue of force until repealed, and shall take effect immediately after its passage; and all Acts or parts of Acts inconsistent with or supplied by this Act are hereby repealed.

Approved December 24th, A. D. 1889.

No. 399. AN ACT TO INCORPORATE THE GREENLEAF PRESBYTERIAN INDUSTRIAL INSTITUTE AND FEMALE COLLEGE, OF ORANGEBURG, S. C.

SECTION 1. *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 same, That Charles Herron, Jacob West, Roderick D. Terry, J. Williams Polite, W. L. Johnson, J. S. Maultrie, W. W. Murry, E. F. Aiken, H. B. Thomas, A. R. Cason, Wesley Young, J. J. Jamison, R. H. Allen, S. B. Grant, Z. Heatly, R. D. Rice, Charles Hedges, Charles H. Pool, Aaron Simmons, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "The Greenleaf Presbyterian Industrial Institute and Female College, of Orangeburg, South Carolina," and as such, and by the said name of "The Greenleaf Presbyterian Industrial Institute and Female College," shall be capable and liable, in law and equity, to sue and be sued, to plead and be impleaded, to have and to use a common seal, and to make such by-laws and rules for the regulation and government of said institute and college as they may deem necessary: *Provided,* Said by-laws and rules be not repugnant to the Constitution and laws of the State and United States.

A. D. 1889.

Corporators.

Incorporation and name.

Powers.

Board of Trustees.

SEC. 2. That the said corporation shall have power and authority to elect a Board of Trustees, and shall be authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors of and in the said institute and college, and to remove the same at pleasure, and to exercise such general control and supervision over the officers, professors, tutors, instructors, affairs and government of said institute and college as they may deem advisable.

Officers and teachers.

Vacancies in Board.

SEC. 3. That whenever any vacancy shall occur by death, resignation or other cause of any of the incorporators of the said institute and college, the Board of Incorporators of the said institute and college shall, by a majority of those present, at any legal meeting, elect a person or persons to fill such vacancy or vacancies.

Honors and degrees.

SEC. 4. That the said incorporators and the Board of Trustees herein provided for shall have full power and authority to confer and award all such distinctions, honors, licenses and degrees as are usually conferred and awarded in colleges and industrial institutes of the United States.

Property rights.

SEC. 5. That the said incorporators and trustees herein shall have and hold property, both real and personal, funds, moneys, donations, legacies, devises, which may be granted, conveyed, bequeathed and devised or given to said college and institute, in trust, nevertheless, for the use and benefit of the said institute

A. D. 1889. and college, not exceeding the sum of one hundred thousand dollars.

Limit.

Power of Faculty. SEC. 6. That the faculty shall have auxiliary power to decide all questions relative to the course of studies, discipline and government in the absence of the trustees or other officers, and that the said trustees, teachers, professors and students in attendance upon the exercises of the same are hereby declared exempt from all road and street duties.

Exemption from road duty.

Approved December 23d, A. D. 1889.

No. 400. AN ACT TO PROVIDE FOR THE ENLARGING AND REPAIRING OF THE COURT HOUSE OF PICKENS COUNTY.

SECTION 1. *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 same, That the County Commissioners of Pickens County are hereby authorized and required to have enlarged and repaired the Court House of the County of Pickens, the total cost of which shall not exceed the sum of twenty-five hundred dollars.

Court House to be enlarged and repaired.

Cost.

Plans and estimate. SEC. 2. The said Commissioners shall first have prepared by a competent architect suitable plans and specifications for the said improvements and a detailed estimate of the cost of the different classes of work. They shall then advertise in a Pickens and Greenville paper for forty days for sealed bids to do the whole work or to do certain different portions thereof. When the time has expired they shall open all bids, and award the contract or different portions thereof to the lowest responsible bidder: *Provided,* That the County Commissioners shall have power to refuse any or all bids made on said contract, if in their judgment they are exorbitant, or if they are not satisfied of the ability of the bidder to perform the contract: *Provided, further,* That the contract shall not be awarded to any bidder until he shall have filed a bond satisfactory to the Commissioners, conditioned on his completing the work awarded to him pursuant to the plans and specifications and within the prescribed time.

Advertise for bids.

Award of contract.

Refusal of bids.

Bond by contractor.

Court House tax. SEC. 3. That for the payment of said improvements, the County Commissioners of said County are hereby authorized and required to assess upon the taxable property of said County one mill for fiscal year commencing November 1st, 1889, to pay

A. D. 1889.

for the same, which assessment shall be known and styled on the tax books as the "Court House tax," and shall be assessed by the Auditor and collected by the County Treasurer, in the same manner as other State and County taxes, and the Treasurer shall pay the same out by direction of the County Commissioners.

Assessment and collection.

SEC. 4. That the County Commissioners be, and they are hereby, authorized and empowered to sell the lot on which the present office of County Treasurer and Auditor stands, and any vacant lots or parts of lots which the County now owns in the town of Pickens, the proceeds of which is to be applied to the payment of the improvements to be made on said Court House.

Sale of offices and lots.

Application of proceeds.

SEC. 5. That in the event the proceeds of the sale of the lots mentioned in Section 4 of this Act and the one mill levy shall not be sufficient to pay for said repairs, then the said County Commissioners be, and they are hereby, authorized to borrow a sum of money sufficient to pay the same, and execute and deliver the note of the County therefor, which shall be paid out of the County funds for the next fiscal year.

Loan authorized.

Note and its payment.

Approved December 23d, A. D. 1889.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS, WINES OR BEER ON PRESCRIPTION OR OTHERWISE BY THE DRUGGISTS AT CENTRAL, IN PICKENS COUNTY. No. 401.

SECTION 1. *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 same, That it shall not be lawful for any druggist in the town of Central, in the County of Pickens, to sell any spirituous or malt liquors, wines or beer on prescription or otherwise.

Sale of liquor prohibited.

SEC. 2. That any person violating the provisions of Section 1 of this Act shall, on conviction thereof, be fined in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding six months, or both, at the discretion of the Court.

Penalty.

SEC. 3. That this Act shall take effect from and after its approval.

When to take effect.

Approved December 24th, A. D. 1889.

A. D. 1889. No. 402. AN ACT TO REGULATE THE TIME IN WHICH THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS OF RICHLAND COUNTY SHALL KEEP THE COUNTY COMMISSIONERS' OFFICE OPEN FOR BUSINESS, AND TO PROVIDE A SALARY FOR SAID CLERK.

SECTION 1. *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 same, That

Office hours. the Clerk of the Board of County Commissioners of Richland County, in said State be, and he is hereby, required to keep the office of the County Commissioners of said County open for the transaction of business during the business hours of each day in the year, Sundays and legal holidays excepted.

Clerk's salary. SEC. 2. That in consideration of the requirements of Section one (1) of this Act, the Clerk of said Board shall receive a salary of six hundred ($600) dollars per annum, payable out of the funds of said County, at such times and in such manner as the Board of County Commissioners of said County may prescribe and direct.

Repealing clause. SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 23d, A. D. 1889.

No. 403. AN ACT TO INCORPORATE THE TITLE GUARANTEE AND TRUST COMPANY OF SOUTH CAROLINA.

SECTION 1. *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 same, That

Incorporation. George K. Wright, C. H. Manson, J. L. Mimnaugh, H. G. Utley, J. S. Dunn and Frederick Condit, together with such other persons as now are or hereafter may be associated with them, shall be, and they are hereby, constituted and made a

Name. body politic and corporate, under and by the name of "The Title Guarantee and Trust Company of South Carolina," for the objects and purposes hereinafter mentioned.

Capital stock. SEC. 2. The capital stock of said company shall be two hundred thousand dollars, and the same may be increased from time to time, if the majority in interest of the stockholders of said

company shall so determine, to a sum not exceeding five hundred thousand dollars. Such capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property. And the said corporation shall have authority in its by-laws or by the Board of Directors to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock or for collecting and enforcing, by sale or otherwise, all subscriptions made thereto. Said company may organize and commence business whenever twenty-five thousand dollars of its capital stock shall have been subscribed and paid in cash.

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Shares of stock.

Organization.

SEC. 3. The corporators named in Section 1, or any three of them, may open books of subscription to the capital stock of said company at such time or times and at such places as a majority of them may determine, and as soon as the sum of twenty-five thousand dollars is subscribed thereto the said corporators, or any of them, on such notice as they may deem sufficient, shall call a meeting of such subscribers, and at such meeting and all future meetings of the stockholders the shares of the capital stock may be represented in person or by proxy. The subscribers to said stock, at their meeting to be held as aforesaid, shall elect from themselves such a number of Directors of said corporation as they may deem proper, who shall continue in office for one year and until their successors shall be duly elected; and thereafter there shall be annual meetings of the stockholders of said company, at which Directors shall be chosen, whose terms of office shall be as above provided. The Directors chosen or elected at any such meeting shall from among themselves elect a President and Vice-President, to act as such during the term of office of such Directors, and they shall perform such duties and exercise such powers as may be prescribed by the by-laws of said corporation or as shall be incident to their respective offices.

Books of subscription.

Meetings.

Directors.

Officers and their duties.

SEC. 4. That the duration of the charter hereby granted shall be for the term of thirty years and until the final adjournment of the General Assembly next thereafter.

Duration of charter.

SEC. 5. That the said company shall have the power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws not repugnant to the laws of the land, and may add to, alter or amend the same from time to time, as may be desired; to have succession of officers and members conformably to such by-laws; and to sue and be sued, plead and be impleaded, in any Court in this State; to have,

Powers of the corporation.

A. D. 1889.

use and enjoy all other rights, powers and privileges which are incident to bodies corporate; to guarantee bonds and mortgages and titles to real estate, and to issue guarantee or insurance policies therefor; to act as trustee under any mortgage or deed of trust executed by any person or persons, corporation or municipality, and to accept and execute any trust not inconsistent with the laws of this State; to take and accept by grant, assignment, transfer, devise or bequest, and hold, any real or personal estate on trusts created in accordance with the laws of this State or of the United States; to take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate or property, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any Court of record, or by any person, corporation or other authority.

Guarantor and trustee.

Property rights.

Other trust powers.

Investment of funds.

SEC. 6. That the said corporation shall have power also to invest their capital stock and other funds in bank or other stocks, in bonds, notes, bills, choses in action and other securities, and in the bonds or stocks of any city or State, or of the United States, or the same to lend on real estate, secured by bond or mortgage or otherwise, or on the pledge of any real or personal property or choses in action, according to such rules as they may from time to time establish; and also of taking, holding, dividing, disposing of or investing the increase, profits or emoluments of their capital stock or other property as aforesaid, and shall have the right and power to acquire, purchase, take and hold, in their corporate name, lands, real estate or personal property, and the same to grant, sell, mortgage, exchange, convey in fee simple or otherwise. The business and property of said corporation shall be managed and disposed of, and the dividends of the profits of the business of the corporation shall be made and disclosed, in such manner as may be prescribed by the rules and by-laws of the corporation.

Loans.

Disposition of income.

Property rights.

By-laws.

Votes of stockholders.

SEC. 7. Each stockholder shall have one vote for each share of the capital stock of the said corporation he may own or represent at all elections and meetings of the company; and the Board of Directors of the said corporation are authorized to make such regulations as may be deemed proper for the representation by proxy of such stockholders as may be absent at such elections and meetings.

Proxies.

Proceedings against stockholders.

SEC. 8. That the said corporation shall have power to enforce upon their members the due observance of all rules and by-laws

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for the government and management of the affairs of the corporation; and to this end, if need be, shall and may institute and maintain in their corporate name, against any one or more of their members, all necessary suits, actions or pleas for the recovery of any sum or sums of money to the use of the said corporation in as ample a manner as such suits might be maintained against persons not members of said corporation.

Rights and liabilities.

SEC. 9. That said corporation shall have, and is hereby vested with, all the powers, rights and privileges, and is hereby subject to all the liabilities and restrictions, contained in Section 22 of an Act entitled "An Act to provide for the formation of certain corporations under general laws," approved December 23, 1886, except so far as the said Section of said Act, or any part thereof, is inconsistent with this Act, or any part thereof.

19 Stat., 546.

Public Act.

SEC. 10. That this Act shall be deemed and taken as a public Act, and shall be judicially taken notice of without special pleading, and shall take effect immediately upon its approval.

When to take effect.

Approved December 23d, A. D. 1889.

AN ACT TO CONFER SPECIAL POWERS UPON THE COLUMBIA LAND AND INVESTMENT COMPANY.

No. 404.

SECTION 1. *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 same, That the Columbia Land and Investment Company, a corporation created by and under the general laws of the State of South Carolina, under a charter issued by the Secretary of State bearing date the fourteenth day of February, 1889, be, and the same is hereby, authorized and empowered, in addition to the powers now conferred upon it by law, (1) to exercise the powers of a surety and guaranty company, acting as surety upon the bond of public officials or of officers of corporations, or other individuals, or entering into contracts of indemnity, guaranty, or suretyship upon the obligations of corporations or individuals, and to issue accident insurance polices; (2) to issue debenture bonds upon such terms, and secured and payable in such manner, as may be provided by its by-laws; and (3) to act as trustee under any mortgage or deed of trust of any corporation or individual.

Additional powers.

See list of charters in appendix

Surety and guaranty company.

Debenture bonds.

Trustee.

A. D. 1889.

SEC. 2. That the powers hereby conferred shall continue to appertain to said corporation under any renewal of its charter, subject, however, to revocation at any time by the Legislature: *Provided, however,* That before it shall become the surety of any public official of this State or any County thereof it shall file a sworn statement of its assets and liabilities with the Comptroller General of the State, who shall publish the same in a newspaper of the city of Columbia within ten days thereafter: *And provided, further,* That it shall make and file such statement annually on the first day of January of each year while it continues its business of becoming such surety; a certified copy of which annual statement shall be transmitted by the Comptroller General to the Clerk of the Court of such County, to be kept on file in his office, and to be open to the inspection of the public, and that all expenses attending the publication and transaction of such statement shall be borne by the said corporation.

Duration of powers.

Statement of assets and liabilities.

Publication.

Annual statement.

To be filed.

Approved December 23d, A. D. 1889.

NOTE.—For Act relating to free bridges over Congaree and Broad Rivers at and near Columbia, see ante No. 375, page 549.—EDITOR.

No. 405. AN ACT TO AUTHORIZE AND PROVIDE FOR THE ERECTION OF A NEW COURT HOUSE FOR THE COUNTY OF SPARTANBURG.

SECTION 1. *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 same, That the County Commissioners of the County of Spartanburg or their successors be, and they are hereby, authorized and required to cause to be erected in the city of Spartanburg, the County seat of the County of Spartanburg, upon a suitable and convenient site within the corporate limits of said city, a new Court House, in which when completed the Courts of said County shall be held and the public offices shall be kept as provided by law.

County Commissioners to erect new Court House.

SEC. 2. That the County Commissioners of said County or their successors are hereby authorized to procure, by purchase, gift or otherwise, a site for said Court House and to take proper conveyances therefor to the said County of Spartanburg. That said County Commissioners or their successors are hereby further

Purchase of site.

Condemnation of land.

A. D. 1889.

authorized and empowered, in case they shall think proper to do so, to condemn any lands in the city of Spartanburg for said Court House to be erected upon, and to be used in connection therewith, on payment to the owner just compensation therefor, such condemnation to be effected and such compensation to be determined in the manner in which railroad corporations are now authorized by law to condemn lands for right of way: *Provided*, That when such lands shall be so condemned and said compensation shall be paid the absolute title to such lands as shall be so taken shall be and remain vested in the said County of Spartanburg.

Compensation to owner.

Title to be in County.

SEC. 3. That for the purpose of raising funds for the erection of said Court House, the County Commissioners of said County or their successors be, and they are hereby, authorized and empowered to issue and sell coupon bonds of said County of Spartanburg in an amount sufficient with the funds hereinafter authorized to be raised to meet the expense of procuring grounds and erecting said Court House thereon: *Provided*, That such issue of bonds shall not exceed the sum of fifty thousand dollars; said bonds to be known as Court House Bonds, to bear interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually on the first day of every January and July succeeding the issuance thereof until the same shall fall due, the principal of said bonds to be payable not more than twenty years from the date thereof; said bonds shall be non-taxable for all purposes whatsoever and the coupons thereof shall be receivable for all taxes.

Bonds authorized to be issued.

Limit and description.

Non-taxable coupons receivable for taxes.

SEC. 4. That said bonds or the proceeds of the sale thereof shall be used by said County Commissioners exclusively in purchasing the proper grounds and erecting said Court House thereon.

Use of proceeds.

SEC. 5. That for the purpose of paying the interest on the bonds hereinafter authorized to be issued, the County Commissioners of said County, and their successors, shall each year levy a sufficient tax upon all taxable property of said County, to be known as Court House Tax, and to be collected and disbursed according to the laws now of force, or as hereafter amended, providing for the payment of interest on railroad bonds of said County.

Annual tax levy to pay interest.

Collection and disbursement.

SEC. 6. That said County Commissioners, or their successors, be, and they are hereby, further authorized, in order to raise funds for the purchase of grounds or the erection of said Court House thereon, to sell, either at public or private sale, and on

Sale of present Court House and lot.

A. D. 1889.

such terms as may seem to them proper, the present Court House of said County and the lot on which the same stands and the lots adjacent thereto, belonging to said County, and to make in the name of said County good and sufficient conveyances therefor; that all the proceeds of such sales be, and they are hereby, appropriated towards the cost of said new Court House: *Provided*, That if it shall not be necessary to sell said present Court House and grounds to erect the new Court House, the said County Commissioners shall nevertheless have, and they are hereby given, the right, if in their judgment it is proper to do so, to sell the same as hereinbefore authorized, and they shall hold the proceeds of sale until they shall hereafter be authorized to dispose of same: *Provided, further*, That said County Commissioners shall not make any contract with reference to said present Court House that shall interfere with the use thereof as now used, until said new Court House shall be completed.

Conveyances therefor.

Use of proceeds.

Further provision as to sale.

Use of present Court House.

Tax to pay for Court House.

SEC. 7. That the said County Commissioners, or their successors, be, and they are hereby, given the right, if in their judgment it is best, instead of issuing bonds to build said Court House, to levy upon all the taxable property of said County a tax, or several annual taxes, such as shall be sufficient to pay off in one or more installments (not exceeding five) the whole cost of the erection of said Court House; and in case said plan shall be adopted, then and in such event the said County Commissioners be, and they are hereby, authorized to borrow sufficient funds for the erection of same, to be repaid by the said tax so to be raised.

Loans.

Powers of County Commissioners.

SEC. 8. That the County Commissioners of said County, and their successors, be, and they are hereby, authorized, in the name of the said County of Spartanburg, to make all such contracts as are necessary or proper to be made to execute the powers hereinbefore given them.

When to take effect.

SEC. 9. That this Act shall take effect immediately upon its approval.

Approved December 23d, A. D. 1889.

No. 406. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE FIRST AND FOURTH SECTIONS OF AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NEW SCHOOL DISTRICT IN SPARTANBURG COUNTY, AND TO AUTHORIZE THE LEVY AND COLLECTION OF A LOCAL TAX THEREIN.'"

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

in General Assembly, and by the authority of the same, That Section 2 of an Act entitled "An Act to amend the First and Fourth Sections of an Act entitled 'An Act to provide for the establishment of a new school district in Spartanburg County, and to authorize the levy and collection of a local tax therein," approved December 24th, 1884, be, and the same is hereby, amended by striking out the words, beginning on the eighth line and ending on the twelfth line of said Section, viz.: "That no tax shall be levied under this Act unless more than one-half the number of real estate owners in said district shall sign a written petition directed to the Trustees, requesting that a tax shall be levied, and stating the amount thereof." So that said Section shall read:

A. A. 1884, § 2, 18 Stat., 798, as to petition for tax, amended.

Section as amended.

Powers of meeting.

Tax not to be repealed.

Board of Trustees.

Powers and duties of the Board.

SECTION 4. That when the persons answering the above description shall have assembled in public meeting, they shall have power, first, to select a Chairman and Secretary, adjourn from time to time, decide what additional tax, if any, shall be levied, and appropriate the same in such manner as they may think best for the educational interests of said school district: *Provided*, That no tax thus levied shall be repealed at any subsequent meeting within the same year; second, they shall also have power to select (subject to the approval of the Board of Examiners for Spartanburg County) a Board of five Trustees for said school district, whose term of office shall be for two years from date of election, and who, in addition to the duties and responsibilities now provided by law for Trustees of School Districts, shall have the following powers and duties: 1. To purchase or erect suitable buildings for the use of the public schools of said school district. 2. To elect and dismiss superintendents and teachers of the city schools, prescribe their duties, terms of office, and to fix their salaries, and to cause an examination of said teachers to be made whenever necessary; also to determine the class books and studies to be used in said schools, and to make rules and regulations for the government of said schools. 3. To determine the manner in which the tax heretofore authorized (and the two mills Constitutional and poll tax provided by law) shall be expended in maintaining said public schools; and, 4. To fill all vacancies occurring in said Board of Trustees by death, resignation, removal or otherwise during their term of office or service.

Repealing clause.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved December 23d, A. D. 1889.

A. D. 1889.

No. 407.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SPARTANBURG.

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the city of Spartanburg," approved December 24th, 1880, be, and the same is hereby, amended as follows, to wit, by striking out the words "one mile" in the first Section thereof, and inserting in lieu of the same words "one and one-half miles." So that said Section shall read as follows:

A. A. 1880, § 1, 17 Stat., 434, as to city limits, amended.

Incorporation. That from and after the passage of this Act all citizens of this State having resided sixty days in the city of Spartanburg shall be deemed, and are hereby declared, a body politic and corporate; and the said city shall be called and known by the name of Spartanburg, and its corporate limits shall extend one and one-half miles in each direction from the Court House in said city.

Name and limits.

Valid for all purposes. SEC. 2. That the extension of the corporate limits of said city of Spartanburg herein provided for shall be valid and effectual for all purposes of said corporation.

Repealing clause. SEC. 3. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

When to take effect. SEC. 4. That this Act shall go into effect immediately after its approval.

Approved December 23d, A. D. 1889.

No. 408.

AN ACT TO INCORPORATE THE SPARTANBURG CITY STREET RAILWAY COMPANY.

SECTION 1. *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 same, That

Incorporation. A. H. Lefwich, Andrew E. Moore, George E. Landshaw, John B. Cleveland, Joseph Walker, George W. Nicholls, H. E. Heinitsh and their associates be, and they are hereby declared to be, a body politic and corporate, under the name and style of

Name. the "Spartanburg City Railway Company," and by that title shall have power to take, subscribe and raise a capital stock to

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the amount of fifty thousand dollars, in shares of fifty dollars each, for the purpose of constructing and operating a street railway in the city of Spartanburg, S. C., and extending to the Whitney, Clifton and Glendale factories, with power to increase said capital stock from time to time to such further sum as may be necessary, not exceeding one hundred thousand dollars: *Provided*, That such increase be assented to by a majority of the stockholders who hold a majority in value of said stock.

Capital stock. Street railway.

Increase of capital stock.

Lay railway tracks.

SEC. 2. That said company shall have power and authority, subject, as hereinafter provided, to the supervision of the City Conncil of Spartanburg, to lay railway tracks through and along the streets within the corporate limits of the city of Spartanburg, and to use and employ upon such railway tracks sufficient and suitable carriages or cars, to be drawn by horses or a dummy engine, for the transportation of passengers and freights, upon such rates as shall be fixed by said company: *Provided*, That said company shall have power and authority to extend, establish and operate said railway by the most convenient route to the Whitney, Clifton and Glendale factories, and for this purpose shall have all the authority and power necessary to carry the same into effect.

Use of same.

Extension to factories.

Powers of the corporation.

SEC. 3. That said company shall be able and capable by its corporate name to sue and be sued, plead and be impleaded, answered and be answered unto, in any Court in this State; to have succession of officers and members; and shall have power to make such by-laws, not repugnant to the laws of the land, for the government and good order of its members as shall be deemed expedient by a majority in value of stockholders, and to have a common seal and at will to alter and make new the same. At all meetings of stockholders a majority in par value of the stock shall constitute a quorum to do business, and each share of stock shall be entitled to one vote.

Quorum.

Subscriptions to capital stock.

SEC. 4. That said company is authorized to receive subscriptions to its capital stock in money, materials or labor, as may be agreed upon between said company and said subscribers, and may acquire by grant, purchase, lease or otherwise any estate, real or personal, whatsoever, and the same may hold, use, sell, convey and dispose of as to the said company shall seem fit. That said company shall have the power and authority to issue bonds for the purpose of construction, equipment or the carrying on of its business, for such amounts, and for such periods and on such interest as it may determine, and with power, if it so determine, to secure the same by a mortgage of all or any part of its property.

Property rights.

Bonds and mortgages.

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Leave to be had of City Council.

SEC. 5. That the said company before laying any railway tracks for the purpose of running cars thereon in or through any street or streets of the city of Spartanburg and to the Whitney, Clifton and Glendale factories, shall make application for leave to do so to the City Council of Spartanburg, and no such tracks shall be laid for the purpose aforesaid save with the consent and approval of the City Council of Spartanburg.

Liability of stockholders.

SEC. 6. Each stockholder in the said corporation, in addition to the loss of the sum paid upon the stock subscribed for or held by him, shall be jointly and severally liable to the creditors thereof in an amount not exceeding ten per cent. of the par value of the share or shares held by him at the time the demands of the creditors were created: *Provided*, That such demands shall have been payable within one year and that the proceedings to hold such stockholders liable therefor shall be commenced within two years after such debts may have become due and whilst he remains a stockholder therein, or within two years after he shall have ceased to be stockholder: *Provided, further*, That no person holding a other share or shares as executor, administrator, trustee or in any fiduciary capacity shall be liable thereon beyond the value of the estate held by him as such executor, administrator or trustee or in any other fiduciary capacity.

Proviso.

Trustees.

Regulations as to shares of stock.

SEC. 7. The capital stock of the said corporation shall be deemed personal property, and the said corporation shall have authority in its by-laws to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock, or for collecting and enforcing by sale or otherwise all subscriptions made thereto. No subscription to the capital stock of said company shall be valid unless the sum of fifty dollars per share be paid thereon at the time of the subscribing.

Time for commencement and completion.

SEC. 8. That unless the said corporation shall commence the work of building said railway within three (3) years from date of its incorporation and complete the same within three (3) years from such commencement, this Act shall be null and void and of no effect.

Duration.

SEC. 9. That subject to the provisions of the preceding Section, this Act shall continue of force for the term of twenty-one years, unless sooner repealed.

Approved December 24th, A. D. 1889.

AN ACT TO REVISE AND RE-ENACT THE CHARTER OF THE TOWN OF GAFFNEY CITY, IN SPARTANBURG COUNTY.

A. D. 1889.

No. 409.

SECTION 1. *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 same, That from and after the passage of this Act all citizens of this State, having resided twelve months within the State and sixty days within the town of Gaffney City, shall be deemed, and are hereby declared to be, a body politic and corporate, and the said town shall be called by the name of Gaffney City, and its corporate limits shall extend one (1) mile in every direction from the centre of said town, which centre shall be at the intersection of Race and Johnson streets.

Incorporation.

Name and limits.

SEC. 2. That said town shall be governed by an Intendant and four Wardens, who shall be citizens of this State, and shall have been residents of the town for sixty (60) days immediately preceding their election, and who shall be elected by the qualified voters of said town on the first Tuesday in March, 1890, and on the same day every two (2) years thereafter, ten days' public notice thereof being previously given; and the said Intendant and Wardens shall hold office for two (2) years and until their successors are elected and qualified; and that all male inhabitants of the age of twenty-one (21) years, citizens of the State, and who shall have resided in the said town sixty (60) days, and who shall have resided within the State twelve (12) months immediately preceding the election, shall be entitled to vote, paupers and persons under disabilities for crimes excepted.

Intendant and Wardens.

Time of election.

Term.

Electors.

SEC. 3. Said election shall be held at some convenient public place in the said town from nine (9) o'clock in the morning until three (3) o'clock in the afternoon, when the polls shall be closed and the managers shall forthwith count the votes and declare the election, and give notice thereof in writing to the Intendant then in office, who shall, within two days thereafter, give notice, or cause the same to be given, to the persons duly elected. The Intendant and Wardens, before entering upon the duties of their office, shall, respectively, take the oath prescribed by the Constitution of the State, and also the following oath, to wit: As Intendant (or Warden) of the town of Gaffney City, I will equally and impartially, to the best of my ability, exercise the trust imposed in me and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected. So help me God." And if any

Hours for opening polls.

Declaration of result.

Oath of office.

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person upon being elected Intendant or Warden shall refuse to act as such he shall forfeit and pay to the Council the sum of twenty dollars for the use of said town: *Provided*, That no person who has attained the age of sixty (60) years shall be compelled to serve in either of said offices, nor shall any other person be compelled to serve either as Intendant or Warden more than one term in succession. The Intendant and Wardens for the time being shall always appoint a Board of Managers, consisting of three persons, to conduct the election, who, before they open the polls, shall take an oath to fairly and impartially conduct the same.

Forfeit for refusal to serve.

Proviso.

Managers of Election.

Vacancies.

SEC. 4. That in case a vacancy shall occur in the office of Intendant or Wardens by death, resignation, removal or otherwise, an election to fill such vacancy shall be held by order of the Council, ten days' public notice being previously given; and the Council shall elect one of their number to act as Intendant *pro tem.* in the absence, sickness or disability of the Intendant.

Intendant *pro tem.*

Trial of offenders.

SEC. 5. That the said Intendant or Intendant *pro tem.* shall have power to try all offenders against the town ordinances enacted in pursuance of this charter, and to provide for an appeal to the Council. The Intendant shall, and may, as often as it is necessary, summon the Wardens to meet in Council, any two of whom with the Intendant shall constitute a quorum to transact business, and they shall be known as the Town Council of Gaffney City, and they and their successors in office, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances; may sue and be sued, plead and be impleaded, in any Court of justice in this State, and purchase, hold, possess and enjoy to them and their successors in office any estate, real, personal or mixed, and sell, alien or convey the same; and the said Town Council shall have authority to appoint from time to time, as they see fit, such persons to act as Marshals or special Constables of said town as said Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons so appointed shall, within the corporate limits of said town, have the powers and privileges, and be subject to all the obligations, penalties and regulations, provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Town Council. And the said Town Council shall have power to establish, or authorize the establishment of, a market house in the said town; also to authorize the establishment of a guard house and to prescribe suitable rules and regulations for keeping and governing

Council meetings.

Powers of Council.

Property rights.

Marshals.

Powers and privileges.

Market.

Guard House.

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the same; and the said Intendant and Wardens, or any one of them, may authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to said guard house for a term not exceeding twenty-four (24) hours before trial, or thirty (30) days after trial, any person or persons who, within the limits of said town, may commit or attempt to commit any breach of the peace, or be engaged in any noisy, riotous or disorderly conduct, open obscenity, or any conduct grossly indecent; and it shall be the duty of the Town Marshals or Constables to arrest and commit all such offenders, and shall have power to call to their assistance the *posse comitatus* if need be, to aid in making such arrest; and upon failure of such officers to perform such duties, they shall severally be subject to such fines and penalties as the Town Council may impose upon them.

Arrest and commitment.

Posse comitatus.

Penalties.

All persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided for the collection of fines imposed for the violations of ordinances, rules and regulations: *Provided,* That such imprisonment shall not exempt the party from the payment of any fine the Intendant or Council may impose for the offense which he, she or they may have committed; and the said Town Council shall have full power and authority, under their corporate seal, to make all such rules and regulations, by-laws and ordinances respecting the streets, roads and business thereof, as well as the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience of the inhabitants of said town, and for preserving health, order and good government within the said town; and the said Intendant, Intendant *pro tem.*, or Town Council, as the case may be, may impose fines for offenses against their by-laws, rules, regulations and ordinances, and appropriate the same to the public improvement, benefit and use of said town; and whenever the said Intendant, Intendant *pro tem.* or Town Council shall impose a fine upon a party convicted of an offence who shall refuse, fail or be unable to pay the same, the said Intendant, Intendant *pro tem.* or Town Council shall have power and authority to commute the sentence of said person to that of labor on the public streets or public improvements of said town for a period not exceeding thirty (30) days; and the said Intendant, Intendant *pro tem.* or Town Council shall have full power to compel the attendance of witnesses and require them to give evidence in

Costs of imprisonment.

By-laws and ordinances.

Fines.

Labor on streets.

Witnesses.

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any trial before him or them; but no fine above the sum of fifty dollars shall be collected by said Intendant, Intendant *pro tem.* or Town Council except by suit in the proper Courts of justice in this State; and also that nothing herein contained shall authorize said Council to make any ordinances or by-laws inconsistent with or repugnant to the laws of the State.

Limit to fines.

Nuisances.

SEC. 6. The said Intendant and Wardens, or a majority of them, shall have power to abate and remove all nuisances in said town, and it shall be their duty to keep all roads, ways, bridges and streets within the limits of said town open and in good repair, and for that purpose they are vested with all the powers of County Commissioners for and within the corporate limits of said town, and they shall have full power to classify and arrange the inhabitants or citizens of said town liable to street, road or public duty therein, and to enforce the performance of said duty under such penalties as are now or shall hereafter be prescribed by law; and they shall have power to compound with all persons liable to work the streets, ways and roads in said town upon such terms as their ordinances or by-laws may establish, or their rules or regulations may require; and all persons refusing to labor, or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars, as the Intendant, Intendant *pro tem.* or Town Council may impose; and shall have the power to enforce the payment of said fine as in all other cases for violation of ordinances.

Streets and ways.

Street duty.

Commutation tax.

Penalties.

Regulations as to the streets.

SEC. 7. The Town Council of Gaffney City shall have full power and authority to open new streets in said town, and to close up, widen or otherwise alter those now in use, or which may hereafter be established, whensoever, in their judgment, the same may be necessary for the improvement or convenience of said town, and to name and change present names of streets and to number and letter the same. Should the land owner or owners through whose premises such street or streets may run refuse his, her or their consent to such action of the Town Council in opening, closing up, widening or altering such street or streets, the said Town Council shall have the right to condemn such land for the purposes aforesaid, according to the provisions of law now of force for condemning land for public use.

Condemning land for streets.

Cemeteries.

SEC. 8. The cemeteries and graveyards are also placed under the jurisdiction of the said Town Council.

Auction and other licenses.

SEC. 9. The Town Council of the said town shall have full power to regulate sales at auction within the corporate limits of

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said town, and to grant licenses to auctioneers, itinerant traders, and keepers of hotels and livery stables, and to levy license tax on all drays, carts and wagons, carriages, omnibuses, buggies, horses, mares or mules kept for hire or used for public purposes in said town; and they shall have full power to impose a tax on all shows or exhibitions for gain or reward within the corporate limits of said town; they shall have power to impose an annual tax not exceeding thirty (30) cents on every hundred dollars of the value of all real and personal property lying within the corporate limits of the said town, real and personal property of churches, cemeteries, schools, college associations and public libraries excepted; that an ordinance declaring the rate of the annual taxation upon property and other subjects of annual taxation shall be published at least three weeks during the month of January in each year: *Provided*, That the said Town Council shall have power to levy a tax for the year 1890 under the same rule as is above stated, immediately after this Act goes into effect, and that all persons liable to taxation under the same shall make oath of their taxable property within said town, and make payment of their taxes to the Clerk or Treasurer of said town, or such other person as may be appointed for that purpose, during the succeeding month after publication, and upon failure to make such returns and payment as required the parties so in default shall be subject to the penalties provided by law for failure to pay the general State and County tax, to be enforced by order of the Council, for the use of said town, except in such cases that executions to enforce the payment of such taxes shall be issued under the seal of the corporation, and may be directed to the Town Marshal or other person appointed by the Town Council to levy, collect and receive the same, with costs as in such cases made and provided by law; and all property upon which such taxes shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to all other debts except debts due to the State and County, which shall be first paid; and that all other taxes imposed by the Council shall be enforced as in manner and form before stated.

Tax on shows.

Property tax.

Publication of ordinance.

Tax for 1890.

Returns for taxation.

Payment of taxes.

Defaulters.

Executions.

Lien.

SEC. 10. The Intendant and Wardens elect, together with the Clerk and Treasurer, shall, during their term of office, be exempt from street and police duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors in office a full account of their receipts and expenditures during their term, which account shall

Exemption from street and police duty.

Report to successors.

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Publication. be published in one newspaper of the town, if one there be published, and if no paper is published in said town, then the same to be posted in one or more public places in said town, and shall

Surrender of property. pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and other papers incident to their office, to their successors; and on failure to do so

Penalties. they shall be liable to be fined in a sum not exceeding five hundred ($500) dollars, to be collected by any proper action of the Town Council.

Fire limits. SEC. 11. That the said Town Council shall have full power and authority to prohibit by suitable penalties the erection of any wooden building or buildings within such limits in the said town as the Town Council shall designate by an ordinance or ordinances for such purpose duly ratified by such Town Council and published in a newspaper of said town or by posting the same in two conspicuous places in said town.

SEC. 12. That all ordinances or by-laws passed by the Town

Force of Ordinances. Council of Gaffney City pursuant to the power by this Act granted shall be binding upon the citizens of the said town, the same as the laws of the State.

Public Act. SEC. 13. That this Act shall be deemed a public Act, and

When to take effect. shall take effect from the day of its approval, and continue in

Duration. force until repealed.

Repealing clause. SEC. 14. That all Acts, or parts of Acts, or amendments to the original charter Act incorporating the said town of Gaffney City be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 410. AN ACT TO ESTABLISH GAFFNEY FERRY, ON BROAD RIVER, IN SPARTANBURG COUNTY.

SECTION 1. *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 same, That

Vested in Eliz. and J. W. Gaffney. the ferry commonly called "Gaffney Ferry," on Broad River, in Spartanburg County, shall be, and the same is hereby, established a public ferry and vested in Elizabeth Gaffney and John W. Gaffney, their heirs, executors and assigns, for the term of

Term and tolls. fourteen years, with the privilege of collecting the rates of toll

Exemptions. as now established by law: *Provided*, That children going to and returning from school and all persons going to and returning from church shall be passed free.

Approved December 23d, A. D. 1889.

AN ACT RELATING TO THE COMPENSATION OF COUNTY AUDITOR IN SUMTER COUNTY.

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No. 411.

SECTION 1. *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 same, That from and after the passage of this Act the County Auditor of Sumter County shall receive from the State Treasurer the annual salary of seven hundred dollars, and in addition to the salary as hereinbefore provided the said County Auditor shall receive from the funds of his County the sum of five hundred dollars, to be paid as now provided by law.

Salary.

Additional compensation.

SEC. 2. All Acts and parts of Acts inconsistent with or supplied by this Act are hereby repealed so far as they relate to the amount of the salary and compensation of the Auditor of Sumter County.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO CREATE A NEW JUDICIAL DISTRICT IN SUMTER COUNTY EMBRACING MIDDLETON TOWNSHIP, TO BE KNOWN AS THE EIGHTH JUDICIAL DISTRICT FOR SUMTER COUNTY.

No. 412.

SECTION 1. *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 same, That Middleton Township, in Sumter County, be, and the same is hereby, created a judicial district, to be known as the Eighth Judicial District for Sumter County.

Judicial district established.

SEC. 2. That as soon as practicable after the approval of this Act, it shall be the duty of the Governor, and he is hereby authorized, empowered and required, to appoint a Trial Justice for said judicial district.

Trial Justice to be appointed.

SEC. 3. That the Trial Justice so appointed shall be a resident of said district, and shall reside therein during his term of office, and shall hold his office at or near Wedgefield in said district.

Residence.

SEC. 4. That the Trial Justice so appointed shall be authorized and empowered to appoint and employ a person to act as Constable, who shall receive from the County as compensation for his services the same amount as that received by the said

Constable and his pay.

A. D. 1889. Trial Justice appointing him, and which shall be payable in the same manner.

Salary to Trial Justice. SEC. 5. That said Trial Justice shall receive from the County as compensation for his services, and in lieu of all costs and fees in criminal cases, the salary of one hundred dollars per annum, payable at the end of each quarter, in equal installments, upon the warrant of the County Commissioners.

Rights and liabilities. SEC. 6. That the provisions of an Act entitled "An Act to limit the number of Trial Justices in certain Counties of this State, and to provide for fixing their territorial jurisdiction, and for the manner and amount of their compensation," approved 19 Stat., 701. December 24th, A. D. 1886, that are not inconsistent with this Act shall apply to the said judicial district and the officers thereof herein created, and that said judicial district and the officers thereof shall have all the rights, privileges and powers therein enumerated, and shall be subject to all the liabilities therein imposed.

When to take effect. SEC. 7. That this Act shall take effect immediately after its approval.

Approved December 23d, A. D. 1889.

No. 413. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SEPARATE SCHOOL DISTRICT IN THE CITY OF SUMTER," APPROVED DECEMBER 24TH, 1888.

SECTION 1. *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 same, That Section 3 of the Act of the General Assembly of said State entitled "An Act to provide for the establishment of a separate school district in the city of Sumter," approved December 24th, 1888, be amended so as to read as follows:

A. A. 1888, ante 231, amended.

SECTION 3. That in addition to the rights and privileges hereinbefore granted, the said school district shall have the power to levy and collect a tax on the assessed value of all real and personal property returned in said school district, not exceeding, in addition to the tax provided for in Section 2 of this Act, two

Local tax.

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mills on the dollar, subject to the following provisions: The City Council of the city of Sumter shall at any time previous to the first day of June of each year issue a call for a meeting, after two weeks' notice, of all those male citizens of said school district who return real or personal property therein. Such notice shall specify the time and place of such meeting and be published in a newspaper in said city. The said City Council shall cause to be prepared a list of all male citizens of the age of twenty-one years and upwards who return real or personal property in said school district, a certified copy of which shall be turned over to the Secretary of such meeting. Only those persons shall be entitled to vote at such meeting who are male citizens of said State and city and who return real or personal property in said school district. The persons entitled to vote in said meeting shall have power: First, to appoint a Chairman and Secretary; second, to adjourn from time to time; third, to decide whether, in addition to the Constitutional school tax apportioned to the use of the schools in said school district, and in addition to the tax provided for in Section 2 of this Act, it is deemed expedient to levy an additional tax, not exceeding the limit hereinbefore mentioned, for the pay of teachers' salaries, or the building, furnishing, repairing, leasing or improvement of school houses in said school district, or for incidental expenses; fourth, to elect four School Commissioners, one from each ward, if that is deemed practicable, who, together with the Mayor of said city, shall constitute a School Board. No taxes thus levied shall be repealed at any subsequent meeting. It shall be the duty of the Chairman of such meeting to keep a correct record of all the proceedings, and to file the same in the office of the Mayor. It shall also be the duty of the Chairman of such meeting to notify the City Clerk and Treasurer within one week of the amount of tax thus levied, and the said Clerk and Treasurer, under the direction of the Board of School Commissioners of said school district shall thereupon proceed to assess such tax on all real and personal property returned in said school district. He shall collect this tax at the time and in the manner provided for collecting the city taxes, and it shall be a lien on all property until paid, as is provided for in the case of State and County taxes. The proceeds arising from this tax shall be kept separate, and paid out by the said Clerk and Treasurer on warrants drawn by said Board of School Commissioners, and the said Clerk and Treasurer shall be liable to all penalties now prescribed by law for the non-performance or neglect of

Meeting of taxpayers.

Notice.

List of taxpayers.

Voters.

Powers of meeting.

Additional tax.

School Board.

Tax not to be repealed.

Record.

Notification, assessment and collection of tax.

Lien.

How paid out.

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duty as in cases of County Treasurers. That the said City Clerk and Treasurer shall be the Clerk and Treasurer of said Board of School Commissioners, subject to removal by them, and with power in said Board to fill any vacancy which may occur in said office. That should the said City Council fail or refuse, within the time hereinbefore limited, to issue a call for the meeting hereinbefore provided for, or to perform any other act hereinbefore directed, the said Board of School Commissioners are authorized to issue a call for such meeting at any time prior to the first day of July in each, and to perform any other act hereinbefore devolved upon said City Council.

Clerk and Treasurer.

Powers of School Board to call a meeting.

Additional Section.

SEC. 2. That the following Section shall be added to said Act, to be known as Section 9:

Coupons bonds.

SECTION 9. That the School District of the City of Sumter is hereby authorized and empowered, by and through its Board of School Commissioners, to issue coupon bonds to the amount of twelve thousand dollars, if said Board should deem that amount necessary: *Provided*, That a majority of the qualified electors of said school district voting shall be in favor of such issue as may be expressed at an election hereafter to be held for that purpose. The proceeds derived from the sale of said bonds shall be used for the purpose of purchasing a site or sites and erecting one or more public school buildings in the city of Sumter and furnishing the same. Said bonds to bear a rate of interest not exceeding six per centum per annum, payable annually, the principal to mature in not less than twenty years from the date of issue; the same to be signed by the Chairman of said Board and countersigned by its Clerk and Treasurer, and the seal of said corporation to be affixed thereto, which seal the said Board is hereby authorized to make and adopt. Said bonds to be in such denominations as said Board may determine, and a correct register of the same shall be kept by the said Clerk and Treasurer. The coupons upon said bonds shall be receivable for all taxes in said school district which shall be levied for educational purposes. Said bonds shall constitute a first lien upon all the property which may be purchased or improved with the proceeds from said bonds; and said bonds shall not be taxable for municipal or public school purposes other than the Constitutional two mills tax. That for the purpose of paying the interest on said bonds and the principal when due, it shall be the duty of the Board of School Commissioners of said School District to compute annually the amount necessary to be raised, and to assess and levy the same upon all the real and personal

Election.

Use of proceeds.

Description of bonds.

Execution of bonds.

Coupons receivable for taxes.

Lien.

Non-taxable.

Annual tax levy.

property in said school district, and the amount so assessed and levied shall be a lien upon such property, and shall be collected by the Clerk and Treasurer of said Board, at the same time and in the same manner and under the same powers as the city taxes of the city of Sumter are collected, and shall be held by him for the purpose of paying the said interest or principal, if any be due, and shall be used for no other purpose whatever. That the said Board shall have the power to require from said Clerk and Treasurer such security for the faithful performance of his duties as they may deem adequate.

A. D. 1889.

Collection of tax.

Security by Treasurer.

SEC. 3. That the Board of School Commissioners of said School District are hereby declared to be the legal successors of the Trustees of the former School District No. 1 of the County of Sumter, which included the area of the said School District of the City of Sumter; that said Board of School Commissioners are hereby vested with the title to the lot of land fronting on Republican street, in the city of Sumter, heretofore held by the Trustees of the said School District No. 1, and that said Board is hereby authorized and empowered to sell the same and apply the proceeds to any of the purposes enumerated in Section 2 of this Act.

Rights of new Board.

Vested with title to property.

Power to sell.

SEC. 4. That the City Council of the city of Sumter are authorized to fix the time and place of any election held under this Act; to publish the notice, appoint the managers, prescribe the form of ballot, receive the returns and declare the result.

Elections.

SEC. 5. That so much of all Acts or parts of Acts as are inconsistent with or supplied by the provisions of this Act be, and the same are hereby, repealed.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO RECHARTER THE TOWN OF SUMTER, SOUTH CAROLINA,'" APPROVED 19TH DECEMBER, A. D. 1887. No. 414.

SECTION 1. *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 same, That Section XI of an Act entitled "An Act to amend an Act entitled 'An Act to recharter the town of Sumter, South Caro-

A. A. 1887, 19 Stat., 1131, amended.

A. D. 1889.

lina,'" approved December 19th, A. D. 1887, be stricken out and the following be inserted in lieu thereof, viz.:

Summons to witness.

SECTION XI. That the city of Sumter, South Carolina, be authorized and empowered to require by summons, oral or written, the presence of any person that may be wanted as a witness in any case in which said city is interested, whether such witness be within the city limits or not, and should such witness

Penalty for non-appearance

fail to appear as required, he or she shall be liable to a penalty not exceeding fifty dollars or thirty days' imprisonment in the city guard house or County jail.

Summons to accused persons.

SEC. 2. That the city of Sumter be authorized and empowered to require the presence of any person or persons charged with the violation of any ordinance of said city, whether such person be within the city limits or not; and said city be au-

Warrant of arrest.

thorized by its warrant, issued by its Mayor or Clerk and Treasurer, directed to one of the police of said city, or to the Sheriff of Sumter County, to arrest and hold such person to answer for such alleged violation of city ordinance.

Arrest on sight.

SEC. 3. Nothing herein contained shall prevent the arrest of any person who is committing a breach of the peace or an offense against public decency, or any violation of any ordinance of said city, without a warrant.

Loans.

SEC. 4. That the City Council of the city of Sumter is hereby authorized to borrow money from time to time to pay the ordinary expenses of said city government: *Provided*, that no loans shall be made for a longer period than nine months.

Repealing clause.

SEC. 5. That all Acts or parts of Acts inconsistent herewith be, and the same are hereby, repealed.

Approved December 24th, A. D. 1889.

No. 415. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE SUMTER BUILDING AND LOAN ASSOCIATION, OF SUMTER, S. C.," APPROVED DECEMBER 24TH, 1883.

SECTION 1. *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 same, That

A. A. 1883, § 4, 18 Stat., 605, amended.

Section 4 of an Act entitled "An Act to incorporate the Sumter Building and Loan Association, of Sumter, S. C.," approved December 24th, A. D. 1883, be, and the same is hereby, amended so as to read as follows:

A. D. 1889.

SECTION 4. That if any of the funds of the said association shall remain unproductive or uninvested and uncalled for the space of two months, it shall be lawful for said association to lend out what moneys may be on hand to stockholders or others at such rates of interest as may be agreed on, not contrary to law.

Loans to stockholders and others.

SEC. 2. That all Acts or parts of Acts inconsistent herewith be, and the same are hereby, repealed.

Repealing clause.

Approved December 24th, A. D. 1889.

AN ACT TO AUTHORIZE THE COUNTY TREASURER AND COUNTY COMMISSIONERS OF UNION COUNTY TO APPLY ALL TAXES RECEIVED FROM THE CHARLESTON, CINCINNATI AND CHICAGO RAILROAD COMPANY UPON THE LEVY FOR COUNTY PURPOSES TO THE PAYMENT OF THE INTEREST OF THE BONDS SUBSCRIBED BY THE TOWNSHIPS OF GOWDEYSVILLE, PINCKNEY, UNION AND GOSHEN HILL IN AID OF SAID RAILROAD, AND FOR THE APPORTIONMENT OF THE SAID TAXES.

No. 416.

Preamble.

Whereas the certain townships of the County of Union, in the State of South Carolina hereinafter named, by their vote, did express their willingness to subject themselves to taxation for the purpose of paying the bonds issued by the said townships in aid of the Charleston, Cincinnati and Chicago Railroad under an Act of the General Assembly which provided that all taxes received from the said railroad upon the levy for County purposes, instead of going into the County treasury, should be applied by the County Treasurer and County Commissioners of said County to the payment of the interest on the bonds subscribed by the said townships; *And whereas*, notwithstanding that the Act of the General Assembly under which this vote by the said townships was taken has been declared unconstitutional, the said bonds have nevertheless been declared "to be the debts of these townships respectively having authorized the issue of the same":

Tax on railroad property to be applied to interest on railroad bonds.

SECTION 1. *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 same, That all taxes received from the Charleston, Cincinnati and Chicago Railroad upon the levy for County purposes in the County of

A. D. 1889. Union, instead of going into the County treasury, shall be applied by the County Treasurer and County Commissioners of the said County to the payment of the interest on the bonds subscribed by the Townships of Gowdeysville, Pinckney, Union and Goshen Hill, in aforesaid County, in aid of the said Charleston, Cincinnati and Chicago Railroad, and declared "to be the debts of said townships respectively having authorized the issue of the same."

Apportionment of taxes. SEC. 2. That the County Treasurer and County Commissioners of Union County shall apportion the amount of the taxes received from the said Charleston, Cincinnati and Chicago Railroad on the levy for County purposes among the townships named in Section 1 hereof, according to the amount subscribed in bonds by each of the said townships, and shall pay the same on the interest of the bonds of the said townships accordingly.

When to take effect. SEC. 3. That this Act shall take effect immediately upon its approval.

Approved December 24th, A. D. 1889.

No. 417. AN ACT TO AMEND THE CHARTER OF THE TOWN OF UNION.

SECTION 1. *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 same, That Section 3 of an Act entitled "An Act to amend the charter of the town of Union," approved December 24th, 1880, be, and the same is hereby, repealed.

A. A. 1880, § 3, 17 Stat., 408, repealed.

Managers of election. SEC. 2. That the Intendant and Wardens of the town of Union for the time being shall, twenty days preceding the day of election for Intendant and Wardens of the town, appoint a Board of Managers of Election to conduct the election, who, before they open the polls, shall take an oath fairly and impartially to conduct the same. They shall, fifteen days preceding the day of election, proceed to the polling place, and shall there, upon such days, not less than three nor more than five, as the said Intendant and Wardens may deem necessary, until five days previous to said day of election, open lists for the registration of the qualified voters of said town, with their place of residence; the said list to be open for registration on each of said days between

Oath.

Registration lists.

the hours of eleven o'clock in the morning and one o'clock in the afternoon, without intermission or adjournment. The registration list when completed shall remain in the custody of said managers until needed for the day of election; and any one who desires to make copies of said lists, or to inspect the same, shall be permitted to do so, under such regulations as the managers shall prescribe. A. D. 1889. Inspection of lists.

SEC. 3. The managers shall administer to every person offering to register an oath that he is qualified to vote at the election to be held, and that he has truly stated his name and residence. Oath of persons registering.

Approved December 24th, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE ELECTION OF A TOWN TREASURER FOR THE TOWN OF UNION, IN UNION COUNTY, AND PRESCRIBE HIS DUTIES," APPROVED DECEMBER 24TH, 1888. No. 418.

SECTION 1. *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 same, That an Act entitled "An Act to authorize the election of a Town Treasurer for the town of Union, in Union County, and prescribe his duties," approved December 24th, 1888, be, and the same is hereby, amended by adding the following, to be known as Section 2: A. A. 1888, ante p. 228, amended.

SECTION 2. That the bond required from said Treasurer shall be made with good sureties to be approved by the Intendant and Wardens of the town. Bond of Treasurer.

Approved December 24th, A. D. 1889.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF UNION TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, FURNISHING AND EQUIPPING A SCHOOL BUILDING FOR THE PUBLIC SCHOOL OF THE TOWN OF UNION, AND TO PROVIDE FOR THE PAYMENT OF SAME. No. 419.

SECTION 1. *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 same, That

A. D. 1889.

Bonds for school building.

the Town Council of the town of Union shall have power, and are hereby authorized and required, on or before the first day of May, A. D. 1890, to issue bonds of said town to the amount of seven thousand dollars, for the purpose of building, furnishing and equipping a public school building, to be located in said town, said bonds to be issued in such denominations as said Town Council may deem best, and to be payable ten years from the date of said bonds, or at any time before the expiration of said ten years at the option of said Town Council, with interest payable annually at seven per centum per annum, and the coupons for said interest when due to be receivable in payment of all taxes levied by or due to said town.

Description of bonds.

Coupons receivable for taxes.

Bonds to be turned over to School Trustees.

SEC. 2. That the said Town Council shall turn over said bonds, when issued, to the Board of Trustees of the public school of the school district embracing the town of Union, upon the execution and delivery to the said Town Council by the said Board of Trustees of a good and sufficient bond, equal in amount to the amount of the bonds turned over, for the faithful keeping and administering of said bonds and the proceeds thereof, according to the terms of this Act.

Bond of Trustees.

Sale or hypothecation of bonds.

SEC. 3. That the Board of Trustees are authorized and empowered to sell or hypothecate said bonds: *Provided*, That they shall not sell or hypothecate said bonds for less than their par value; and until said bonds are sold or hypothecated, and if sold or hypothecated, the proceeds thereof shall be deposited in the Merchants' and Planters' National Bank, of Union, to be drawn out only upon the order of said Board of Trustees, and countersigned by the Chairman and Treasurer.

Limit.

Deposit of bonds and proceeds.

Expenditure of proceeds.

SEC. 4. That the money arising from the sale or hypothecation of said bonds shall be used exclusively for the purposes set forth in Section 1 of this Act, and to this end shall be expended under the direction and control of the said Board of Trustees; and should any of said bonds be not used by said Board of Trustees, the same shall be returned to the said Town Council, and by it canceled.

Cancellation of bonds.

Interest on bonds.

SEC. 5. That the said Town Council shall, annually, at such time as they may fix and determine, pay the interest due on said bonds; and for this purpose the said Town Council, in addition to the powers already conferred, shall be authorized and required, annually, to levy such tax upon the real and personal property assessed for taxation in said town as may be deemed necessary to pay the interest of the said bonds which may become due in each and every year, until the whole of said bonds shall be paid.

Annual tax levy.

A. D. 1889.

SEC. 6. That for the purpose of retiring said bonds the said Town Council shall devote and set apart one thousand dollars of the revenues of said town in each and every year, and shall apply the same to the payment of said bonds, until the whole of said bonds shall be fully paid. Sinking fund.

SEC. 7. That this Act shall take effect immediately after its approval. When to take effect.

Approved December 24th, A. D. 1889.

NOTE.—For Act relating to Trial Justices in Union County, see ante No. 359, page 585. For Act relating to working of roads in Union County, see ante No. 362 page 538.—EDITOR.

AN ACT TO EXEMPT A CERTAIN PORTION OF WILLIAMSBURG COUNTY FROM THE OPERATIONS OF CHAPTER XXVII OF THE GENERAL STATUTES, RELATING TO THE STOCK LAW, FROM THE FIFTEENTH DAY OF DECEMBER IN EACH YEAR TO THE FIRST DAY OF THE FOLLOWING MARCH IN EACH YEAR. No. 420.

SECTION 1. *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 same, That the portion of the County of Williamsburg with the boundaries hereinafter described shall be exempt from the operations of Chapter XXVII of the General Statutes, relating to the Stock Law, from the fifteenth day of December in each year to the first day of the following March in each year. Portion of the County to be exempted for three months.

SEC. 2. That the portion thus exempted is as follows: All that section of Ridge Township bounded by a line to begin on the public road known as the Lindsay road at the Northern boundary of H. W. Gaskin's land, and thence running with said road to Lake Swamp, thence running with Northern side of said swamp to Brown's bridges across said swamp on the Anderson Bridge road, thence running with said Anderson Bridge road to the Indian Township line, thence running with said line to where it crosses the old Georgetown Railroad, thence running with said railroad to intersection with the Kingstree public road, thence running with said Kingstree public road to intersection with John Frierson's private road, thence running with said private road direct to the old Georgetown Railroad, Area of exempted section.

A. D. 1889.

thence running in a direct line to the Western boundary of J. P. Epps's land, thence running a due Northwest course to Frank Fleming's, thence running to H. W. Fulmore's land, thence running directly Northeast to the aforesaid starting point on the Lindsay public road.

When to take effect.

SEC. 3. That this Act shall take effect from the date of its approval.

Approved December 24th, A. D. 1889.

No. 421. A JOINT RESOLUTION TO AUTHORIZE THE COUNTY COMMISSIONERS OF WILLIAMSBURG COUNTY TO PAY J. J. STEELE, JR., FOR SERVICES RENDERED.

Preamble.

Whereas J. J. Steele, Jr., Clerk of the Board of County Commissioners of Williamsburg County, has devoted much of his time, outside of the regular time devoted to the ordinary transaction and business of his said office, in arranging, systematizing and getting into shape the vouchers and posting the books necessary to a full understanding of the indebtedness of the County; *And whereas* the grand jury has reported this work as valuable to the County, and recommended that the said J. J. Steele, Jr., be paid therefor; *And whereas* the services so rendered were reasonably worth the sum of ninety dollars:

Be it resolved 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 same, That the County Commissioners of Williamsburg County be, and they are hereby, authorized and required to draw their check on the County Treasurer of said County in favor of J. J. Steele, Jr., for ninety dollars, and the County Treasurer of said County be, and he is hereby, authorized and required to pay the same out of the license fund to be collected for year 1889–90.

County Commissioners to draw warrant.

County Treasurer to pay.

Approved December 24th, A. D. 1889.

NOTE.—For Act exempting a section of Williamsburg County from the operations of the Stock Law, see ante No. 300, page 475.—EDITOR.

A. D. 1889.

No. 422.

A JOINT RESOLUTION TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF YORK COUNTY TO APPLY AN UNEXPENDED BALANCE OF THREE HUNDRED AND TWENTY-SEVEN AND 47-100 DOLLARS NOW IN THE HANDS OF THE COUNTY TREASURER TO THE PAYMENT OF ORDINARY COUNTY EXPENSES.

SECTION 1. *Be it resolved* 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 same, That the County Commissioners of York County be, and they are hereby, authorized and empowered to apply to the payment of ordinary County expenses an unexpended balance now in the hands of the County Treasurer of three hundred and twenty-seven and 47-100 dollars, which arose from a special levy to pay the past indebtedness of said County.

Appropriation of unexpended balance.

Approved December 23d, A. D. 1889.

No. 423.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CREATE THE SCHOOL DISTRICT OF YORKVILLE, IN YORK COUNTY, AND ENABLE IT TO ORGANIZE A SYSTEM OF FREE SCHOOLS, TO LEVY A TAX IN SUPPORT OF THE SAME, AND TO PURCHASE AND HOLD PROPERTY," APPROVED DEC. 22D, 1888.

SECTION 1. *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 same, That Section 4 of said Act be amended by striking out the word "September," on the second line, and insert in lieu thereof "June," and on the third line strike out the words "31st day of October," and insert in lieu thereof "20th day of July," so as to make that part of the Section read as follows:

A. A. 1888, § 4, ante p. 246, amended.

SECTION 4. The Board of Trustees created pursuant to the third Section of this Act shall, between the 1st day of June and the 20th day of July in each year, call together, in annual school meeting, the voters resident in said school district, at which meeting the Trustees shall submit a full report of their transactions for the previous school year and their estimates of expenditures necessary for the ensuing school year. And on the

Annual school meetings.

Reports.

A. D. 1889.

day of said meeting, or at some day subsequent to the time appointed for said meeting, (in case the same for any reason should not be held,) three managers, appointed by said Trustees, shall open a poll at the Court House in Yorkville, in said district, not later than twelve o'clock M., and to be kept open until five o'clock P. M., at which election the qualified voters of said district shall vote for or against the assessment and levy of such local tax upon all taxable property within said school district as the Trustees may have recommended for the school year commencing 1st day of November following, which shall not exceed the sum of two mills on the dollar in any one year. And it shall be the duty of the Chairman and Secretary of the Board of Trustees to certify to the amount so voted or recommended to the County Auditor of York County, who shall forthwith assess the same for collection, and deliver his warrant to the Treasurer of said County for collection at the time other taxes are collected: *Provided*, That any tax voted to be levied at the first election herein provided for, under Section 2 of this Act, shall be certified by the County School Commissioner to the Auditor of York County, whose duty it shall be to assess the same upon all taxable property in said school district for immediate collection, and he shall deliver his warrant to the Treasurer to collect the same within thirty days from the date of the delivery, and subject to the usual penalties prescribed by law against taxpayers making default in payment.

Conduct of the election.

Question submitted.

Limit to tax.

Auditor to be notified.

Duty of Auditor and Treasurer.

Proviso as to first tax.

Approved December 23d, A. D. 1889.

No. 424. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE TOWN OF YORKVILLE, IN THE STATE OF SOUTH CAROLINA," APPROVED DECEMBER 23D, 1886.

SECTION 1. *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 same, That Section 10 of an Act entitled "An Act to charter the town of Yorkville, in the State of South Carolina," approved December 23d, 1886, be, and the same is hereby, amended so as to read as follows:

A. A. 1886, § 10, 19 Stat., 581, amended.

SECTION 10. That it shall be unlawful for any druggist, apothecary or other person, upon the prescription of a physician or

Furnishing liquors on prescription prohibited.

otherwise, to sell or systematically give away wine, malt or spiritual liquors, or any bitters, or any medicated liquors, within the incorporate limits of the town of Yorkville, and any person selling, bartering or systematically giving away any such wines, malt or spirituous liquors, or any bitters or any medicated liquors, shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, within the discretion of the Circuit Judge. And furthermore, the Town Council of said town are hereby authorized and empowered to pass such ordinances as may be deemed necessary, with appropriate penalties to enforce the observance and punish any or all violations of the provisions of this Section. And the Town Council shall be authorized and empowered to require all persons, companies and corporations now engaged, or who may hereafter become engaged, in business vocations or professions of any kind whatsoever within the limits of said town to take out a license from the Town Council, who shall be authorized to impose such charges or tax for the conduct of same as by ordinance of the said town may be provided, and the revenue derived from such license shall be for the public uses of said town, and the Town Council may enforce the payment of such license or tax in such manner as they may by ordinance provide.

A. D. 1889.

Penalty.

Ordinances.

Business licenses.

Use of proceeds.

SEC. 2. That this Act shall take effect immediately upon its approval, and all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

When to take effect.

Repealing clause.

Approved December 23d, A. D. 1889.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF ROCK HILL," APPROVED DECEMBER 22D, 1885.

No. 425.

SECTION 1. *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 same, That Section 1 of an Act entitled "An Act to renew and amend the charter of the town of Rock Hill," approved December 22d, 1885, be, and the same is hereby, amended so as, when amended, it shall read as follows:

A. A. 1885, 19 Stat., 95, amended.

SECTION 1. That from and after the passage of this Act, all citizens of this State having resided twelve months within the

Incorporation.

A. D. 1889.

State and sixty days in the town of Rock Hill shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall be called and known by the name of Rock Hill, and its corporate limits shall extend over the area of a square, each side whereof is two miles, and the centre whereof shall be a point in the centre of Main street opposite the Methodist Church, the sides forming the sides of said square being respectively parallel and perpendicular to a line drawn parallel to said Main street as it lies in front of said Methodist Church.

Name and limits.

Additional Section.

SEC. 2. That the said Act is hereby further amended by adding thereto the following Section, to be known as Section 11*a*, to follow Section 11 of said Act, to wit:

Water, electric and gas works.

SECTION 11*a*. The Town Council of said town shall have full power and authority to purchase and operate water and electric works in or near said town, for the use and benefit of said town and its citizens; also to purchase, own and operate apparatus for generating either electricity or gas for the use and benefit of said town and its citizens, or to contract for the erection of plants either for water works or lighting purposes, one or both, for the uses of said town and to supply the citizens thereof; to grant a franchise or franchises for said purposes, as well as for the construction and operation of a street railway within said town, to any private corporation or corporations, for a term of years, as may be deemed to the best interest of said town, with power to make such by-laws, rules and ordinances in reference thereto as shall be deemed necessary for the regulation and proper conduct of the same, either for public or private use by the citizens of said town.

Street railway and other corporations.

By-laws and ordinances.

When to take effect.

Repealing clause.

SEC. 3. That this Act shall go into effect from the date of its approval, and all Acts or parts of Acts inconsistent herewith is hereby repealed.

Approved December 24th, A. D. 1889.

No. 426. AN ACT TO AUTHORIZE THE TOWN COUNCIL OF ROCK HILL TO ISSUE BONDS FOR THE PURPOSE OF DEFRAYING EXPENSES ALREADY INCURRED IN IMPROVING THE STREETS AND FOR FURTHER IMPROVING THE STREETS OF SAID TOWN, AND TO PROVIDE FOR THE PAYMENT OF THE INTEREST ON THE SAME.

SECTION 1. *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 same, That the Town Council of Rock Hill shall have the power, and are hereby authorized, to issue bonds of said town on or before the 10th day of January, A. D. 1890, to the amount of five thousand dollars, for the purpose of defraying the debts and expenses already incurred in the improvement of the streets of said town and for the purpose of further improving the streets and ways of said town, said bonds to be issued in the denomination of five hundred dollars each and to be made payable in twenty years, with interest payable annually on the 10th day of January of each year, at the rate of six per centum per annum, and the interest coupons on said bonds when due to be receivable in payment of all taxes levied or due to said town.

A. D. 1889.

Issue of bonds.

Amount.

Purposes.

Description.

Coupons receivable for taxes.

SEC. 2. That the money arising from the sale or hypothecation of said bonds shall be used exclusively for the purposes set out in Section 1 of this Act, and to this end shall be expended under the direction and control of said Town Council.

Expenditure of proceeds.

SEC. 3. That the Town Council shall annually, at such place as they may fix and determine, pay the interest due on said bonds; and for this purpose the said Town Council, in addition to the powers already conferred, shall be, and they are hereby, authorized and required to levy such tax upon the real and personal property assessed for taxation in the said town as may be deemed necessary to pay the interest on said bonds which may become due in each and every year until the whole of said bonds be paid.

Payment of interest.

Annual tax levy.

SEC. 4. That this Act shall take effect immediately after its approval.

When to take effect.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE ROCK HILL WATER SUPPLY, ELECTRIC LIGHT AND STREET RAILWAY COMPANY.

No. 427.

SECTION 1. *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 same, That W. L. Roddey, Wm. C. Whitner, Wm. H. Stewart and W. B. Wilson, Jr., together with such other persons as now are or may hereafter be associated with them, shall be, and they are hereby, constituted and made a body politic and corporate, under and by

Incorporation.

A. D. 1889.

Name and powers.

the name of the Rock Hill Water Supply, Electric Light and Street Railway Company, and as such body politic and corporate shall have the power to make, use, have and keep a common seal and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and may add to, alter or amend the same from time to time as may be desired, and to have succession of officers and members conformably to such by-laws; and to sue and be sued, plead and be impleaded, in any Courts of this State; and to have, use and enjoy all other rights, powers and privileges and be subject to all other liabilities which are incident to bodies corporate.

Wells, reservoirs and pipes.

SEC. 2. That said corporation shall have full power and authority, subject as hereinafter provided to the consent of the Town Council of Rock Hill, to dig such wells and construct reservoirs in the said town, and to lay down such pipes and aqueducts along, in and under the streets, ways and public places thereof as may be necessary for the purpose of supplying water for the said town and for the other purposes of said

Electric works.

company; to carry on and conduct the business of using electricity for the manufacture and production of light, heat and power for lighting and heating the streets, ways, public grounds and places, stores, manufactories, residences and all other places and buildings within the said town of Rock Hill and the country

Electric power.

adjacent thereto; and to furnish power for the operation of street cars, manufactories or for other transportation or industrial purposes, and for such purposes to erect or lay all necessary

Street railways.

poles, pipes and conductors; to lay, use, work and keep in repair railway tracks through and along the streets and ways of the said town of Rock Hill, and from thence along the public highways outside of the incorporate limits of said town to a distance not exceeding five miles in any one direction, and for said purposes said corporation shall have power and authority to cross and recross any and all streets, ways, roads and railways as may

Diversion of streams.

be necessary to accomplish the same. And said company is further authorized and empowered to divert from its usual channel any stream or streams of water in or adjacent to said town;

Dams.

also to construct a dam or dams, and to appropriate to the uses

Private property.

aforesaid any private property which may be necessary for any of the purposes of said company; and if the said company and the owner or owners of such property shall not be able to agree on the value of such property or the amount of compensation for damages thereto, then the said company shall procure such rights and privileges in the same way that railroad corpo-

rations are required to proceed in procuring rights of way under Sections 1550–1561 of the General Statutes, and on paying the sum so ascertained the said property shall be vested in said company; and the said company shall further have full power and authority to erect shops, works and such other buildings as may be necessary or desirable, and to purchase, take, hold, sell and convey in fee simple, or for less estate, any lands, tenements, hereditaments, goods, chattels, rights and credits which may be connected with or in any manner conducive to the purposes for which said company is established; to issue bonds of the company secured by mortgage or otherwise, in such amount or manner as the said corporation may determine. A. D. 1889. Shops and works. Property rights. Bonds and mortgages.

SEC. 3. That said company, before digging any wells, building reservoirs, or laying pipes or aqueducts for the purpose of supplying water, and before erecting or laying any poles, pipes or conductors for using electricity as aforesaid, and before laying any railway tracks along the streets of said town, shall first obtain permission so to do from the Town Council of Rock Hill. Permission from Town Council.

SEC. 4. The persons aforesaid shall have power to raise by subscription a capital stock for said corporation of five thousand dollars, in fifty shares of one hundred dollars each: *Provided, however,* That a majority of the Board of Directors of said corporation shall have the power of increasing the said capital stock to any extent not exceeding one hundred thousand dollars, whenever they deem proper to do so; and the said corporation shall, by its by-laws or Board of Directors, provide for the manner of raising and distributing such additional capital stock. Capital stock. Increase.

SEC. 5. That the duration of the charter hereby granted shall be for the term of thirty years, and until the final adjournment of the General Assembly next thereafter. Duration of charter.

SEC. 6. That said corporation shall have, and is hereby vested with, all the powers, rights and privileges, and is hereby subject to all the liabilities and restrictions, contained in Section twenty-two of an Act entitled "An Act to provide for the formation of certain corporations under general laws," approved December 23, 1886, except in so far as the said Section of said Act, or any part thereof, is inconsistent with the provisions of this Act, or any part thereof. Rights and liabilities. 19 Stat., 540.

SEC. 7. Each stockholder shall have one vote for each share of the capital stock of the said corporation he may own or represent at all elections and all meetings of the company, and the Board of Directors of the said corporation are authorized to make such regulations as may be deemed proper for representa- Voting by stockholders. Proxies.

A. D. 1889.

tion by proxy of such stockholders as may be absent at such elections and meetings.

Shares of stock.

SEC. 8. The capital stock of said corporation shall be deemed personal property; and the said corporation shall have authority, in its by-laws, or the Board of Directors, to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock, or for collecting and enforcing by sale or otherwise all subscriptions made thereto.

Penalty for injury to property.

SEC. 9. That any person willfully injuring, or causing to be injured, any of the property of the said corporation shall forfeit and pay to the said corporation treble the amount of damages sustained by any such injury, to be recovered by action in any Court having cognizance thereof, and shall be considered guilty of a misdemeanor, and being convicted thereof shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years.

Approved December 24th, A. D. 1889.

No. 428. AN ACT TO ESTABLISH A SPECIAL SCHOOL DISTRICT IN YORK COUNTY, TO BE KNOWN AS THE FORT MILL SCHOOL DISTRICT, AND TO AUTHORIZE THE LEVY AND COLLECTION OF A LOCAL TAX THEREIN.

SECTION 1. *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 same, That

Area of Fort Mill School District.

the area or territory in York County embraced within the following boundary, to wit: Beginning on the Catawba River at the mouth of Back Branch, near Spratt Island, thence up said branch to its junction with Silas Felt's Spring Branch, thence up said Silas Felt's Spring Branch to its source, thence to Philadelphia School House on Tuckasege Ford Road, thence up said road to Griffin's Store, thence with road by W. R. Warren's to Hagler's Branch, thence down said branch to Steele Creek, thence down Steele Creek to Sugar Creek, thence down said creek to Barbour's Bridge, thence Southwest of Pleasant Valley (col'd) Church to Patton's Ferry Road at J. P. Crowder's, thence with Patton's Ferry Road to H. W. Hoffman's, thence with road to junction with Nation Ford Road at S. M. Dinkins' residence,

thence with Ferry Road to Catawba River at Dinkins' Ferry, thence up said river to the starting point, be, and the same is hereby, created a special school district, to be known as the Fort Mill School District, and shall be a body politic and corporate, with such rights, powers, privileges and liabilities as are provided in school districts by the laws of the State of South Carolina. A. D. 1889. Name and incorporation.

SEC. 2. That S. E. White, J. H. Thornwell, J. B. Mack, J. M. Spratt, T. G. Culp, J. E. Massey, A. A. Bradford, M. M. Manney and J. W. Ardry, and their successors in office, be, and they are hereby, constituted and appointed a Board of Trustees for said school district, and they shall each hold said office of Trustee for life, or during good behavior, if they shall so long reside in said school district. And the said Board of Trustees shall alone have power to fill vacancies caused therein by death, removal, resignation or otherwise: *Provided*, That no person shall be eligible to the office of Trustee who is not a patron of the said school, or who has not contributed the sum of ten dollars towards the erecting of the school building of said district: *Provided, further*, That the right to use the Fort Mill Academy building, situated in said school district, be vested in said Board of Trustees and their successors for the use of said school district. Board of Trustees. Term of office. Vacancies. Eligibility. Use of Academy.

SEC. 3. That the said school district and the Trustees thereof shall be entitled to all the rights, powers and privileges and be subject to all the restrictions and liabilities that are contained and enumerated in an Act entitled "An Act for the establishment of a new school district in the County of York, to be known as the Rock Hill School District, and to authorize the levy and collection of a local tax therein," approved December 19th, 1887, except in so far as the provisions of said Act may be inconsistent with the provisions of this Act. Rights and liabilities. 19 Stat., 1167.

SEC. 4. That this Act shall go into effect immediately after its approval, and all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed. When to take effect. Repealing clause.

Approved December 23d, 1889.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HICKORY GROVE, IN YORK COUNTY. No. 429.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting

A. D. 1889.

in General Assembly, and by the authority of the same, That Section 2 of an Act entitled "An Act to incorporate the town of Hickory Grove, in York County," approved Decem. 24th, 1888, be amended so as to read as follows:

A. A. 1888, § 2, ante p. 344, amended.

Rights and limitations.

SEC. 2. That the said town shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved Decem. 23d, 1885. And the Town Council of said town shall have power to grant license for the sale of wine, spirituous and malt liquors within the incorporate limits thereof: *Provided*, That no such license shall be granted for a less sum than five hundred dollars per annum.

19 Stat., 174.

Liquor licenses.

Limit.

Approved December 23d, A. D. 1889.

No. 430. AN ACT TO INCORPORATE THE TOWN OF SHARON, IN YORK COUNTY.

SECTION 1. *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 authority of the same, That all citizens of the United States and of this State who now are or hereafter may be residents of this State for one year, and of the town of Sharon, in York County, for sixty days shall be deemed, and are hereby declared to be, a body politic and corporate, and the said town shall be known and called by the name of Sharon, and the corporate limits of said town shall be one square mile, the sides whereof shall run North, South, East and West, and the centre whereof shall be a point in the centre of old field lying South of railroad track near the depot.

Incorporation.

Name and limits.

Rights and limitations.

SEC. 2. That the said town shall be vested with all the rights, powers and privileges granted by, and be subject to all the limitations and provisions contained in, an Act entitled "An Act to provide for and regulate the incorporation of towns of less than one thousand inhabitants in this State," approved December 23d, 1885. The first election for Intendant and Wardens of said town shall be held on the 2nd day of January, 1890, between the hours of 9 A. M. and 4 P. M.; and J. D. Hamilton, W. S. Plexico and J. H. Saye are hereby appointed Commis-

19 Stat., 174.

First election.

sioners to hold said election, count the votes and declare the result. A. D. 1889.

SEC. 3. That it shall be unlawful for any druggist or other person to sell any spirituous or malt liquors, or any medicated liquors of which spirituous liquor forms an ingredient, within the incorporate limits of said town, upon the prescription of a physician or otherwise, and any and all persons violating the provisions of this Section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine or imprisonment or both, within the discretion of the Court, and the Town Council of said town is hereby authorized and empowered to pass such ordinances as may be deemed necessary with appropriate penalties to enforce the observance and punish all violations of the provisions of this Section. Sale of liquor on prescription prohibited.

SEC. 4. That this Act shall be deemed a public Act, shall go into effect from the date of its approval, and shall continue of force for a period of thirty years, and until the final adjournment of the General Assembly next thereafter. Public Act. When to take effect. Duration.

Approved December 24th, A. D. 1889.

AN ACT TO INCORPORATE THE BLACKSBURG STREET RAILWAY AND ELECTRIC LIGHT COMPANY. No. 431.

SECTION 1. *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 same, That J. F. Jones, J. G. Black, N. W. Hardin, F. P. Beard and J. J. Whisnant and their associates be, and they are hereby, declared to be a body politic and corporate, under the name and style of "The Blacksburg Street Railway and Electric Light Company," and by that title shall have power to take, subscribe and raise a capital stock to the amount of ten thousand dollars, in shares of twenty-five dollars each, for the purpose of constructing and operating a street railway and electric lights in the town of Blacksburg, S. C., and West of said town to Broad River, S. C., with power to increase said capital stock from time to time to such further sum as may be necessary, not exceeding fifty thousand dollars: *Provided*, That such increase be assented to by a majority in value of the stockholders at a meeting duly called, as may be provided by the by-laws for that purpose. Incorporation. Name. Capital stock. Increase.

A. D. 1889.

Rights, Railway tracks and electric lights.

SEC. 2. That said company shall have power and authority, subject, as hereinafter provided, to the supervision of the Town Council of Blacksburg, to lay railway tracks, erect and operate electric lights through and along the streets within the corporate limits of the town of Blacksburg, and from said town West to Broad River, and to use and employ upon such railway tracks

Cars.

sufficient and suitable carriages or cars to be drawn by horses or other animal power, steam or electric power, for the tranportation of passengers and freights, and operate electric lights, upon

Electric works.

such rates as shall be fixed by the company; and for this purpose shall have all the authority and power necessary to carry the same into effect.

Powers.

SEC. 3. That said company shall be able and capable, by its corporate name, to sue and be sued, plead and be impleaded, answer and be answered unto in any Court in this State; to have succession of officers and members; and shall have power to make such by-laws, not repugnant to the laws of the land, for the government and good order of its members as shall be deemed expedient by a majority in value of stockholders, and to have a common seal, and at will to alter and make new the

Quorum.

same. At all meetings of stockholders a majority in par value of the stock shall constitute a quorum to do business, and each share of stock shall be entitled to one vote.

Subscriptions to capital stock.

SEC. 4. That said company is authorized to receive subscriptions to its capital stock in money, materials, or labor, as may

Property rights.

be agreed upon between said company and said subscribers, and may acquire by grant, purchase, lease or otherwise, any estate, real or personal, whatsoever, and the same may hold, use, sell, convey and dispose of, as to the said company shall seem fit.

Bonds and mortgages.

That the said company shall have the power and authority to issue bonds for the purpose of construction, equipment or carrying on of its business for such amounts, and for such periods, and on such interest as it may determine, and with power, if it so determine, to secure the same by a mortgage of all or any part of its property.

Approval of Town Council.

SECTION 5. That the said company, before laying any railway tracks for the purpose of running cars thereon, erecting and operating electric lights, in or through any street or streets in the town of Blacksburg, shall make application for leave to do so to the Town Council of Blacksburg, and no such track shall be laid, or electric wires and lamps erected, for the purposes aforesaid save with the consent and approval of the Town

Proviso.

Council of Blacksburg: *Provided*, That should the said Town

Council take no action upon the application for leave to construct and operate the said street railway and electric lights within thirty days from the date of said application made in writing to them, the said Town Council shall be deemed to have approved the same: *Provided, further,* That all necessary precautions be taken not to obstruct or otherwise impair the use of any street or public way through which the said street railway or electric lights may be constructed.

Obstructions in streets.

Liability of stockholders.

SEC. 6. Each stockholder in the said corporation, in addition to the loss of the sum paid upon the stock subscribed for or held by him, shall be jointly and severally liable to the creditors thereof in an amount not exceeding ten per cent. of the par value of the share or shares held by him at the time the demand of the creditors were created: *Provided,* That such demands shall have been payable within one year and the proceedings to hold such stockholders liable therefor shall be commenced within two years after such debts may have become due and whilst he remains a stockholder therein or within two years after he shall have ceased to be such stockholder: *Provided, further,* That no person holding a share or shares as executor, administrator, trustee or in any other fiduciary capacity shall be liable thereon beyond the value of the estate held by him as such executor, administrator or trustee, or in any other fiduciary capacity.

Proviso.

Trustees.

Shares of stock.

SEC. 7. The capital stock of the said corporation shall be deemed personal property, and the said corporation shall have authority in its by-laws to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock, or for collecting and enforcing, by sale or otherwise, all subscriptions made thereto.

Time for commencing and completing.

SEC. 8. That unless the said corporation shall commence the work of building said railway within five years from date of its incorporation, and complete the same within five years from such commencement, this Act shall be null and void and of no effect.

Duration.

SEC. 9. That, subject to the provisions of the preceding Section, this Act shall continue of force for the term of twenty-one years, unless sooner repealed.

Approved December 23d, A. D. 1889.

A. D. 1889.

No. 432.

* AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE EASTERN, BARNWELL AND WESTERN RAILROAD COMPANY."

SECTION 1. *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 same, That an Act entitled "An Act to incorporate the Eastern, Barnwell and Western Railroad Company," approved December 24th, 1887, be, and the same is hereby, amended by striking out therefrom the whole of Section 16 and inserting in lieu thereof the following:

A. A. 1887, 916, 19 Stat., 920, amended.

When work must be begun.

"SECTION 16. That the construction of said railroad shall be commenced prior to the 31st day of December, Anno Domini eighteen hundred and ninety-one, and in default thereof this Act shall have no further force and effect."

Approved December 24th, A. D. 1889.

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*This Act got accidentally misplaced from its proper position among the Acts relating to railroad corporations.—EDITOR.

APPENDIX.

LIST OF CHARTERS

GRANTED BY THE SECRETARY OF STATE.

Under the provisions of the Act of December 23d, 1886, entitled "An Act to provide for the formation of corporations under general laws," (19 Stat., 540,) and Acts amending the same, and reported to the General Assembly in his Report of November 1, 1889.

ABBEVILLE COTTON SEED OIL AND FERTILIZER COMPANY.

Incorporated to manufacture cotton seed oil and fertilizers.

Location—Abbeville, S. C.

Names of Corporators—R. E. Hill, A. W. Smith and Francis Henry.

Amount Capital Stock—Twenty thousand dollars. Par value one hundred dollars per share.

Date of Charter—13th June, 1889.

ALLIANCE WAREHOUSE COMPANY AT WOODRUFF, S. C.

Incorporated to do a general storage business.

Location—Woodruff, S. C.

Names of Corporators—S. N. Nesbit, F. M. Sexton, S. V. Brockman, H. H. Arnold, David Cooper, P. P. Woodruff and B. D. Beason.

Amount Capital Stock—Two thousand dollars. Par value five dollars per share.

Date of Charter—14th September, 1889.

ANDERSON COTTON MILLS.

Incorporated to manufacture and sell goods made of cotton and wool.

Location—Anderson, S. C.

Names of Corporators—J. A. Brock, W. W. Humphreys, J. M. Sullivan, John E. Peoples and George E. Prince.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—7th June, 1889.

ANDERSON ICE COMPANY.

Incorporated to manufacture and sell ice.

Location—Anderson, S. C.

Names of Corporators—John H. Townsend, H. C. Townsend, Geo. B. Townsend and J. A. Brock.

Amount Capital Stock—Six thousand dollars. Par value one hundred dollars per share.

Date of Charter—13th May, 1889.

BANK OF LANCASTER.

Incorporated to do a banking business.

Location—Lancaster, S. C.

Names of Corporators—Leroy Spring, James M. Heath, John H. Fitzpatrick, William Ganson, L. C. Payseur, M. P. Crawford, D. A. Williams, T. Y. Williams and Ira B. Jones.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—17th August, 1889.

BANK OF MANNING.

Incorporated to do a general banking business.

Location—Manning, S. C.

Names of Corporators—M. Levi, J. C. Simonds, S. A. Rigsby and A. Levi.

Amount Capital Stock—Forty thousand dollars. Par value one hundred dollars per share.

Date of Charter—11th October, 1889.

BANK OF PENDLETON.

Incorporated to do a general banking business.

Location—Pendleton, S. C.

Names of Corporators—J. B. Sitton, J. J. Sitton and M. M. Hunter.

Amount Capital Stock—Fifteen thousand dollars. Par value one hundred dollars per share.

Date of Charter—6th September, 1889.

BANK OF SUMTER.

Incorporated to carry on a general banking business.

Location—Sumter, S. C.

Names of Corporators—W. F. B. Haynsworth, A. S. Brown, E. W. Moise, J. D. Blanding and R. P. Monaghan.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—29th January, 1889.

BARNWELL BUILDING AND IMPROVEMENT ASSOCIATION.

Incorporated to build a Masonic Temple and buying and selling real estate.

Location—Barnwell, S. C.

Names of Corporators—Charles Carroll Simms, Mike Brown, Charles Peckham, W. G. Smith, G. Duncan Bellinger, Leroy Molair and J. W. Woodward.

Amount Capital Stock—Five thousand dollars. Par value ten dollars per share.

Date of Charter—16th July, 1889.

BERKELEY TRANSPORTATION COMPANY.

Incorporated to transport passengers and freight to and from points in and about the port and harbor of Charleston.

Location—Mount Pleasant, S. C.

Names of Corporators—T. L. Witsell, R. H. Pinckney, Albert Hudson, E. O. Hall, Jr., and J. K. Blackman.

Amount Capital Stock—Fifteen hundred dollars. Par value fifty dollars per share.

Date of Charter—13th May, 1889.

BLUFFTON WHARF COMPANY.

Incorporated to erect a substantial wharf.

Location—Bluffton, S. C.

Names of Corporators—W. H. Niver and W. A. Fripp.

Amount Capital Stock—Three hundred dollars. Par value ten dollars per share.

Date of Charter—25th October, 1889.

BOLTON MINES COMPANY.

Incorporated to conduct a phosphate business.

Location—Berkeley County.

Names of Corporators—David Roberts, I. C. Brown and C. W. St. Armand.

Amount Capital Stock—Thirty thousand dollars. Par value one hundred dollars per share.

Date of Charter—14th February, 1889.

BOYS' AND GIRLS' SAVINGS INSTITUTION.

Incorporated to do a general banking business.

Location—Orengeburg, S. C.

Names of Corporators—Charles G. Dantzler, Oscar R. Solomon, Abial Lathrop, A. C. Dukes and Samuel Dibble.

Amount Capital Stock—Five thousand dollars. Par value twenty-five dollars per share.

Date of Charter—23d October, 1889.

BUILDING AND LOAN AND SAVINGS ASSOCIATION OF FORT MILL, S. C.

Incorporated to loan money on real and personal property.

Location—Fort Mill, S. C.

Names of Corporators—Samuel E. White, B. D. Springs, J. W. Ardrey, R. A. Fulp and J. M. Spratt.

Amount Capital Stock—Fifteen thousand dollars. Par value fifty dollars per share.

Date of Charter—20th March, 1889.

CAROLINA BUGGY COMPANY.

Incorporated to manufacture buggies and wagons.

Location—Yorkville, S. C.

Names of Corporators—M. C. Willis and Walter B. Moore.

Amount Capital Stock—Fifty thousand dollars. Par value five hundred dollars per share.

Date of Charter—13th May, 1889.

CENTRAL CAROLINA LAND AND IMPROVEMENT COMPANY.

Incorporated to buy and sell real estate.

Location—Sumter, S. C.

Names of Corporators—Rufus C. Barkley, John L. Silver and A. Ames Howlett.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—24th July, 1889.

CHARLESTON MATTRESS AND WOODWARE FACTORY.

Incorporated to manufacture all kinds of furniture.

Location—Charleston, S. C.

Names of Corporators—J. A. Smyth, J. F. Redding, W. K. Darby, M. D. Maguire and A. Johnson.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—13th September, 1889.

CHESTER BUILDING AND LOAN SAVINGS INSTITUTION.

Incorporated to discount commercial paper, to buy and sell real estate.

Location—Chester, S. C.

Names of Corporators—B. M. Spratt, J. W. Dunnovant, S M. Jones, A. Steinkuhler, Saling Heyman, R. C. Stewart, H. Samuels, J. L. Gunhouse, T. H. White, Joseph Lindsay, Paul Hemphill and George W. Gage.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—20th February, 1889.

CHESTER MANUFACTURING COMPANY.

Incorporated to manufacture yarns, &c.

Location—Chester, S. C.

Names of Corporators—J. L. Agurs, J. H. Smith, Joseph Wylie, J. M. Jones, G. D. Heath, John J. Hemphill, J. J. McLure, George W. Gage and W. H. Hardin.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—31st December, 1888.

CHESTERFIELD BUILDING AND LOAN ASSOCIATION.

Incorporated to make loans of money, secured by mortgages on real estate, etc.

Location—Chesterfield, S. C.

Names of Corporators—E. N. Redfearn, C. L. Evans, W. F. Stevens, A. M. Redfearn and E. F. Malloy.

Amount Capital Stock—Two hundred shares, to be paid by successive monthly installments of one dollar on each share.

Date of Charter—6th March, 1889.

COLUMBIA FURNITURE AND MANUFACTURING COMPANY.

Incorporated to manufacture and sell furniture.

Location—Columbia, S. C.

Names of Corporators—W. H. Gibbes, Dr. James Woodrow, Dr. A. N. Talley, W. A. Clark, R. S. Desportes, Charles Hooper, C. J. Iredell, John T. Sloan, Jr., Dr. T. T. Moore, Wm. H. Lyles, Wilie Jones, George K. Wright, Jasper Miller, E. McC. Clarkson, W. H. Gibbes, Jr., Frank H. Weston and Archibald W. Ray.

Amount Capital Stock—Thirty thousand dollars. Par value one hundred dollars per share.

Date of Charter—27th July, 1889.

COLUMBIA GRANITE, CONSTRUCTION AND MANUFACTURING COMPANY.

Incorporated to buy and sell, improve, rent, lease, real estate.

Location—Columbia, S. C.

Names of Corporators—T. A. McCreery, S. A. Pearce, John T. Sloan, Jr., W. C. Fisher, John R. Edwards, W. H. Pearce, J. S. Dunn, C. C. Habenicht, W. B. Lowrance, Joseph K. Alston, A. Lewis Gaubert, Geo. K. Wright, C. J. Iredell, J. P. Richardson, Geo. A. Shields, Thos. T. Moore, M. A. Markley, N. G. Gonzales, Wilie Jones and L. A. Ransom.

Amount Capital Stock—Two hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—1st March, 1889.

COLUMBIA LAND AND IMPROVEMENT COMPANY.

Incorporated to buy and sell real estate, bonds and mortgages, &c.

Location—Columbia, S. C.

Names of Corporators—Geo. W. Parker, Wm. H. Lyles, Edgar C. Haynesworth, J. A. Willis, J. S. Muller and W. A. Clark.

Amount Capital Stock—Two hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—14th February, 1889.

COLUMBIA OIL AND FERTILIZER COMPANY.

Incorporated to manufacture and trade in oil and products of cotton seed.

Location—Columbia, S. C.

Names of Corporators—H. M. Gibson and W. C. Mikell.

Amount Capital Stock—Twenty-five thousand dollars. Par value one hundred dollars per share.

Date of Charter—5th March, 1889.

COLUMBIA PHOSPHATE COMPANY.

Incorporated to manufacture and sell commercial fertilizers.

Location—Columbia, S. C.

Names of Corporators—W. A. Clark, T. C. Robertson, Geo. L. Baker, W. B. Burney, J. C. Haskell, J. S. Muller, James Woodrow, W. B. Lowrance and A. P. Butler.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—26th July, 1889.

COMMERCIAL BANK OF COLUMBIA, S. C.

Incorporated to do a general banking business.

Location—Columbia, S. C.

Names of Corporators—C. J. Iredell, Manager; C. J. Iredell, Wm. H. Lyles, Geo. W. Williams, John R. London, J. H. Counts, H. C. Mosley, M. A. Carlisle, John S. Leaphart, A. Stork, W. T. Martin, C. C. Habenicht, Samuel W. Rowan and B. B. Ford.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—6th March, 1889.

COWPENS MANUFACTURING COMPANY.

Incorporated to manufacture cotton and wool and buy lands, &c.

Location—Cowpens, S. C.

Names of Corporators—C. B. Carr, R. R. Brown, J. T. Wilkins and S. B. Wilkins.

Amount Capital Stock—Sixty thousand dollars. Par value one hundred dollars per share.

Date of Charter—17th May, 1889.

DARLINGTON LAND AND IMPROVEMENT COMPANY.

Incorporated to buy, sell, rent, lease and improve real estate, &c.

Location—Darlington, S. C.

Names of Corporators—J. J. Ward, E. O. Woods, J. F. Early, G. K. King, I. Lewenthal, A. Nachman and Geo. W. Brown.

Amount Capital Stock—Twenty-six thousand dollars. Par value one hundred dollars per share.

Date of Charter—8th January, 1889.

DAVIS CANNING AND CANDY COMPANY.

Incorporated to manufacture candy, bread, etc., etc.

Location—Rock Hill, S. C.

Names of Corporators—L. M. Davis, A. H. White, D. Hutchinson, R. T. Fewell, N. P. Alexander, W. C. Hutchinson and J. M. Cherry.

Amount Capital Stock—Five thousand dollars. Par value one hundred dollars per share.

Date of Charter—31st July, 1889.

D. E. CONVERSE COMPANY.

Incorporated to manufacture and sell cotton and wool goods.
Location—Glendale, S. C.
Names of Corporators—Dexter Edgar Converse, Albert H. Twichell and Charles W. Zimmerman.
Amount Capital Stock - One hundred and fifty thousand dollars per share.
Date of Charter—3d August, 1889.

DILLON COTTON SEED OIL MILL.

Incorporated to manufacture and sell the products of cotton seed.
Location—Dillon, S. C.
Names of Corporators—J. W. Dillon, T. A. Dillon, H. P. Hamer, J. S. Thompson, W. H. Steed, L. Thomson and D. McLaurin.
Amount Capital Stock—Twenty thousand dollars. Par value one hundred dollars per share.
Date of Charter—12th January, 1889.

EAGLE BALING PRESS AND MANUFACTURING COMPANY.

Incorporated to manufacture and sell baling presses.
Location—Charleston, S. C.
Names of Corporators—George A. Wagener and Wm. L. Millar.
Amount Capital Stock—One thousand and five hundred dollars per share.
Date of Charter—12th September, 1889.

EDISTO SAVINGS BANK, OF ORANGEBURG, S. C.

Incorporated to do a general banking business.

Location—Orangeburg, S. C.

Names of Corporators—John A. Hamilton, Samuel Dibble, B. H. Moss, George W. Brunson, Theo. Kohn, E. C. Dibble, W. B. Thompson, J. W. Fairey and J. W. H. Dukes.

Amount Capital Stock—Fifteen thousand dollars. Par value twenty-five dollars per share.

Date of Charter—3d April, 1889.

FARMERS' AND MERCHANTS' BANK OF ANDERSON.

Incorporated to do a general banking business.

Location—Anderson, S. C.

Names of Corporators—W. W. Humphries, P. K. McCulley, J. D. Maxwell, R. S. Hill, F. T. Wilhite, W. F. Cox, E. W. Brown, J. R. Vandiver, S. M. Orr, C. F. Jones, J. G. Cunningham, John E. Peoples and R. W. Simpson.

Amount Capital Stock—Fifty thousand dollars. Par value fifty dollars per share.

Date of Charter—8th May, 1889.

FINGERVILLE MANUFACTURING COMPANY.

Incorporated to manufacture cotton and wool.

Location—Fingerville, Spartanburg County, S. C.

Names of Corporators—J. B. Liles, T. J. Trimmier, J. A. Henneman, J. A. Lee, A. G. Floyd and T. B. Sims.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—11th December, 1888.

FLORENCE COTTON OIL COMPANY.

Incorporated to manufacture and sell cotton oil and fertilizers.

Location—Florence, S. C.

Names of Corporators—S. A. Gregg, Walter Gregg, Z. T. Kershaw, W. F. Claussen, C. M. Covington, H. L. Covington, A. A. Cohen, J. L. Barringer, James Allen, F. U. Lake and John C. Timmons.

Amount Capital Stock—Twenty thousand dollars. Par value twenty-five dollars per share.

Date of Charter—28th June, 1889.

GAFFNEY CITY FARMERS' ALLIANCE WAREHOUSE COMPANY.

Incorporated to advance interest of agriculture and storing cotton, &c.

Location—Gaffney City, S. C.

Names of Corporators—J. R. Jefferies, E. P. McComson, W. L. Goudelock, R. B. Lemaster, J. E. Jefferies, A. Harris, F. T. Ray, J. B. Brown, K. C. Watkins, R. E. McCraw, W. G. Austell, J. C. Humphries and T. C. Shippey.

Amount Capital Stock—Two thousand dollars. Par value two dollars per share.

Date of Charter—27th September, 1889.

GREENWOOD COTTON MILL.

Incorporated to manufacture and sell cotton and wool goods.

Location—Greenwood, S. C.

Names of Corporators—J. C. Maxwell, J. T. Simmons, W. H. Bailey, G. A. Barksdale, W. L. Durst and R. W. Major.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—5th October, 1889.

GREENWOOD OIL COMPANY.

Incorporated to manufacture cotton seed oil and fertilizers.

Location—Greenwood, S. C.

Names of Corporators—W. B. Milwee, B. Reynolds, Jr., Geo. A. Barksdale, W. L. Durst, J. T. Simmons, J. C. Maxwell and T. F. Riley.

Amount Capital Stock—Twenty thousand dollars. Par value one hundred dollars per share.

Date of Charter—16th July, 1889.

HOME BUILDING AND LOAN ASSOCIATION.

Incorporated to do a building and loan business.

Location—Greenville, S. C.

Names of Corporators—W. L. Mauldin, Frank Hammond, J. W. Lipscomb, J. P. Mahoney, J. H. Maxwell, W. C. Beacham, James Finlay and W. P. Addison.

Amount Capital Stock—Six hundred shares of the par value of one hundred dollars per share.

Date of Charter—8th August, 1889.

HOME RECIPROCAL LIFE INSURANCE COMPANY.

Incorporated to conduct a life and health insurance business.

Location—Charleston, S. C.

Names of Corporators—J. Q. A. Sand, John D. Blades and Herman A. Black.

Amount Capital Stock—One thousand dollars. Par value twenty dollars per share.

Date of Charter—7th June, 1889.

HORSE SHOE MINING COMPANY.

Incorporated to manufacture and sell phosphate rock.

Location—Horse Shoe Bridge, Colleton County.

Names of Corporators—C. C. Pinckney, Jr., William Gregg and William Gregg, Jr.

Amount Capital Stock—Twenty-five thousand dollars. Par value one hundred dollars per share.

Date of Charter—18th March, 1889.

IMPERIAL ENVELOPE AND BOX FACTORY.

Incorporated to manufacture, print, sell envelopes, paper boxes, &c.

Location—Charleston, S. C.

Names of Corporators—Jonathan Lucas, George E. Gibbon and A. M. Lee.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—5th August, 1889.

JENKINS ISLAND WHARF COMPANY.

Incorporated to do a wharf business.

Location—Jenkins Island, S. C.

Names of Corporators—W. H. Niver and A. A. Niver.

Amount Capital Stock—Three hundred dollars. Par value twenty-five dollars per share.

Date of Charter—3d July, 1889.

JOINT STOCK COMPANY OF COLUMBIA, S. C.

Incorporated to buy and sell real estate and all kinds of produce.

Location—Columbia, S. C.

Names of Corporators—H. N. Bouey, C. S. Franklin, B. F. Goodwyn, Isaac Black, Joseph A. Randall, Thomas R. Rush, B. J. Simpson and E. P. Davis.

Amount Capital Stock—One thousand five hundred dollars. Par value one dollar per share.

Date of Charter—2d March, 1889.

KING AUTOMATIC RAILWAY SIGNAL MACHINE COMPANY.

Incorporated to manufacture the King Automatic Railway Signal Machine.

Location—Greenville, S. C.

Names of Corporators—H. O. King, H. C. Beattie and J. F. Richardson.

Amount Capital Stock—One thousand dollars. Par value twenty-five dollars per share.

Date of Charter—25th March, 1889.

LANCASTER MANUFACTURING COMPANY.

Incorporated to manufacture spokes, handles, doors, sashes, blinds, &c.

Location—Lancaster, S. C.

Names of Corporators—T. Y. Williams, W. B. Knight, J. M. Hood, Ira B. Jones and J. L. Poag.

Amount Capital Stock—Eight thousand dollars. Par value twenty-five dollars per share.

Date of Charter—2d September, 1889.

LOAN AND SAVINGS BANK.

Incorporated to do a general banking business.

Location—Yorkville, S. C.

Names of Corporators—William H. Herndon, J. Robert Lindsay, Walter B. Moore, James F. Hart, Geo. W. S. Hart, Wm. B. McCaw, D. Ed. Finlay, M. C. Willis, John M. Hope, T. Baxter McClain, W, G. White and John May, Jr.

Amount Capital Stock—Sixty thousand dollars. Par value one hundred dollars per share.

Date of Charter—26th April, 1889.

MAGNETIC IRON AND STEEL ORE COMPANY.

Incorporated to manufacture iron and steel, &c.

Location—Blacksburg, S. C.

Names of Corporators—N. W. Hardin, R. A. Westbrook, John L. Black, N. A. Pratt and D. A. Wylie.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—25th March, 1889.

MARION OIL COMPANY.

Incorporated to manufacture cotton seed into oil and fertilizers.

Location—Marion, S. C.

Names of Corporators—D. M. McIntyre, G. A. Norwood, J. D. Montgomery, N. P. Smith, J. P. Baker, Elly Holden, J. H. Lambert, W. W. Hamilton, W. A. Brown and H. C. Graham.

Amount Capital Stock—Twenty thousand dollars. Par value twenty-five dollars per share.

Date of Charter—8th August, 1889.

MARLBORO COTTON OIL COMPANY.

Incorporated to manufacture and sell cotton seed oil and fertilizers.

Location—Bennettsville, S. C.

Names of Corporators—C. S. McCall, J. F. Everett, H. H. Newton, D. D. McCall, P. T. Smith, J. D. Murchison, P. L. Breeden, C. M. Weatherly and Hugh McCollum.

Amount Capital Stock—Twenty thousand dollars. Par value one hundred dollars per share.

Date of Charter—19th June, 1889.

MERCHANTS' AND FARMERS' BANK OF SPARTANBURG, S. C.

Incorporated to do a general banking business.

Location—Spartanburg, S. C.

Names of Corporators—J. H. Sloan, H. A. Ligon, Geo. W. Nicholls, S. F. McCravey, C. E. Fleming, B. F. Shockley, J. A. Henneman, Warren DuPre, N. B. Ward, Joseph Walker, L. C. Cannon, A. G. Floyd, A. N. Wood, W. F. Bryant, W. A. Law, Wm. M. Bomar and B. F. Bomar.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—25th January, 1889.

MERCHANTS' AND FARMERS' SAVINGS BANK.

Incorporated to do a general banking business.

Location—Marion, S. C.

Names of Corporators—A. Campbell, W. M. Monroe, W. J. Montgomery, P. B. Hamer, E. B. Berry, A. B. Nicholls and T. B. Stackhouse.

Amount Capital Stock—Fifty thousand dollars. Par value twenty dollars per share.

Date of Charter—20th September, 1889.

MINERS' AND MERCHANTS' BANK.

Incorporated to do a general banking business.

Location—Charleston, S. C.

Names of Corporators—Stephen L. Howard, Samuel G. Stoney and J. Bachman Chisholm.

Amount Capital Stock—One hundred thousand dollars, Par value one hundred dollars per share.

Date of Charter—2d July, 1889.

MOFFATT MANUFACTURING COMPANY.

Incorporated to manufacture agricultural implements.

Location—Chester, S. C.

Names of Corporators—W. E. Moffatt, Geo. W. Gage, Giles J. Patterson, B. M. Spratt, Joseph Wylie, Matthew White, J. L. Agurs, G. B. White, J. H. Smith, J. K. Henry, J. J. McLure, Jno. J. Hemphill, F. L. Whitlock, W. H. Rosborough, W. H. Hardin, W. H. Wylie and R. A. Love.

Amount Capital Stock—Thirty thousand dollars. Par value one hundred dollars per share.

Date of Charter—22d August, 1889.

NINETY-SIX MANUFACTURING COMPANY.

Incorporated to manufacture cotton seed oil, &c., buy and sell real estate.

Location—Ninety-Six, S. C.

Names of Corporators—G. M. Anderson, E. M. Lipscomb, W. B. Anderson, J. P. Phillips, J. C. Hutchinson and W. L. Anderson, Jr.

Amount Capital Stock—Twenty thousand dollers. Par value one hundred dollars per share.

Date of Charter—16th April, 1889.

OIL AND FERTILIZER COMPANY.

Incorporated to manufacture cotton, cotton seed oil, fertilizers, &c.

Location—Laurens, S. C.

Names of Corporators—O. B. Simmons, N. B. Dial, W. H. Martin, J. O. C. Fleming and W. A. McClintock.

Amount Capital Stock—Twenty thousand dollars. Par value one hundred dollars per share.

Date of Charter—23d October, 1889.

ORANGEBURG WOOD AND MATERIAL COMPANY.

Incorporated to manufacture all kinds of woodwork.

Location—Orangeburg, S. C.

Names of Corporators—D. W. Ayers, Jas. F. Izlar, J. E. Bull, George H. Cornelson, B. H. Moss and Samuel Dibble.

Amount Capital Stock—Five thousand dollars. Par value one hundred dollars per share.

Date of Charter—2d August, 1889.

PALMETTO BREWING COMPANY.

Incorporated to manufacture ale, beer, ginger ale and all kinds of aerated carbonated waters.

Location—Charleston, S. C.

Names of Corporators—Adolph F. C. Cramer and Emil Kerston.

Amount Capital Stock—One hundred thousand dollars. Par value fifty dollars per share.

Date of Charter—7th January, 1889.

PALMETTO LOAN AND SAVINGS ASSOCIATION.

Incorporated to loan money secured on real estate, &c.

Location—Columbia, S. C.

Names of Corporators—Walter S. Taylor, J. C. Mooney, A. T. McCants, O. N. Flanders, F. S. Earl, W. D. Simpson, Jr., J. Wilson Gibbes, S. J. Duffie, John H. Stelling, J. A. Hunt and M. H. Moore.

Amount Capital Stock—Twenty-five thousand dollars. Par value fifty dollars per share.

Date of Charter—9th May, 1889.

PEOPLE'S BANK OF GRAHAM'S.

Incorporated to do a general banking business.

Location—Graham's, S. C.

Names of Corporators—J. E. Steadman, S. D. M. Guess, H. C. Rice, L. L. Rice, J. G. H. Guess and J. W. Crum.

Amount Capital Stock—Twenty-five thousand dollars. Par value twenty-five dollars per share.

Date of Charter—24th October, 1889.

PERPETUAL BUILDING AND LOAN ASSOCIATION.

Incorporated to make loans of money secured by mortgages on real estate and personal property.

Location—Laurens, S. C.

Names of Corporators—W. R. Richey, J. R. Cooper, J. M. Philpot, O. B. Simmons, J. H. Traynham, J. H. Copeland, G. W. Shell and W. H. Martin.

Amount Capital Stock—One hundred thousand dollars, divided into shares, the ultimate of each share to be two hundred dollars per share.

Date of Charter—5th February, 1889.

PIEDMONT FOLDING CRATE COMPANY.

Incorporated to manufacture Piedmont folding crate.

Location—Greenville, S. C.

Names of Corporators—J. Walter Gray, R. Legon, J. C. Fitzgerald, W. P. Addison, W. A. Wright and W. S. Killingsworth.

Amount Capital Stock—Twenty-five hundred dollars. Par value one hundred dollars per share.

Date of Charter—9th August, 1889.

RICHLAND WINE COMPANY.

Incorporated to manufacture and sell wine and vinegars, &c.

Location—In Richland County, near Columbia, S. C.

Names of Corporators—E. M. Stoeber, John T. Sloan, Jr., Thomas T. Moore, Wilie Jones, E. R. Arthur, W. H. Gibbes, J. A. Krentzlin and Archibald W. Ray.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—27th February, 1889.

RIDGE SPRING MANUFACTURING AND BANKING COMPANY.

Incorporated to do a general banking business and manufacture cotton seed oil, &c.

Location—Ridge Spring, S. C.

Names of Corporators—W. A. Merritt, J. B. DuBose, R. B. Watson and G. D. Walker.

Amount Capital Stock—Twelve thousand dollars. Par value fifty dollars per share.

Date of Charter—5th July, 1889.

ROCK HILL CONSTRUCTION COMPANY.

Incorporated to buy and sell real estate, manufacture brick, lumber, cars, &c.

Location—Rock Hill, S. C.

Names of Corporators—W. L. Roddey, J. R. London, W. G. Reid, Iredell Jones, R. T. Fewell, W. M. Frew, A. Friedheim, D. Hutchinson, A. H. White, A. E. Smith and J. B. Johnson.

Amount Capital Stock—Twenty thousand dollars. Par value ten dollars per share.

Date of Charter—5th April, 1889.

ROCK HILL COTTON SEED OIL AND FERTILIZER COMPANY.

Incorporated to manufacture and sell oil and fertilizers.

Location—Rock Hill, S. C.

Names of Corporators—W. L. Roddy, A. E. Smith, A. H. White, W. J. Rawlinson and John Ratterree.

Amount Capital Stock—Fifty thousand dollars. Par value one hundred dollars per share.

Date of Charter—21st September, 1889.

ROYAL BAG MANUFACTURING COMPANY.

Incorporated to manufacture bags of all materials, brooms and woodenware.

Location—Charleston, S. C.

Amount Capital Stock—Thirty thousand dollars. Par value one hundred dollars per share.

Date Charter—25th January, 1889.

SAVINGS BANK OF FORT MILL.

Incorporated to do a general banking business.

Location—Fort Mill, S. C.

Names of Corporators—Samuel E. White, J. W. Ardry and John M. Spratt.

Amount Capital Stock—Fifty thousand dollars. Par value fifty dollars per share.

Date of Charter—12th October, 1889.

SENECA OIL MILL AND FERTILIZER COMPANY.

Incorporated to manufacture cotton seed oil, meal, &c., barrels or other woodenware.

Location—Seneca, S. C.

Names of Corporators—J. C. Carey, G. W. Gignilliat, M. W. Coleman, H. L. Adams, L. W. Jordan, S. Y. Stribling, B. F. Sloan, R. B. Norris and A. W. Thompson.

Amount Capital Stock—Fifteen thousand dollars. Par value twenty-five dollars per share.

Date of Charter—4th October, 1889.

SOUTHERN FRUIT COMPANY.

Incorporated to import and export fruit and buy and sell the same.

Location—Charleston, S. C.

Names of Corporators—W. H. Mixson, Charles E. Bart, Stephen E. Welch and Edward W. Wynne.

Amount Capital Stock—Ten thousand dollars. Par value one thousand dollars per share.

Date of Charter—2d October, 1889.

SOUTHERN THREE DOLLAR PANTS COMPANY.

Incorporated to manufacture clothing.

Location—Charleston, S. C.

Names of Corporators—Thomas Campbell, Renwick S. Johnson and Lucius J. Harris.

Amount Capital Stock—Two thousand dollars. Par value fifty dollars per share.

Date of Charter—12th March, 1889.

ST. MATTHEW'S SAVINGS BANK.

Incorporated to do a general banking business.

Location—St. Matthew's, S. C.

Names of Corporators—Philip Rich, W. T. C. Bates, J. H. Loyrea, F. J. Buyck, J. E. Wannamaker, W. P. Cain and J. A. Banks.

Amount Capital Stock—Fifteen thousand dollars. Par value twenty-five dollars per share.

Date of Charter—5th June, 1889.

SUMTER ELECTRIC LIGHT COMPANY.

Incorporated to manufacture and supply light, power, &c.

Location—Sumter, S. C.

Names of Corporators—D. J. Auld, A. J. China, R. M. Wallace, C. T. Mason, Jr., and R. D. Lee.

Amount Capital Stock—Ten thousand dollars. Par value one hundred dollars per share.

Date of Charter—30th July, 1889.

THE GLOBE COTTON MILLS.

Incorporated to manufacture cotton goods.

Names of Corporators—W. L. Roddey, John R. London, A. F. Ruff, R. T. Fewell, W. M. Frew, A. E. Smith, A. Freidheim, T. L. Johnston and A. H. White.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—18th September, 1889.

TROPICAL REFRIGERATOR COMPANY.

Incorporated to manufacture and build refrigerator cars, &c.

Location—Charleston, S. C.

Names of Corporators—Geo. B. Edwards and John N. Voorhees.

Amount Capital Stock—Twenty-five thousand dollars. Par value twenty-five dollars per share.

Date of Charter—31st July, 1889.

UNION TRUST COMPANY OF FLORENCE, S. C.

Incorporated to make loans of money secured on real estate.

Location—Florence, S. C.

Names of Corporators—S. A. Gregg, W. A. Brunson, S. A. Gregg, Jr., B. G. Gregg, T. W. Williamson and R. C. Gregg.

Amount Capital Stock—Four hundred shares, to be paid by successive monthly installments of one dollar on each share.

Date of Charter—8th May, 1889.

VALK AND MURDOCH IRON WORKS.

Incorporated to manufacture steam engines, boilers and all kinds of machinery.

Location—Charleston S. C.

Names of Corporators—Charles R. Valk, James S. Murdoch and John R. Murdoch.

Amount Capital Stock—One hundred thousand dollars. Par value one hundred dollars per share.

Date of Charter—30th October, 1889.

WANNAMAKER & MURRAY COMPANY.

Incorporated to manufacture and sell medicines, chemicals, &c.

Location—Columbia, S. C.

Names of Corporators—J. G. Wannamaker, W. J. Murray, W. C. Fisher, I. S. Bamberg, N. A. Bull, W. N. Scoville, James F. Izlar and J. P. Ott.

Amount Capital Stock—One hundred thousand dollars. Par value one thousand dollars per share.

Date of Charter—18th April, 1889.

WESTMORELAND CALISAYA TONIC COMPANY.

Incorporated to buy, manufacture and sell goods.

Location—Greenville, S. C.

Names of Corporators—Jesse M. Westmoreland, Frank Hammond, James H. Maxwell, Walter S. Gray, James M. McGee, Wm. Wilkins and James L. Orr.

Amount Capital Stock—Eleven thousand dollars. Par value one hundred dollars per share.

Date of Charter 15th July, 1889.

WINNSBORO OIL AND FERTILIZER COMPANY.

Incorporated to manufacture and sell cotton seed oil, &c.

Location—Winnsboro, S. C.

Names of Corporators—W. R. Doty, J. M. Beaty, T. K. Elliott, Ed. B. Ragsdale, Thomas H. Kitchen and U. G. Desportes.

Amount Capital Stock—Sixteen thousand dollars. Par value fifty dollars per share.

Date of Charter—29th August, 1889.

WINNSBORO REAL ESTATE COMPANY.

Incorporated to buy and sell real estate.

Location—Winnsboro, S. C.

Names of Corporators—W. H. Kerr, J. E. McDonald, Charles M. Douglass, James Q. Davis, T. H. Ketchen and Henry N. Obear.

Amount Capital Stock—Three thousand dollars. Par value fifty dollars per share.

Date of Charter—24th June, 1889.

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