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# REPORT

OF THE

## COMMISSION ON THE CODE.

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## REPORT

### OF THE COMMISSION ON THE CODE.

The Committee on the Code ask leave to report:

That since the last session of the Legislature, they have continued in the work assigned them under the resolution of December, 1862. They have expended much time and labor in the examination of the matter referred, and have endeavored diligently to acquit themselves of the duty confided to them.

The preparation of a Code of the Statute Law was directed by the Act of 1859, (page 761, printed Acts,) and, it is to be observed, that in the language of the Act, it was contemplated and intended to be "such a Code of the Statute Law, as if enacted, might, in connection with the portions of the Common Law that would be left unaltered, constitute the whole body of law in this State." The undertaking was, therefore, one of much magnitude, requiring on the part of the Commissioner, not only great assiduity and careful labor, but a revisal of his work from time to time, and a close and critical review of every page after completing it. When it is remembered that the Code with the unaltered portions of the Common Law was to constitute "the whole body of law in this State;" it can readily be perceived that it was not a light and easy duty imposed on the Commissioner. That however able and competent for the task he might have been, yet, when it is considered, that if enacted the Code was to be substituted for the whole Statute Law of the State, embracing so many volumes, it was not to be expected, even of the distinguished and lamented gentleman to whom the task was assigned, that a book should be produced so perfect and complete that the hand of revision would not be necessary.

While "in the preparation of the Code, brevity of expression consistent with perspicuity" has been eminently observed, the Commission is not satisfied that "order," which was required by the Act to be one of the "governing principles," has been attained, as contemplated by it. The codification of the Statute Law is to make the law ready and accessible to the people, whose conduct in all the relations of life is to be regulated by it, and to the magistrates who are to administer it. A proper "order" would seem to imply such arrangement as would indicate to the inquirer the probable head under which the subject matter sought might readily be found. The distinguished Commissioner has pursued the order borrowed from

Blackstone's Commentaries, as he informs the Legislature in his first report. This, though well designed for a treatise or commentary, in the judgment of the Commission, is not adapted to a Code. A Code should not only present the law in the most concise and perspicuous language calculated to disclose the intention of the maker, but should so arrange under one division or head all which pertains and relates to the same title. If to find a particular subject the reader is to look through the whole, one great purpose proposed to be accomplished by the work is not attained. The Commentaries of Blackstone were intended to unfold the great principles of the law. They contained the substance of a course of lectures delivered by the great professor—investigating the elements of the law and the grounds of the civil policy of his Government. He divided his subjects in reference to the objects of the law of England: "The Rights of Persons;" "The Rights of Things;" "Private Wrongs" and "Public Wrongs." It may be admitted, that for his design no better arrangement could have been devised. A Code of the Statute Law has a different aim to effect, and the Commission is of opinion that a division of the various titles in alphabetical order, (something after the manner of Brevard's Digest and the Code of North Carolina,) by bringing the same subject under one head, and thus presenting in one section all the statutes bearing relation to it, would present the whole in a form much more easy of access and reference, and prevent a recurrence to various parts of the book for provisions on the very matter which the reader had already more than once passed over.

It was suggested that a general and full index to the whole might remedy this defect, but the Commission was not so impressed. No index, however copious, could prevent a reference to different parts of the work, for what should be included in the same division—and this is substantially the objection to the order which has been adopted.

The Commissioner has attempted to some small extent to incorporate in the Code presented, some acts of a private or local nature—some granting corporate privileges and the imposition of duties in particular districts. As might have been expected, those comprised are of a very limited character, and the omission to include all, necessarily renders what has been done incomplete. The same may be said of the Acts as to the boundaries of the districts and parishes. All such Acts as are in this paragraph referred to, as well as the Acts in relation to the Bank of the State of South Carolina, the Commission recommend be omitted and codified, and published in a separate volume.

The Commissioner has recommended various changes in the law. Some of these have met the concurrence of the Commission, while from others they dissent. The principal are those affecting official bonds, vacant lands

and escheat; the action of trespass to try title, the jury law, and the law in relation to the descent of intestate estates. In this last, he dissents from the interpretation given to the 5th section (or canon) of the Act of 1791, by the Court of Appeals in Felder's case, (5, Rich. Eq. 510,) and substitutes language to carry out the construction for which he contended in the argument of that cause. So, too, he recommends a change in the Act of 1858, which allowed, after acquired lands, to pass by previous will, carrying the law in this particular to where it stood before the passage of said Act.

The Commission do not deem it necessary here to state particularly all the changes proposed by the Commissioner in the existing Statute Law, or their opinions touching the same, because the paper marked A, accompanying this Report contains the amendments, changes and modifications they recommend, which not only point to the pages of the printed book, but in doing so disclose whether they are of the law as it stands, or of the new matter submitted by the Commissioner.

While the Commission has expended much labor and attention in the strict comparison of the Code with the Statutes to which the text of it relates, in a work of such extent, they will not undertake to say that the Commissioner has not omitted some portions of the Statute Law. In their belief, Statutes have been omitted, but it was not in the compass of their power to supply all such deficiencies if they exist. To have done so effectually, would, in addition to the labor they have bestowed, devolved a task upon them which could not have been in the contemplation of the Legislature when the matter was referred. This was the more unnecessary, as it will be perceived by one of the Resolutions hereto annexed, that the Commission recommend that the Code and their Report be referred to a Commissioner to be appointed by the Legislature to re-arrange the whole.

The sheets accompanying this report show the amendments and changes submitted by the Commission, and it is respectfully presented to the Legislature.

The Commission did not review so much of the book as relates to the Militia, (including the Patrol Law,) because it is impossible, in the present condition of the military of the State, to adopt any militia system as a permanent establishment after the war.

It is proper to state, that the Commission has not added a codification of the Acts passed since the last report of the Commissioner, except so far as the law existing when he presented it has been affected by subsequent legislation. The matter referred having been an examination of the Code as printed.

It was found necessary, nay indispensable, that the Commission, at the date of its labors, should procure the assistance of a clerk to transcribe from

the printed volumes the changes, amendments and suggestions recommended, with a reference to the pages and paragraphs of the printed books, so that they might be the more conveniently compared and examined. They were able to secure for this end, the services of W. F. B. Haynsworth, Esq., a gentleman of ability and industry, most admirably suited for the task. How well he has accomplished the duty assigned to him will be perceived by an examination of his labors. The Commission recommend that proper compensation be allowed him.

The Commission, to carry out the conclusions to which they arrived, ask leave to submit the following resolutions:

1. *Resolved*, That the printed Code, with the report of the Commission, be referred to a Commissioner, to be appointed by the Legislature, with instructions to re-arrange the Code as altered and amended by the Commission, and distribute the same under proper titles, divisions and sections, arranged in alphabetical order, with abstracts of the sections to be placed at the beginning of each title or division, and a complete general index of the whole.

2. *Resolved*, That there be omitted from the Code, as printed, all Acts of a private or local nature—all Acts containing grants of corporate privileges for any purpose—all Acts granting privileges to, or imposing duties on, any particular district inconsistent with the general provisions of law—all Acts relating to fisheries in any particular section of the State—all Acts relating to the boundaries of the districts and parishes—all Acts relating to the Bank of the State of South Carolina and its Branches—and that the said matters be codified and published in a separate volume.

3. *Resolved*, That the sum of \_\_\_\_\_ dollars be allowed W. F. B. Haynsworth, Esq., as compensation for his services as Clerk to the Commission.

Respectfully submitted,

F. J. MOSES, *Chairman*.

December 2, 1864.

## AMENDMENTS,

### MODIFICATIONS AND SUGGESTIONS PROPOSED BY THE COMMISSION TO THE CODE, AND REFERRED TO IN THEIR REPORT AS EXHIBIT A.

Wherever the words "United States" occur, strike out United and insert Confederate.

At page 3, strike out and insert as recommended by the Commissioner on page 737.

At page 5, strike out "III. Judicial Districts of the State," and all following the same on that page, and on the subsequent pages, to page 15, inclusive; as recommended by the Commission.

At page 16, insert as recommended by the Commissioner on pages 738 and 739.

At page 17, paragraph, strike out "District of the," and insert in their place "Beat and."

In the reference annexed to same paragraph, strike out "83" and insert "57."

At same page, in the article entitled "(b.) Denizens," strike out "may become denizens," and, at the end of the first paragraph of said article, add "may become denizens, and be entitled to purchase and hold real property within this State."

At page 18, after first paragraph, succeeding Domestic Order, etc., insert :  
A. A. 1860. xii. 858. "No ticket or permit shall be considered as authorizing the absence of the slave from his or her master's or employer's premises, unless it specify where he or she is to go, and how long to stay; but this regulation shall not extend to incorporated cities or towns."

At page 18, in second paragraph, succeeding Domestic Order, etc., strike out "committed as a runaway," and insert "moderately corrected by whipping, not exceeding twenty lashes."

At page 18, in the last line, strike out "a" and insert "the."

At page 19, in first marginal reference, strike out "Ib." and insert "A. A. 1740."

At same page, fill the blank in the third sentence of second paragraph with the word "three": and, at the end of same sentence, add "computing the journey at twenty-five miles to the day."

At same page, in marginal reference to third paragraph, strike out "397" and insert "404."



At same page, after third paragraph, add, (as recommended by the Commissioner, see page 740,) "The saving of rice in harvest shall be deemed a work of necessity."

At page 20, after first paragraph ending on that page, add "The penalty imposed by this and the preceding section to be recovered by indictment."

At same page, in the first line of last paragraph, strike out "presence," and insert "company."

At same page, after last paragraph, insert the following: "No slave shall be permitted to rent or hire any house, room, store, or plantation, on his or her own account, or to be used or occupied by any slave or slaves; and any person or persons, who shall let or hire any house, room, store or plantation, to any slave or slaves, or to any free person, to be occupied by any slave or slaves, every person so offending shall forfeit and pay to the informer the sum of twenty dollars, to be recovered on summons before a magistrate."

At page 21, the marginal reference to first paragraph, to read "Ib. § 30, 407."

At same page, in second paragraph, strike out "the Poor," and insert "Public Buildings;" and in third paragraph strike out "the Poor," and insert "Public Buildings."

At same page, the last paragraph to be stricken out.

At page 22, the paragraph commencing, "No slave or person of color shall be employed," to read, "No person shall employ a slave or person of color in any shop, store or house of trade as a clerk or salesman, under a penalty of a fine not exceeding one thousand dollars, and imprisonment not exceeding six months: the informer to be a competent witness, and to receive half of the fine."

At same page, in next paragraph, strike out, "or offence;" also strike out "enacted," and insert in its place, "imposed on a slave or free person of color."

At page 24, in second paragraph, insert "distributees or," between "the" and "next of kin;" also strike out "heirs," the last word in that paragraph, and insert in its place, "such distributees or next of kin."

At same page, in fourth paragraph, insert "distributees or," between "the" and "next of kin."

At same page, in sixth paragraph, strike out "from his home or residence;" strike out first marginal reference.

At page 26, in title of article, strike out "Negroes," and insert "Persons of Color."

At the same page, the first paragraph to read as follows: "All crimes that are punishable with death, when committed by a white man, are punishable with death when committed by a slave or free person of color."

At the same page, the second paragraph to read as follows: "The follow-

ing offences, when committed by a slave or free person of color, shall be capitally punished, that is to say."

At same page, in fifth paragraph, strike out "and," and insert "or."

At same page, in seventh paragraph, between "slave" and "on," insert "or free person of color;" and between "in" and "defence," insert "case of a slave in."

At same page, in last paragraph, strike out "negro," and insert in its place, "person of color;" and between "shall" and "conceal," insert "harbor."

At same page, in first marginal reference, strike out "397," and insert "402;" and to the paragraph commencing with "Endeavoring," make the following marginal references: "Ib., § 17." "A. A. 1751, vii., 424, § 14."

At page 27, in first paragraph, between "wound" and "the," insert "maim or bruise."

At page 28, in second paragraph, for "poor of the District or Parish," read "Commissioners of Public Buildings."

At same page, in third paragraph, strike out, "being a distiller, vendor or retailer of spirituous liquors;" and in same paragraph, for "poor of the District or Parish," read "Commissioners of Public Buildings of the District."

At same page, in fifth paragraph, strike out "negroes," and insert "persons of color;" and add to same paragraph, "or after the going down thereof;" striking out the period at the end of the original sentence, and inserting in its place a comma.

At same page (28), in sixth paragraph, for "negroes," read "persons of color;" strike out "Leader of."

At same page, the first marginal reference to read "Ib., § 2." And, underneath the third marginal reference, add "A. A. 1857, xii., 615, § 2."

At page 29, in second paragraph, for "negroes," read "persons of color."

At same page, in last paragraph, for "his assessors," read "Jurors." The last sentence to read: "The selection shall be made in the first instance by the accused, if a free person of color; and, if a slave, by the owner, overseer or person having charge of such slave; but, if he or she will not select, then the Justice shall make the selection," etc.

To said last paragraph add the following marginal reference, "A. A. 1754, vii., 427, § 4.

At page 30, to the first paragraph ending on that page, add the following sentence: "For good cause shewn, to be determined by the Justice, against any Free-holder, another shall be substituted in his place."

At same page, in second paragraph, (which commences with the words "The charge,") insert "in writing" after "stated." The first sentence of

next paragraph to read: "The concurrence of the Justice and four Freeholders shall be required to convict; and in all cases the Justice shall consult freely with the Freeholders in forming the judgment to be rendered." In seventh line of same paragraph, between "to" and "an," insert "the Chief Justice," and between "Judge" and "either," insert "or a Circuit Law Judge."

At same page, (30) sixth paragraph, strike out period mark, and insert comma, adding "or either or all of them, at the discretion of the Court."

At same page, next paragraph, strike out "and not otherwise," and add "or either or all of them, at the discretion of the Court."

At same page, underneath first marginal reference to first paragraph, add marginal reference "A. A. 1839, xi., 22, § 28."

At same page, the first marginal reference to third paragraph to read "A. A. 1833, vi., 489, § 3."

At page 31, the second paragraph to read: "The justice and freeholders, before whom a slave or free person of color is tried, may, in their discretion, commute the punishment of death for any crime, and substitute other punishment not extending to life or limb."

In next paragraph, after "slaves," insert "and free persons of color, except warrants for their execution."

The next paragraph to read: "Any sheriff who may be commanded to do execution upon any slave or free person of color, shall do execution as directed in the warrant issued by the Court ordering such execution, and to him directed, and shall receive for his compensation one-half of the fees allowed by law for the execution of a white person."

In next paragraph, after "slave," insert "free person of color."

Add marginal reference to fourth paragraph, as follows: "A. A. 1852, xii., 211."

At page 32, first line, after "contempt," add "and for default of finding sureties, to commit such offender to prison. In ninth line, first paragraph, after "slave," add "or free person of color."

In second line of next paragraph, after "slave," add "or free person of color."

In next paragraph, strike out "at one-half thereof;" and "the same;" and after "owner," add "one-half thereof."

In next paragraph, third line, strike out "or," and "who is a fugitive from justice;" and, after "slave," insert "or a slave charged with any criminal offence."

At page 33, in second line, strike out "heirs," and insert "distributees."

At same page, at the end of the paragraph commencing with the word "Three," add "and five in capital cases."

In next paragraph, strike out "the case;" and, at the end of same para-

graph, add "but where the Freeholders are unanimous, the concurrence of the Magistrate shall not be required."

At page 34, third paragraph, for "Courts," read "Court;" and, in same paragraph, after "color," insert "in cases not capital"

In next paragraph, after the sentence containing the oath, add: "And, upon every subsequent application for such license, such person, in addition to the above oath or affirmation, shall, in like manner, take and file the following additional oath: 'And I do further swear, (or affirm, as the case may be,) that I have not, directly or indirectly, at any time since the taking out of my last license, sold, given, exchanged, bartered, or in any other wise delivered any spirituous liquors to any slave, nor have I, directly or indirectly, traded, trafficked or dealt with any slave, contrary to the true meaning and intent of the laws to prevent the selling, giving, bartering or delivering of spirituous liquors to slaves, and the dealing, trading and trafficking with the same: So help me God!'"

In next to the last line of same paragraph, for "oath," read "oaths."

In next paragraph strike out "Shop-keeper, Trader, Distiller, Retailer of Spirituous Liquors, or "Tavern-keeper," and insert "Person" in their place; and change marginal abstract accordingly.

In next paragraph, strike out "above mentioned," "any such person has purchased any thing from a slave, and is," and "done;" and, between "so" and "unlawfully," insert "purchased."

In marginal references to same paragraph, strike out "altered by A. A. 1834, vii., 468"

At page 35, the second paragraph to read: "If any person shall deal, trade or traffic with any slave, without a permit as aforesaid, he shall, on conviction, be fined, not exceeding two thousand dollars, and imprisonment not exceeding twelve months."

In second paragraph, strike out "such person above mentioned," and insert in their place "shop-keeper, trader, distiller, retailer or spirituous liquors, or tavern-keeper."

Strike out fourth and sixth paragraphs.

At page 36, in first paragraph, after "conviction," insert "shall be deemed guilty of felony and."

At same page, (36) in fourth paragraph, after "indicted," insert "for a misdemeanor." For "receive the punishment due to a high misdemeanor," read "shall be fined and imprisoned at the discretion of the Court."

Strike out last sentence of fifth paragraph.

To marginal reference of fourth paragraph, add "A. A. 1858, xii, 738."

At page 37, in second paragraph, strike out "in the West Indies, or Mexico, or any part of South America, or from Europe, or from any place North

of Baltimore, or the ports of the Chesapeake Bay and the City of Washington," and insert in their place "beyond the limits of the Confederate States. In same paragraph, strike out in Europe, the West Indies, Mexico, or any part of South America, or in any Northern State beyond the State of Maryland," and insert in their place "beyond the limits of the Confederate States."

The first marginal reference on same page to read A. A. 1835, vii., 472." Add "§ 6" to third marginal reference on same page.

At page 38, add marginal reference to first paragraph "A. A. 1835, 472."

At page 39, strike out third paragraph, which commences with the word "If."

To fourth paragraph add: "Nor shall this Act extend to free American Indians, free Moors or Lascars, or other colored subjects of countries beyond the Cape of Good Hope, who may arrive in this State in any merchant vessel."

At page 40, in second paragraph, for "Town or City Treasury," read "State."

At page 41, in second line, for "orders of the sheriff," read "command of discreet officers to aid the sheriff."

After paragraph at top, insert, as recommended by the Commissioner, page 741: "All penalties against slaves or free persons of color returning to the State are remitted in behalf of persons leaving the State during the present war, in any occupation connected with the military service of this State or the Confederate States."

Also, marginal reference "A. A. 1861, xiii., 53."

Also, marginal abstract, "Free negroes leaving the State in an employment connected with the military service entitled to return."

At same page, (41) in second and third paragraphs, for "Union," read "Confederacy."

At page 42, the last marginal reference to read "A. A. 1842, xi., 220, § 15."

At page 43, at the end of first paragraph, change period mark to comma, and add "or any owner of a plantation who shall reside in the vicinity thereof, and shall regularly perform patrol duty in the patrol beat in which such plantation is situated."

At same page, alter the first paragraph succeeding "General Elections," (as recommended by the Commissioner, page 741,) to read:

The General Elections shall be held biennially on the first Tuesday after the second Monday of October, in the year one thousand eight hundred and sixty-two, and on the same day in every second year thereafter; and shall be conducted by Managers appointed for that purpose at the preceding session

of the Legislature, by joint resolution of the two Houses. And in case of a vacancy, by the death, removal from the district or parish, or refusal to serve on the part of a Manager so appointed, his place shall be filled by the delegation from the district or parish by an appointment in writing."

Strike out marginal references to said paragraph, and insert marginal references to same, "Const. 1861, Art. i., § 17; A. A. 1860, xii., 875, 1818, vi., 94."

At page 44, in fourth paragraph, change "preserved by the Managers" to "filed by the Managers, within ten days, in the office of the Clerk of the Court of the Judicial District in which the elections shall be held, except where otherwise provided by law."

At same page, strike out fifth section, and insert as recommended by the Commissioner on page 741.

At same page, in last paragraph, (which ends on the forty-fifth page,) strike out, "Nor shall any vote be counted if found to have been given under the influence of a bribe."

At page 45, in the fourth paragraph, strike out "by the joint resolution of the Legislature."

In next paragraph, after "Legislature," insert "or fail to perform any of the other duties by law required of them; and alter "action of debt" to "indictment."

The third marginal reference on same page to read A. A. 1787, v., 2, § 2.

At page 46, the first marginal reference to read "Const. of So. Ca. 1861. Art. i., § 13.

At page 47, in first paragraph, the sentence commencing, "And the Managers," to be stricken out.

At same page, second paragraph, eighth line, strike out "or," and insert "and shall be" between "Legislature" and "liable."

At same page, fifth paragraph, second line of fifth paragraph, change "procured" to "procure."

At same page, the last printed marginal reference to read "A. A. 1831, vi., 443, § 8.

Add marginal reference "A. A. 1858, xii., 731."

At page 48, in first paragraph, strike out "half the pecuniary penalty to the informer, and the other half to the Commissioners of Public Buildings of the district where the offence was committed."

At same page, second paragraph, after "State," insert "for any other person whosoever;" strike out "hundred," and insert "thousand" in its place;" also, strike out all of same paragraph after the word "same."

At same page, the second marginal reference to read "A. A. 1831, vi., 443, § 9."

At page 49, in first paragraph, first line, strike out "one," and insert "five," and strike out all of same paragraph after the word "dollars."

At same page, in second paragraph, strike out "one-half of the fine to go to the informer, and the other half to the use of the State."

At same page, in fourth paragraph, strike out "Monday," and insert "Tuesday;" add marginal reference to same paragraph, "A. A. 1863, 219."

The first marginal reference, to fifth paragraph of same page, to read "A. A. 1829, xi., 24, § 1."

At page 50, strike out fifth paragraph, (commencing with the words, "The Managers shall meet," etc.)

At same page, sixth paragraph, strike out "votes are counted," and insert "Managers meet to examine the returns and declare the result."

At same page, in first marginal reference, alter "36" to "24."

At page 51, in second paragraph, under head of "Regulations peculiar to St. Phillip's and St. Michael's," (being fourth paragraph of said page,) strike out the first sentence, and insert in lieu thereof the paragraph recommended by the Commissioner, on page 742, to be inserted in place of the second paragraph of page 51.

In the marginal abstract, alter "six" to "ten."

At page 52, strike out all on the said page after the word "established."

At page 53, strike out the first two paragraphs, and the note between them, and the marginal references, (all of which are to be inserted in page 56.)

Above the heading, "(a) By the People," insert general head stricken out of page 52, to-wit, "1. Appointment." In 18th, 19th and 20th lines, alter "35" to "24."

At page 54, at the end of fourth line, add "1819, vi., 120." In ninth line, alter "154" to "108."

At page 55, in second line, for "1843, xi., 269," put "1859, xii., 753."

In fifth line the Commission recommend that "four" be inserted in place of "three," and that the reference in sixth line be stricken out.

In tenth line, alter "124" to "87."

In eighteenth line, alter "12" to "13."

Strike out twenty-first and twenty-second lines.

At page 56, after the end of the Article ending on the seventh line, insert as separate paragraphs the two first paragraphs on page 53, with the note between them and the marginal references, which were directed to be stricken from page 53, and to be transposed to page 56. Also insert the following paragraph:

"No officer elected to any pecuniary office in this State, the emolument of which shall exceed seven hundred dollars per annum, shall hold any other office of emolument under this State or the Confederate States;" and the marginal reference "A. A. 1787, v., 21."

In second paragraph, under the head of "Qualification," after the word "States," insert "of America."

Add to same paragraph, "and shall also take such other special oaths, not repugnant to the Constitution, as may be prescribed by the General Assembly."

The first marginal reference under the head of "Qualification," to read "Constitution of C. S., Article vi., § 4."

In marginal reference below, strike out A. A., 1834, i., 196."

At page 57, in sixteenth line, strike out "United States of America," and insert "State of South Carolina"

In thirty-third line (page 57,) change "oath" to "oaths," and insert a comma, and the word "probate" after "oaths."

In thirty-fourth line, change "security" to "securities."

The last marginal reference to read "A. A. 1839, xi., 79, § 37."

At page 58, in third line, change period mark to comma, and add "when-ever called on."

In 23d and 24th lines, strike out "of the bond, shall be received as a surety," and insert in lieu thereof "for which he offers himself as surety, shall be accepted as such."

In last marginal reference, change "37" to "25."

Add marginal reference "A. A. 1846, 364, § 7."

At page 59, at foot, change period mark to comma, and add "the original bond not to be cancelled or impaired thereby."

At page 60, at the end of first paragraph, change period mark to comma, and add "and the original bond not to be cancelled or impaired thereby."

In second paragraph strike out "the party," and insert in place thereof "any such public officer."

At page 61, in second paragraph, strike out "any public officer in this," and insert in lieu thereof "either of the Treasurers of the," and strike out "such public officer," and insert in place thereof "the Treasurer."

Strike out third paragraph (commencing with the words, "If any Clerk," etc.,) marginal reference and abstract.

At page 62, the second marginal reference to read "Constitution, Art. v., § 3."

Same page, the marginal reference, to last paragraph, to read "Constitution of South Carolina, Art. v., § 5."

At page 63, seventh line, strike out "is," and insert "shall be."



In third paragraph, after "Surveyor-General," insert "Master, Commissioner, or Register in Equity, Clerk of the Court of Common Pleas, Ordinary or Sheriff."

At page 64, in seven line, between "oppression," and "he," insert "in addition to his liability to any party aggrieved."

At page 66, the second marginal reference to read "Ib., Art. i., § 11. Senate," and add marginal reference to same paragraph, "Ib., § 12."

The marginal reference to last paragraph to read, "Ib., Art. i., § 5. House of Representatives."

At page 67, in fourth and fifth lines, strike out "shall be," and insert in lieu thereof "was." In fifth line, between "and" and "nine," insert "fifty." In the sixth line, between "and" and "in," insert "shall be made."

In third paragraph strike out "but the first apportionment shall be founded upon the tax of the preceding year; excluding from the amount thereof the whole produce of the tax on sales at public auction."

In fourth paragraph, strike out "these amendments," and insert "Section fifth."

Add marginal references—to second paragraph, "Art. i., § 7;" to third paragraph, "Ib., § 8;" to fourth paragraph, "Ib., § 9;" and to fifth paragraph, "Ib., § 10."

At page 68, strike out "Claremont three."

Strike out "Liberty or"

Add marginal reference opposite to "Marion," to-wit: "A. A. 1861, xii., 955."

At page 69, between sixth and seventh line, insert "Sumter three."

In last paragraph, alter "General Assembly" to "Legislature;" after the word "States," insert "of America;" and after the word "Peace," insert "Justices of the County Court."

Add marginal reference opposite "Sumter," to-wit: "A. A. xii., 955."

The first printed marginal reference to read "Constitution, Art. i, § 16;" the second, to read "Constitution, Art. i, § 15;" the third, to read "Constitution, Art. i., § 29."

Change "U," in last marginal abstract, to "C."

At page 70, in first line, after "States," insert "of America;" in second line, after "either," add "house."

In third paragraph, omit parenthesis. After "States," insert "of America." In eighth line of same paragraph, strike out "a." In twelfth line of same, change "General Assembly" to "Legislature."

In fourth paragraph, before "second," insert "Tuesday after the." Strike out "See also xii., 834."

In sixth paragraph, second line, for "days" read "day." In third line,

change "shall" to "should." The first marginal reference to read "Ib., § 31." The second to read "Constitution, Art. i., § 13." The third to be stricken out. In the fourth, change "10" to "17." In the sixth, change "22" to "30."

At page 71, the first marginal reference to read "Constitution, Art. i., § 17." The third to read "Constitution, Art. i., § 19." The fourth to read "Constitution Art. i., § 27." The sixth to read "Constitution, Art. i., § 20."

At page 72, in twenty-fourth line, strike out "and amendment of 1834, i., 196." Insert "See Ante, p. 56." In fourth marginal reference; alter to read "Constitution, Art. i., § 26." In seventh, alter "14" to "22." In eighth, alter "11, 12, 13," to "18, 19, 20."

At page 73, strike out "Commissioners of Location."

In fifth marginal reference, alter "17" to "25."

At page 74, in sixth paragraph, in second line, between "read" and "three," insert "on." In same line of same paragraph, strike out "times," and insert in its place "several days." In next line, between "and" and "three," insert "on." In same line, alter "times" to "several days." In next line, between "to" and "by," insert "at the second and third readings." In same line, strike out "both branches of." In the next line, after "representation," insert "in each branch." In seventh line of same paragraph, change "to" to "of." In ninth line of same, change "the" to "their." In tenth line, change "both branches" to "each branch." In eleventh line, strike out "three times."

In first marginal reference, change "16" to "24."

In third, change "15" to "23."

In fourth marginal reference, to same page, (74,) change "20" to "28."

In sixth marginal reference, to "Art. xi." add "§ 1."

To sixth paragraph, add marginal reference "Ib., § 11."

At page 75, in last marginal reference, change "112" to "78."

At page 76, the last paragraph to read as follows: "No person shall hold the office of Governor and any other office, civil or military, except in the militia, either in this State. or under any State, or under the Confederate States of America, or any other power, at one and the same time."

At page 77, in last paragraph, after "States," insert "of America." In marginal references, change "23" to "31."

At page 79, alter the third paragraph to read: "In case of a vacancy in the office of Justice of the Peace, during the recess of the Legislature, the Governor is authorized to fill the office by appointment until the next succeeding session."

In fourth paragraph, after "Coroner," insert "during the recess of the Legislature;" and in same paragraph, alter "shall be" to "is."

In fifth paragraph, after "vacancy," insert "occasioned thereby."

Alter the ninth paragraph to read as follows: "In case of sickness, or for any proper cause, any Judge, Attorney-General, Treasurer, Register of Mesne Conveyance, Secretary of State, or Surveyor-General, may be authorized by the Governor to leave the State for a reasonable time."

In third marginal reference, alter "71" to "49."

Strike out fifth marginal reference, "1846, xi., 364."

In sixth, change "U" to "O."

At page 80, in second paragraph, after "absence," insert "from Charleston." Strike out the two last words of same paragraph, to-wit, "of Charleston."

In fourth paragraph, after "slaves," change period mark to comma; add "temporarily."

Add marginal reference to fifth paragraph, "See Ante, p. 41."

Strike out last marginal reference, to-wit, "Amendment of 1828."

At page 81, to second paragraph, add, (as recommended by the Commissioner on page 742,) as provided by Article v., § 5, of the Constitution."

In last marginal reference, alter "37" to "25."

At page 82, in first line, for "held his offices," read "keep an office;" and as recommended by the Commissioner on page 742, strike out *Note* and the whole of it, and in its place insert:

"All the records, books and papers belonging to the office of Superintendent of Public Works shall be transferred to the office of Secretary of State, as part of the records of his office. Copies of the same, when required, shall be delivered on payment of the usual fees."

Add marginal reference "A. A. 1856, xii., 520."

At page 83, in the fifth paragraph, under the head of "Appointment and Qualification," after "securities," insert "to be approved by the Governor."

At page 86, in marginal references, strike out "A. A. 1840, xi., 364."

At page 88, in fifth paragraph, after "Council," insert "of Charleston."

After sixth paragraph, add the following paragraphs:

"The Comptroller shall collate the reports of Railroad Companies annually made to him in one general abstract, and publish the same in his annual report."

With marginal reference, "A. A. 1861, xiii., 67."

"He shall also report any Railroad Company failing to report to him according to law."

With marginal reference, "Ibid."

In first paragraph, after "Contingent Accounts," insert "on or" between "same" and "before."

In second marginal reference, strike out "and 1846," and "xi., 357."

At page 89, under heading "5. Banks," transpose the two first paragraphs, making the second first, and the first second.

At page 90, strike out "6. Registration of Births, Marriages and Deaths," and the paragraph under that head; also, accompanying marginal reference and abstract.

Change the numbers "7," "8" and "9" underneath, to "6," "7" and "8."

At page 91, to second marginal reference, add "§ 1."

At page 94, strike out, in third paragraph, the second sentence, (which commences with the words "In case.")

In last paragraph, after "State," change period mark to comma, and add, "except in favor of Annuitants."

In the parenthesis below, after "Moneys," insert, within the parenthesis mark, "p. 112."

In second marginal reference, alter "20" to "21"

At page 95, the paragraph under head "(c.) As to Sheriffs and Coroners," to read as follows:

It shall be the duty of the Sheriff and Coroner to collect and pay over to the Treasurer; in whose division he may reside, the amount of all tax executions delivered to them by the Tax Collectors of the District, within six months from the date of receiving the same; and, in default thereof, it shall be the duty of the Treasurer to issue execution against such Sheriff or Coroner for the whole amount expressed in such execution, with interest thereon at the rate of five percent. per month from the time he should have paid the same: Provided, that Sheriffs and Coroners be allowed credit for nulla bona executions."

At page 96, in fourth line of third paragraph, strike out "the appropriations for internal improvements, or." In next line, strike out "other."

In first line of last paragraph, after "direction," insert "of any Board."

In first marginal reference, alter "1623" to "1823."

Add marginal reference to fourth paragraph, "A. A. 1799, v. 368"

At page 97, add marginal reference, (to second paragraph,) "1b, § 9."

At page 98, strike out the fifth paragraph, (having reference to the Catawba Indians,) as superseded, (as recommended by the Commissioner on page 742, he styling the same the fourth paragraph).

In sixth paragraph, after "Governor," insert "for interchange with other States."

In seventh paragraph, alter "Districts" to "Divisions."

Strike out eighth paragraph, (which ends on the 99th page,) with marginal reference and abstract.

In first marginal reference, change "411" to "409."

At page 99, strike out first paragraph, (which begins on page 98).

In the first paragraph, after "III. Penalties for Official Misconduct," in second line, before "in," insert "only." In third line, strike out "only," and insert "or its Branches."

In next paragraph, second line, strike out "him or her."

In first marginal reference, strike out "and 9."

At page 101, in last paragraph, first line, strike out "begins," and insert "shall begin." In same line, after "October," insert "in every year," and strike out "and" in same line. In second line, strike out "the era dates from the first day of October, 1788."

At page 102, in fourth paragraph, fifth line, strike out "on lands and negroes." In seventh line, change "is situated" to "taxed is located."

In next paragraph, after "Treasurers," insert "and pay the taxes thereon."

Between the said fourth and fifth paragraphs, insert the following paragraph:

"It shall be the duty of the Tax Collector or Assessor of the District or Parish, to whom returns are made of property situated in other Districts or Parishes, to give immediate notice thereof, and the names of the owners to the Collector of the District or Parish where the property is situated, to the end that the taxes thereon may be collected."

At page 103, in connection with the second paragraph, the Commission recommend that the sixth section of the Act of 1863 to raise supplies (A. A. xiii. 181) be not incorporated in the Code.

In third paragraph, in first line, after "on," insert "and sold;" in third line, for "incompetency," read "non-compliance."

In fifth paragraph, for "charge," read "lien." In connection with this paragraph the Commission recommend that the words "for one year," in the fifteenth section of the Tax Act of 1843, (A. A. xi., 248,) be not incorporated in the Code, (the said words having been omitted by the Commissioner.)

At same page, (103,) the last paragraph to read:

"If the party making the return shall happen to die before payment, his executor or administrator shall discharge the Tax out of the assets which came into his hands, if sufficient; and, on his failure so to do, execution shall issue against him personally, as in case of his own default."

At page 104, in first paragraph, first line, after "shall," "remove or." In same line, after "remove," insert "himself or his property." At the end of same paragraph, change period mark to comma, and add, "unless such person shall give security, to be approved of by the Collector, for the payment thereof at the time appointed."

In third paragraph, third line, strike out "at the present session or hereafter," and insert in lieu thereof, "by law."

In marginal abstract of second paragraph, between "Return" and "may," insert "of Capitation tax."

At page 105, in fifth line of second paragraph, insert, as recommended by the Commissioner, on page 742, "The Clarendon Society, The High Hills of Santee Society."

Add marginal references to fourth paragraph, "A. A. 1860 and A. A. 1861."

At page 106, the second paragraph, under the head of "Tax Collector," to read :

"They shall hold office for four years, and until a successor shall be elected and shall qualify."

Strike out second marginal abstract to said paragraph.

The first marginal abstract to said paragraph, to read "Term of office."

At same page, (106,) in fourth paragraph, after "Tax Collector," (which commences with the words "Before receiving," etc.,) the Commission recommend to the Legislature, to strike out the words in said paragraph, beginning with "except," down to end of paragraph.

Strike out sixth paragraph, (which commences with the words "His Bond;" etc.,) also marginal references and marginal abstract thereto.

At page 107, after the form of oath insert :

"For further oath, see Stat. iii., 282, § 29; and Miller's Compilation, page 161."

The next paragraph to read :

"For the time within which<sup>o</sup> to qualify and to file Bonds, see Elections, Art. ii., p. 59."

In the second paragraph; under the head "(b.) Duties," strike out "a duplicate."

At page 111, in third line of second paragraph, strike the Commission recommend that "duplicate" be stricken out.

In eighth line of next paragraph, strike out "against them." Strike out next two lines, being two last lines on page 111.

At page 112, strike out the first four lines.

The second marginal reference to read : "A. A. 1846, xi., 368."

Strike out last paragraph, (being last five lines of page 112, with marginal reference and abstract.

At page 113, strike out first paragraph, (being the first fifteen lines of said page.)

At page 114, in first line, after "Board," insert "who are or may be."

In the margin, after marginal abstract "Returns to Boards," insert marginal references." A. A. 1843, xi., 248, § 16."

At page 115, in the third paragraph, under the head "(c.) Penalties," the Commission recommend that : "one-half of which penalty shall be for

the use of the State, and the other half for the use of the prosecutor," be stricken out.

To last paragraph add, marginal comment, "word 'expenses' new"

At page 116, in second paragraph, strike out "qui tam;" also, "one-half for the use of the State, and the other half for the use of the informer."

In third paragraph, after "General," change semicolon to period mark, and strike out the remainder of said third paragraph.

The second paragraph under the head "(f.) Assessor," (which paragraph commences with the words "The Assessor,") to read:

The Assessor of St. Philip's and St. Michael's shall be appointed by the Legislature, and shall hold his office for four years, and until a successor shall be elected and qualified."

Between fourth and fifth marginal references, on same page, insert "A. A. 1825, vi. 276, § 13."

Strike out sixth and seventh printed marginal references on same page.

At page 117, the Commission recommend that the paragraphs third and fourth, under the head "(g.) Local Regulations," be stricken out.

At page 118, strike out marginal references "A. A. 1799, v., 356," and "1807, v., 546."

At page 119, in second line of fifth paragraph, insert as recommended by the Commissioner on page 742.

At the end of same paragraph, strike out "the balance," and insert "any balance due."

"At page 120, the Commission recommend that the second paragraph, with the marginal reference and abstract, be stricken out.

At page 121, the Commission recommend that the words "for executing the warrants of survey, issued by him," in sixth paragraph, be stricken out. Also that the words: "The deputies so appointed shall be called lawful surveyors," directed by the Commissioner, on page 743, to be added to said sixth paragraph, be not added.

The Commission also recommend that the whole article, under the head "II. Duties," commencing on page 121, and ending on page 122, with its caption, and the words directed by the Commissioner, on page 743, to be added thereto, be stricken out.

At page 122, the Commission having recommended the striking out of the Article entitled "II. Duties," they recommend that in the caption of the next Article, to-wit: "III. Penalties for Official Misconduct," "III." be altered to "II."

At page 123, the first sentence in first paragraph after the caption, "I. How Appointed," to read:

"One Justice of the Peace shall be appointed by resolution of the Gen-

eral Assembly in each Beat Company throughout the State, and two in each corporate Town and Court House Village."

In next paragraph, after "years," insert, "and thence for forty days after the end of the session of the Legislature at, during or after which such appointment shall expire."

In same paragraph, strike out "or Magistrate."

In last paragraph, strike out "or Magistrate."

In the margin, after "Term of office," insert marginal reference, "A. A. 1839, xi., 22, § 1."

The last marginal reference to read, "A. A. 1839, xi., 14, 69, 78, 81."

At page 124, in the third line, at the end of the form of oath, insert, "and shall also take the oath against gaming;" insert marginal reference, "Stat. vi., 27."

The first sentence in last paragraph to read :

"Every Justice of the Peace shall have civil and criminal jurisdiction throughout the Judicial District in which he resides, and his warrant shall authorize the arrest and detention, in any District of the State, of any person charged with an offence before him."

In second printed marginal reference, change "41" to "28."

In the fourth printed marginal reference, change "21" to "14."

At page 125, in the first four lines, strike out all after "District," and insert "indicted, and, if found guilty, punished as for a misdemeanor at the discretion of the Court." Then insert the following paragraph :

"Whenever there shall be an indictment for any offence committed, in his view, the Justice shall be the prosecutor, and he shall bind in recognizance all the necessary witnesses."

In second printed paragraph, last sentence, between "also" and "the," insert "in case of felonies."

In third and fourth lines of next paragraph, strike out "by a new warrant, or the old warrant backed by a Justice of the District."

In same paragraph, strike out last sentence.

In last marginal reference, change "22" to "14."

At page 126, between second and third paragraphs, insert :

"Recognizances entered into before a Justice, shall be according to the following scale :

"First: If the offense charged be punishable with fine and imprisonment, or either, the recognizance of the accused shall not be for less than two hundred dollars; and if the fine be specified or limited by statute, it shall not be for less than the greatest extent of such fine.

"Second: If corporal punishment shall or may be imposed, it shall not be for less than three hundred dollars.

"The recognizance of any prosecutor or witness in case of misdemeanor,



shall not be for less than one hundred dollars; and in case of capital felony, for not less than five hundred dollars; though, in all cases, the Justice shall cause the same to be in such larger amount as the circumstances may seem to require."

In third printed paragraph, in eighth line, change "the" to "any," between "in" and "District," and change "Justice" to "District." In ninth line strike out, "issuing the same." At the end of same paragraph change period mark to semicolon, and add, "provided that no Justice shall receive any fees for issuing more than one warrant for witnesses upon the part of the State, or of the party accused in the same case, unless, upon the second or other application, oath shall be made that the prosecutor or accused was not aware at the issuing of the previous warrant of the materiality of such witness."

At page 127, in first paragraph, fourth line, strike out, "as heretofore prescribed by law."

In third paragraph, seventh line, strike out "the District of the Justice," and insert "this State."

At the end of third paragraph, change period mark to colon, and add, "and if such offender be committed within a district in which the offence cannot be tried, the Justice ordering the arrest shall issue his warrant for the removal of the offender and witnesses to the proper district."

In fourth paragraph, before "cognizance," insert "exclusive."

After fifth marginal reference, insert "A. A. 1824, vi., 239, § 2."

In seventh marginal reference, change "26" to "17."

At page 128, the first three lines to read, "shall be his duty to issue a summons under his hand and seal, together with a copy thereof, and a copy of the cause of action endorsed on, or annexed thereto, directed to any Constable, and requiring him to summon the defendant before him, or some other Justice, by delivering to the defendant a copy of such summons, or leaving the same at his usual place of residence, at least five days before the day of trial, unless the."

In second paragraph, strike out "day of the month," and insert "time and place of appearance."

At the end of third paragraph, change period mark to comma, and add, "and the Justice shall enter his judgment in his book of civil cases, and issue execution thereon. Nothing herein shall prevent any plaintiff from proving his demand, when by law he is a competent witness: And, provided, also, that if any discount be set up, in examining the same, the rule shall be reversed as to the right of being first sworn."

In fourth paragraph, first line, after "levied," insert "on the goods and chattles of the party liable." In third line, strike out "unless," and all the

remaining part of the paragraph, and insert; "at any time within four years from the date thereof."

In fifth paragraph, fourth line, strike out "plaintiff," and insert "proper officer."

In first marginal reference, alter "26" to "17."

In third, alter "26" to "17."

In sixth, alter "26" to "18."

At page 129, in second paragraph, second line, change "warrant" to "summons."

In third paragraph, fifth line, after "giving," insert "notice thereof to the Justice within two days from the notice of the judgment and giving."

At the end of same paragraph, insert:

"The form of the security to be given by the Appellant, shall be as follows:

"State of South Carolina,	}	A. B.
District.		C. D. Appeal from Justice.

Appellant.

"I, (or we,) hereby agree to stand security for the Appellant in this case."

To be signed by the surety or sureties in the presence of the Justice.

The effect of which undertaking shall be to subject such surety or sureties and the Appellant to immediate execution from the Court of Common Pleas, for the amount of costs, or for debt, interest and costs, as the case may be, if such Appellant fail to prosecute such appeal to effect, or, on failure thereof, to satisfy the costs and condemnation of the said Court."

In sixth paragraph, after "Dollars," insert "between inhabitants of said Parishes."

In third marginal reference, alter "27" to "18."

Strike out fourth marginal reference.

In sixth, change "238" to "239."

In last, change "29" to "20."

At page 130, in second marginal reference, change "27" to "18."

At page 131, at the end of second paragraph, change period mark to semicolon, and add, "and may hear and determine any application of Prison Bonds Acts, agreeably to their provisions, in cases where the Acting Clerk of the Court of that District. cannot hear and determine such application by reason of interest, sickness or absence; and in no other cases whatever."

The fourth paragraph to read:

"Justices shall each appoint one Constable, provided, however, that any Justice may appoint special Constables for any particular occasions."

Strike out, and insert, as recommended by the Commissioner, on page 743.

At page 132, in twelfth paragraph, at the end of first sentence, after "State," insert "or where the defendant has been convicted and discharged by reason of inability to pay costs."

In next paragraph, strike out "mal-practice in his office," and insert "official misconduct, habitual negligence, habitual drunkenness, corruption, fraud or oppression."

In first marginal reference, alter "155" to "104."

In second, strike out "11."

At page 133, strike out third line, and insert "to a fine, not exceeding one thousand dollars; and imprisonment, not exceeding one year; and, on Bill found, no traverse shall be allowed."

In second paragraph, strike out "in the case of Justices."

After second paragraph, insert following paragraph:

"Any person who may take upon himself to act as a Justice, without being duly appointed and qualified, shall be liable to indictment, and, on conviction, shall be fined and imprisoned at the discretion of the Court," with marginal reference "A. A. 1778, iv., 460."

In first marginal reference, alter "151" to "106."

Strike out paragraph having reference to William Moultrie Gibbes, with marginal reference.

At page 134, in first paragraph, strike out "of the Quorum." At the end of paragraph, change period mark to colon, and add, "provided that six of the said Justices shall always be residents of the city of Charleston, and the other two residents of the other parts of the said Parishes."

At page 136, in first paragraph, strike out "Treasurer of the City," and insert "Tax Collector of St. Philip's and St. Michael's."

In third paragraph, strike out "Recorder of the City of Charleston," and insert "Court of Common Pleas."

In fourth paragraph, second line, strike out "where the sum exceeds twenty dollars," and insert in margin "A. A. 1829, vi., 388," as recommended by the Commissioner on page 743.

In fifth paragraph, strike out "Recorder," and insert "Court of Common Pleas."

At page 137, the first paragraph to read:

"Treasurers of the Upper and Lower Divisions, the Clerks of the several Courts of Record, Judges of the Courts of Ordinary, Masters, Commissioners and Registers in Equity, Registers of Mesne Conveyance and Notaries Public, in their respective districts, shall, upon taking the oaths required of Justices, have and possess all the powers of Justices, except as to the trial

of small and mean causes, and be so far regarded as Justices of the Peace *ex-officio*." Insert in margin "1840, xi., 120, § 29."

In second paragraph, after "Village," insert "on taking the oaths required of Justices, except for the trial of small and mean causes." After "Peace," in third line, change comma to period mark, and strike out all the remainder of said paragraph.

The second printed marginal reference, to read "A. A. 1840, xi., 108." In the third, strike out "37," and insert "25."

At page 138, in second marginal reference, change "78" to "54."

In third, change "78" to "52." In fifth, change "37" to "25."

Strike out fourth, and insert "A. A. 1839, xi., 26, § 1."

At page 139, in first paragraph, strike out second and third sentences.

In twenty-seventh printed line of same page, insert "he," before "shall produce."

After that paragraph, insert:

"For further oath, see A. A. 1931, Stat. iii., 282, § 29; and Miller's Compilation, p. 161."

Alter first marginal reference to "A. A. 1839, xi., 26, § 4."

In the margin, by form of oath, insert "A. A. 1839, xi., 26."

In fourth printed marginal reference, change "11" to "28."

At page 140, in first marginal reference, change "39" to "26."

In third, change "39" to "26."

At page 142, in second line, strike out "verified," and insert "certified to." In third and fourth lines, strike out "and certified."

In second paragraph, the last sentence to read: "When the Sheriff has begun to execute a writ of Fi. Fa., by making a levy on personal property, and has not sold the same before the expiration of his term, he shall deliver such property to his successor at the time of turning over such books, bonds and process, taking for the same the receipt of his said successor, who shall be authorized to sell such property."

In second marginal reference, change "40" to "27."

In third, change "41" to "28."

At page 143, after "Sheriff," in fourth line, insert, "and such Deputy Sheriff shall, in addition, take the oath against gaming." Insert in margin, "A. A. 1816, Stat. vi., 27."

In the Note, strike out, "to make partition of Real Estate," and insert "on application for payment to an Executor or Administrator of proceeds of sale of real estate."

Between two last paragraphs, insert:

"For Sheriff's duty on sale of Real Estate for partition ordered by Ordinary. (See A. A. 1839, xi., 45.)"

To the last paragraph, add "A. A. 1831, vi., 432, § 11."

In fourth marginal reference, change "41" to "28"

At page 144, in second paragraph, strike out "or goods."

In second line of third paragraph, change "nor" to "or."

In third line, after "Ca. Sa," insert "or a Tax Warrant."

In fourth line, insert "shall," before "any person," and "be," before "arrested," and "or damages," after "debt."

At same page, (144,) strike out the last paragraph, including the first three lines on page 145, and in lieu, thereof, insert:

"Every bail bond shall be payable to the Sheriff or his successors in office, and may be assigned and sued as is provided by law, and shall contain in the condition a provision for the appearance of defendant at the Court House of the District, to answer to such plea as may be expressed in the process of plaintiff, at the term of the Court next succeeding the return day thereof, if the party has been served with the process, and arrested before or on that day, or has been served before and arrested between such day and term; and if bail process be served after its regular return day, but before the next term, then the time for appearance shall be expressed in the bond, to be the second term of the Court next succeeding the return day set forth in such process; and where the time for the party's appearance has passed, and the Sheriff shall be required to take bail, the time to be expressed in the bail bond, in such case, shall be the term next succeeding the time when the bond may be executed: *Provided*, the defendant shall gain no additional imparlance, by reason of any time of appearance, to be expressed in the bail bond; and if the bail of any person so arrested shall surrender his principal, it shall and may be lawful for the Sheriff to take another bond and surety (as often as such surrender may occur) of such party to appear at the place mentioned in said suit, and at the Court next ensuing such surrender, or at such succeeding Court, as the circumstances of the case may require. If the bail of any person arrested by process, issuing from the City Court of Charleston, shall surrender his principal, it shall and may be lawful for the Sheriff of said Court to take another bond and surety (as often as such surrender may occur) of such party, to appear at the place mentioned in said suit, and at the Court next ensuing such surrender, or at such succeeding Court as the circumstances of the case may require."

At page 144, in first marginal reference, change "41" to "28."

Annex second marginal abstract to second paragraph.

Annex third, fourth and fifth marginal abstracts to third paragraph.

To third paragraph, annex marginal references, "Ib., § 13," and "A. A. 1747, P. L., § 5."

Strike out, in margin, "Ib., § 12., and "Special Bail form."

At page 145, strike first three lines.

The second paragraph, (commencing "Special Bail,") to read :

"Bail may surrender their principal to the Sheriff, and the principal may surrender himself, without previous order of the Court, at any time before the end of the term to which the service of effective process against the Bail has been returned; the Bail first paying the costs of the process against himself."

At page 146, strike out first paragraph, with marginal reference and abstract, and insert last paragraph on page 147, as altered.

In second paragraph, after "post office," insert "provided the address of the plaintiff, his attorney, or other person entitled to the money, be endorsed on the execution;" and after "hands," strike out remainder of paragraph, and insert "at the rate of five per cent per month from the time of such default."

In fourth paragraph, eighth line, before "attached," insert "fined and to be."

Strike out last paragraph, with marginal reference and abstract.

In third and fourth marginal references, change "44" to "30."

At page 147, in third paragraph, strike out "to rule and attachment," and insert "as herein before provided."

In eighth line of said paragraph, after "demand," insert "at the rate of five per cent per month."

After fourth paragraph, (which ends with the word "claims,") insert :

"If any Sheriff shall fail or refuse to execute or return final process in any civil suit, or pay over the money as aforesaid when demanded that has come into his hands, as Sheriff to the party entitled, such party may suggest to the Court to which such final process is returnable, by leave of the Court, that with due diligence the same could have been executed, or having been collected, that the money has not been paid over on demand; and it shall be the duty of the Court forthwith to cause an issue to be made up to try the facts, and if it shall be found by the jury trying the issue that the said final process could have been executed with due diligence, or that the money having been collected has not been paid over on demand, judgment shall be rendered against the said Sheriff and his sureties for the debt, interest and costs, together with five per cent. damages as above provided: *Provided*, That three days' notice shall be given to the Sheriff alleged to be in default, and also to such of his sureties or their representatives as may be found in the District where the issue is to be tried, of such application for leave to file a suggestion: *Provided also*, that the provisions hereof shall be deemed cumulative, and not to bar or affect any right of action or other proceeding now authorized by law."

Insert in margin of this paragraph, "A. A. 1846, 359, § 2."

The last paragraph, on page 147, to read as follows, and to be inserted as

the first paragraph on page 146, in lieu of first paragraph on page 146 stricken out.

"It shall be the duty of the Sheriff, on executions lodged with him, as long as the active energy of such execution subsists, to make a return of the same at every intervening term, and render an account of the money received on such execution since the last term, and the reason for not collecting so much as remains unsatisfied."

In second marginal reference, change "25" to "38."

At page 148, in first paragraph, strike out "one-half of which said forfeiture shall be paid to the Commissioners of Public Buildings, and the other half to the informer, or person suing therefor, the same shall be recoverable, with full costs, by action of debt, *qui tam*, or." Before "by indictment," insert "recoverable," and strike out "in any Court of Record in this State."

In second paragraph, strike out, "No prisoner shall be allowed to go, or be, at large out of prison, except under the rules for establishing Prison Bounds, or by virtue of some writ of *Habeas Corpus* or rule of Court: and if." Before "any Sheriff," insert "If." Before "fined," insert "liable to indictment, and on conviction shall be." Strike out "Two," and insert "Five."

In last paragraph, after "bonds," insert "and no further."

In third marginal reference, change "45" to "31."

To fourth, add "§ 3."

Under fourth, (in margin of second paragraph,) add "A. D. 1697, 8 and 9 W. 3, c. 27, ii., 53," (as directed by the Commissioner on page 743.)

In sixth marginal reference, change "45" to "31."

In eighth, change "172" to "121."

At page 149, in first paragraph, second line, after "process," insert "who may be unable to support himself."

At the end of paragraph first, change period mark to colon, and add "provided, however, that such prisoner shall, before he is discharged, render on oath a schedule of his whole estate and assign the same"

The second paragraph, to read as follows:

"The Sheriffs or Jailors, in the several Districts of this State, shall keep in safe custody all such prisoners as may be committed to them under the authority of the Confederate States, until such prisoners are discharged by due course of law of the said Confederate States, under the like penalties, as in case of prisoners committed under the authority of this State; *Provided*, that the Confederate States shall support such prisoners so committed under their authority."

In margin change "U. S." to "C. S."

At page 150, in fifth marginal reference, change "76" to "52."

In eighth, change "52" to "35."

At page 151, strike out and insert, as recommended by the Commissioner, on page 743.

In fourth marginal reference, change "51" to "35."

The last to read, "A. A. 1839, xi., 48, § 43."

At page 152, in first paragraph, first line, after "debt," insert "or on the case." In next line, after "voluntary," insert "or negligent;" after "prisoner," insert "arrested or."

In second paragraph, before "confined," insert "arrested or."

In third paragraph, second line, strike out "or final."

After third paragraph, insert:

"Any Sheriff, Deputy Sheriff or Jailer, who shall permit the voluntary escape of any prisoner confined, on mesne or final process in any civil suit, shall be liable to indictment, and shall, on conviction thereof, be fined and imprisoned at the discretion of the Court, besides being liable as above directed."

After the above, insert, as recommended by the Commissioner, on page 743 and 743, except that, in ninth line, on page 743, the words, "recoverable by indictment," are to be inserted after "dollars"

In first marginal reference, change "46" to "31."

In last, change "50" to "35."

At page 153, in third marginal reference, change "56" to "39"

In fifth marginal reference, (page 153,) change "54" to "37."

At page 154, in last paragraph, strike out "by the order of Court."

In first marginal reference, change "55" to "38."

In fourth, change "55" to "38."

At page 155, in first paragraph, under heading "(f.) Miscellaneous," strike out three last lines, and after "to be recovered by," insert "indictment."

In first marginal reference, change "55" to "38."

In fifth, change "51" to "35."

After fifth, insert "A. A. 1841, xi., 196, § 97."

At page 156, strike out second paragraph, (which commences with the words, "It shall be," etc.,) with marginal references and abstract.

At page 157, in sixth paragraph, 21st line of page, after default, change period mark to comma. Strike out "If," and insert "if."

At page 158, in marginal references, change "80" to "55," "34" to "23."

At page 159, in third paragraph, after "copy," add "or leaving the same at his most notorious place of residence."

In last paragraph, strike out "warrant," and insert "execution;" also, strike out the last word "every."



In marginal reference, change "81" to "56."

At page 160, in first two lines, strike out "such warrant shall be returned to the Justice by whom it was issued, within twelve months from the date," and insert, "and of every such execution there shall be a return made, to the Justice by whom it was issued, by the Constable, within one month from the lodgment thereof with him."

In second paragraph of page 160, strike out "execution or." In second line, strike out "a warrant," and insert "the execution." In fourth line, strike out "ten," and insert "five." In fifth line, "strike out "warrant," and insert "execution."

After second paragraph, insert: "For the services of the Justice in issuing and hearing such rule, he shall be entitled to receive from the party cast, the same fees as for issuing a summons and trying a small and mean cause."

After third paragraph, insert: "The Justice hearing the rule shall issue execution for the costs of himself and the Constable."

In fourth paragraph, in two places, strike out "warrant," and insert "execution."

In marginal reference, change "82" to "59."

At page 161, in second paragraph, strike out all after "Judge."

Before the first paragraph, under the caption "III. Compensation, insert:

"Each Constable so attending shall be entitled to receive one dollar and fifty cents for each day's attendance."

In the third line of said first paragraph, after "Clerk of the Court," insert "or the Master or Commissioner, as the case may be."

In next line, after "Clerk," insert "Master or Commissioner." In the form of Certificate, after "Pleas," insert ("or Master or Commissioner in Equity.")

In the first line, after the form of Certificate, strike out "Clerk of the Court," and insert "officer."

In the fifth line, after the form of Certificate, after "Clerk," insert "Master or Commissioner."

After second marginal reference, insert "A. A. 1839; xi., 74, § 14."

In last marginal reference, change "81" to "56."

At page 162, the Commission recommend that the paragraph directed by the Commissioner on page 744, to be inserted, be omitted.

At page 163, fourth paragraph, second line, after "rendered," insert "in criminal cases."

To last paragraph, annex marginal abstract: "Exempt from ordinary militia duty while actually employed."

At page 164, in margin, strike out "Exempt from ordinary militia duty."

Transfer marginal reference "A. A. 1833; vi., 487, § 5," and abstract

"Fees," opposite to paragraph commencing with the words, "In all cases of distresses for rent," etc.

In second marginal reference, change "151" to "106."

In third, change "71" to "49."

In fourth, change "xi. to "xii."

At page 165; at the end of fourth paragraph, change period mark to comma, and add "which shall be endorsed on his commission, and also the oath against gaming." Annex marginal reference, "Stat. vi., 27."

At the end of sixth paragraph, change period mark to comma, and add "as hereinbefore directed."

In first marginal reference, change "71" to "49."

At page 166, in second marginal reference, change "33" to "22."

In third, change "72" to "50."

At page 168, in fourth paragraph, tenth and eleventh lines, strike out ("the said forfeiture to be recovered by indictment;") as recommended by the Commissioner, on page 744."

At page 170, in fifth paragraph, first line, (28th line of the page,) between "by" and "the," insert "mischance at."

At page 173, strike out second paragraph, (which commences with the words, "The person," etc.,) with the marginal reference and abstract.

To fourth paragraph, add: "For sufficient reasons shown to him, why the Coroner cannot or should not be employed, or on satisfactory evidence that the office of Coroner is vacant, or that the Coroner will not act, any Judge of the Court of Common Pleas, or any Chancellor, in open Court or at Chambers, may, at the instance and risk of any person having a right to control such process, appoint a suitable person to serve or execute any writ or process, mesne or final, sued or to be sued from any Court of Law or Equity in this State, against any Sheriff; and such person, having accepted the appointment, shall be entitled to receive the same process from the Coroner or other person having the possession of it; and, as to the said process, shall be considered the Coroner, and be vested with all the rights and powers, and be liable to all the duties of the Coroner." To this addendum annex in margin, "Person substituted for Coroner in certain cases."

Strike out "altered" in margin.

At page 174, in fourth paragraph, second line, after "office" insert "the money in his hands."

At page 175, in the Note, first line, after "Poor," insert "of Charleston and Columbia." In second line, strike out "of Charleston." In second line, between "and" and "to," insert "that of the Town of Edgefield."

In third line, strike out "of Edgefield," and "and other municipal authorities."

At page 176, in second line, strike out "Commissioners of the Poor, for

the District or Parish, and their successors," and insert "State of South Carolina."

At the end of third paragraph, change period mark to comma, and add "and may sue for the recovery of the same."

Strike out fourth paragraph (which refers to vesting the Commissioners with powers of Vestries, etc.,) with marginal reference and abstract.

At page 177, after the second paragraph, insert, as recommended by the Commissioner, on page 744.

Strike out fourth paragraph, (which commences with the words, "The poor of the Election Districts,") with marginal references and abstracts.

At page 178, in first paragraph, fourth line, between "respective" and "parishes," insert "Districts and."

In same line, strike out "or counties."

In third paragraph, strike out "and the note shall be signed by the Judge." Before "Board," insert "members of the." Strike out "by their Chairman." Change "he complies" to "they comply."

At page 179, after last marginal reference, add "A. A. 1859, xii., 753."

At page 180, in second paragraph, strike out "county."

At page 182, in first paragraph, change period mark to semicolon, and add "the two latter not to be united in the same person."

In fourth paragraph, strike out "if required by the Board." In third line after "direct," insert "conditioned for the faithful discharge of his duties."

The fifth paragraph to read:

"All bonds taken by the Board shall be in the name of the State of South Carolina, and shall be filed in the office of the Clerk of the Court of Common Pleas of the District."

At page 184, at the end of fourth paragraph, strike out, "and signed by the Judge."

In fifth paragraph, strike out "and on such omission being verified."

"At page 186, first paragraph, strike out "by the signature of the Judge as aforesaid." Between "the" and "said Board," insert "members of the." In fourth line, strike out "by their chairman or presiding member."

In third paragraph, third line, strike out "the nearest," and insert "a."

In fourth paragraph, first line, strike out "the" and "aforesaid." In same line, after "fines," insert "all fines imposed by this Act, except where otherwise directed."

At page 186, in first paragraph, after "furnished," insert "by the Clerk of the Court."

The second paragraph, the Commission recommend to be stricken out.

In third paragraph, eleventh line, strike out "more," and insert "unless it passes within." In same line strike out "from," and insert "of his."

In twelfth line, strike out "from." In thirteenth line, after "belong," add "or are employed the greater part of the year."

Between third and fourth paragraphs insert :

"The Commissioners of the Roads, in their several jurisdictions, shall so equalize the work to be done, that each person liable to road duty shall be required to work the same number of days."

In second marginal reference, change "ix." to "xi.," (which belongs to paragraph recommended above to be stricken out.)

Change third marginal reference to "A. A. 1825, ix., 559, § 5, 9, 560; § 13." Annex to third paragraph, additional marginal references "A. A. 1788, ix., 309, § 7;" "A. A. 1843, xi., 270, § 24;" and "A. A. 1843, xi., 270, § 24."

Strike out "Ib., § 11," and insert "A. A. 1825, ix., 560, § 11."

At page 187, in second paragraph, fourth line, strike out "and," "schools and." Change period mark at end of paragraph to comma, and add, "academies and schools, professors of all institutions of learning, teachers and schoolmasters."

The fourth marginal reference, to read, "A. A. 1825, ix. 561, § 14."

At page 188, in second paragraph, first line, after "summon," insert, "by at least two days' notice."

In fourth paragraph, eighth line, change the first word "overseer" to "person."

In tenth line of fourth paragraph, change "levied" to "imposed."

In fifth paragraph, first line, after "Every," insert "white." In second line, change "and" to "or." In third line, strike out "liable to be." In fourth line, strike out "the first," and insert "each." In fifth line, strike out "and ten dollars if the offense be repeated."

Leave out the insertion, directed by the Commissioner, on page 745.

At page 189, in third paragraph, third line, change "any other" to "a white."

At the end of fourth paragraph, change period mark to comma, and add, "as is by law required." In margin, add to sixth reference, "§ 20."

At page 190, after last marginal reference, add "A. A. 1859, xii., 775."

At page 192, the last marginal reference to read, "A. A. 1830, ix., 587, § 9."

At page 193, in second paragraph, strike out the first sentence. In second sentence, change "And it" to "It." Change "offending" to "being convicted." At the end of second paragraph, change period mark to comma, and add, "and shall be liable to fine and imprisonment, at the discretion of the Court."

At page 194, in second paragraph, fourth line, after "shade," insert "within ten feet of the said road."

Strike out, in fifth and sixth lines, "growing within ten feet of the road laid out as aforesaid," and insert "left for shade as aforesaid." In eighth line, strike out "forfeit," and insert "be fined in."

At page 195, in second paragraph, strike out "one whole year," and insert "six months;" and change "ten" to "fifty."

The third paragraph to read:

"If any person shall cut down, burn or deface any mile post or stone, or pointer, erected by the Commissioners of Roads, he shall, on conviction, forfeit and pay the sum of twenty dollars."

The first marginal reference to read, "A. A. 1843, xi., 269, § 15."

At page 196, in second paragraph, change "fifty cents" to "one dollar."

In third paragraph, strike out all in the seventh, eighth, ninth and tenth lines, after "Commissioners."

At page 197, in margin of fourth paragraph, insert "Altered."

In marginal references at sixth paragraph, insert "A. A. 1799, ix., 396, § 16."

At page 198, strike out last paragraph.

At page 199, strike out first paragraph, (which is continued from page 198.)

In second, paragraph, strike out "High."

Third paragraph, at the end of first sentence, change period mark to comma, and add, "by the consent and at the discretion of the Commissioners"

After third paragraph, insert:

"It shall be lawful for any person, over whose land any road other than a public highway may pass, to erect gates thereon; and persons owning or erecting such gates shall be liable to be indicted for a nuisance if they fail to keep them in good order; and in case any person shall interfere with, injure, destroy, or willfully leave open any such gate, he shall be liable to indictment as for a misdemeanor." In the margin at this new paragraph, insert "A. A. 1855, xii., 408."

At page 200, in twenty-fourth line, change "3" to "5."

In twenty-eighth line, change period mark to colon, and add, "or for every ten miles of such road one toll-gate may be established, with half the above rate of toll."

At page 201, change, in second paragraph, "Regular ordained ministers" to "Regularly ordained or licensed ministers."

In fifth paragraph, after "reward," insert "or salary."

At page 203, in fifth paragraph, after "parishes," insert "except where specially vested in corporate authorities."

At page 206, in fifth line, change "the" to "these."

At page 209, in second paragraph, fifth line, change "taking out" to "the production of;" and after "license" insert "granted previous to such seizure." At the end of second paragraph, change "his offense" to "the offence of hawking and peddling without a license."

In fifth paragraph, change "them that" to "such as."

The marginal reference at second paragraph to read: "A. A. 1839, xi., 22 § 26; 33, § 44."

At page 210, strike out the last four paragraphs, with the caption "Itinerant Salesmen;" and the marginal references and abstracts, as directed by the Commissioner, on page 745.

At page 211, strike out the three first paragraphs, with marginal references and abstracts, as directed by the Commissioner, on page 745.

In sixth line of last paragraph, change "intended" to "included," as directed by the Commissioner, on page 745.

In tenth line, strike out "up."

At page 212, at close of first paragraph, insert, (as directed by the Commissioner, on page 533,) "The qualification of a Commissioner shall be the possession of landed property on Charleston Neck, worth at least five hundred dollars, or a residence therein for six months, immediately preceding the election;" with marginal reference, "A. A. 1850, xii., 64."

At page 214, omit the insertion directed by the Commissioner on page 745, it having been made at page 212; and omit the insertion directed on page 534.

At page 218, the Commission recommend that in the next to the last line, "three," be changed to "four."

At page 219, in fourth line, strike out "or Winton."

In eighth line, strike out "Claremont .....Seven. Ib."

In nineteenth line, strike out "Liberty or."

At foot of page insert or add:

"Sumter.....Seven. Ib."

At page 220, in ninth line, after "Chairman," insert a comma; strike out "and" after "Chairman." After "Secretary," insert "and Treasurer."

In eighteenth line, after "sureties," insert "payable."

In eighteenth and nineteenth lines, strike out "Commissioners of Free Schools for the District or Parish, and their successors," and insert "State of South Carolina."

At page 221, the first paragraph to read:

"For the support and maintenance of the Free Schools there shall be appropriated in the proportion of six hundred dollars per annum to each Representative in the popular branch of the Legislature," with additional marginal reference, "A. A. 1863, xiii, 185, § 5." Change marginal reference, "Ib., 15" to "A. A. 1811, v., 640, § 15."

At page 224, in fourth paragraph, fourth line, before "which," insert "of."

At page 225, in third paragraph, sixth line, change "three" to "four;" and in seventh line, change "six" to "eight."

In fourth paragraph, fourth line, change "five" to "twenty."

At page 227, after second paragraph, insert:

"A semi-annual meeting shall be held on the Wednesday after the first Monday in May."

"Nine members shall constitute a quorum at any meeting of the Board."

In fifth paragraph, strike out all after "at," in third line, and insert in lieu thereof, "such meetings any business may be done, except the election of Professors and other officers, which can only be done at a stated or semi-annual meeting when a majority of the Board are present."

In the margin, at the first paragraph, directed above to be inserted, make marginal reference "A. A. 1825, vi., 266." Strike out fifth printed marginal reference, and insert "A. A. 1801, 404, § 2."

Under sixth, insert "A. A. 1861, 88."

At page 228, the third paragraph to read:

"The head of the College shall be styled the President, and the Masters shall be styled the Professors; none of whom shall hold the office of Trustee."

In fourth paragraph, the last sentence to read: "But it shall be in the power of the Trustees only, at a stated meeting, when a majority of the whole Board is present, to expel a student."

At page 228, after fifth paragraph, insert, as directed by the Commissioner, on page 745.

At page 229, in third paragraph, strike out "of each beneficiary," and insert "and one hundred and forty dollars for clothing of each of said beneficiaries." Add marginal reference "A. A. 1812, 7, 133, § 5."

At the end of fourth paragraph, change period mark to comma, and add "and to lay on the table of each member of the Legislature, during the first week of each session, a printed statement of the same." Add marginal reference "Res. 1848, p. 244"

At the end of fifth paragraph, insert, as directed by the Commissioner, on page 745.

After said insertion, insert:

"The Trustees may remit tuition fees of all students who may be received into College, who are dependent upon their own exertions or the charities of the benevolent for the means to defray the expenses of their education." Add marginal reference "Res. 1856, p. 349."

At page 232, in fifth paragraph, strike out "Commissioners of Public

Buildings of the District and their successors," and insert "State of South Carolina."

To the last paragraph, add, as directed by the Commissioner, on page 746.

At page 233, in first paragraph, sixth line, after "Conveyance," insert "furnish the said officers with the books required to be kept by them."

In second paragraph, and at the end thereof, insert, as directed by the Commissioner, on page 746.

In third marginal reference, (page 233,) change "164" to "115."

At page 234, in fourth paragraph, second line, after "State," insert "except where otherwise directed."

Insert, as directed by the Commissioner, on page 746.

In sixth marginal reference, change "111," to "78."

At page 235, in second paragraph, strike out "and the note shall be signed by the Judges." In same paragraph, before "Board," insert "members of the;" "strike out "by their Chairman;" change "he complies" to "they comply."

In third paragraph, strike out "the nearest," and insert "a."

At page 236, in fourth paragraph, strike out "Union, and in the District of Columbia," and insert "Confederacy."

At page 237, at the end of first paragraph, change "Charleston" to "Columbia."

In second paragraph, eighth line, before "seal," insert "hand and."

In third paragraph, change "Magistrate" to "Justice."

In fourth paragraph, change "Magistrate" to "Justice."

At page 239, in the Note, change "an appropriation" to "a loan," and "thousand" to "hundred."

At page 241, in first paragraph, the last sentence to read: "They are also authorized to retain such portion of Upper street, as they have already enclosed."

At page 242, in first paragraph, change "Justice of the Peace" to "Chancellor, or to a Judge of the Court of Common Pleas." In fourth line, strike out "the Justice shall," and insert "it shall be the duty of such Chancellor or Judge to order a Justice of the Peace to."

In second paragraph, third line, after "person," insert "to one or more of the Commissioners of the Poor."

In same line, after "and," insert "thereupon such Commissioner or Commissioners shall direct a Justice of the Peace to make an examination as above prescribed, and."

In next line, change "that" to "who."

At page 243, in fourth paragraph, last line, change "detainer" to "detention."

In eleventh line of fifth paragraph, change "may" to "shall."



At page 244, in second paragraph, strike out "are bound to," and insert "shall." After "several," insert "districts and."

In third paragraph, after "delinquent," insert "district or."

In fourth paragraph, before "parish," in two places, insert "district or."

In first marginal reference, change "51" to "35."

At page 245, the first paragraph under the caption "(d.) Negroes," to read:

"Negroes and persons of color, being residents of the State, may be admitted as patients in the Lunatic Asylum, on the same terms as herein provided for white persons; except that the cost of admission and maintenance shall be the same as in case of paupers; and in case of slaves, admission is to be at the request and cost of the owner only."

Strike out the Note on page 245.

At page 249, in fourth paragraph, the Commission recommend to strike out "twenty," and insert "fifty;" to strike out "five," and insert "twenty;" and to strike out "nor more than fifteen thousand dollars."

Strike out "The President and Directors of the Bank of the State of South Carolina shall take the constitutional oath," with the marginal reference and abstract, as recommended by the Commissioner, on page 746.

In sixth paragraph, first line, after "The following oath," insert, "in addition to the oath of office," as directed by the Commissioner, on page 746.

At page 250, after the last paragraph, insert, as directed by the Commissioner, on page 746, (which is the same directed on page 534, to be inserted "after page 214.")

At page 252, in third paragraph, first line, after "absence," insert "from Charleston."

At page 254, to the last paragraph add, as directed by the Commissioner, on page 746.

At page 256, in second line, change "shoat" to "shote."

In third marginal reference, after "xi," insert "20."

At page 261, in last paragraph, first line, strike out "if the," and insert "on;" strike out "be," and after "for," insert "penning back water or."

At page 262, at the end of first paragraph, add, "If the party injured elect to bring an action on the case for his supposed damages, he is not to be entitled to the remedy herein provided."

At page 263, in last paragraph, strike out "action of debt in which no imparlance shall be admitted, and insert "Summary Process."

At page 264, to the last note, (which ends on page 265,) add, as directed by the Commissioner, on page 747.

At page 266, in third paragraph, fourth line, strike out "divided and," and change "use of the poor" to "Commissioners of Roads." In next line, before "parish," insert "district or."

At page 267, in first paragraph, in sixth line, before "fifty," insert "one hundred and." In eighth line, strike out "parish or county," and insert "district." In tenth line, after "paid," insert "to the Commissioners of Roads." Strike out "one-half to the use of the parish or county, and the other half to the informer who shall sue for, and recover, the same." In sixteenth line, strike out "in the county or," and insert "of the." In eighteenth line, strike out "crime," and insert "offence."

In second paragraph, strike out "of any breach of this ordinance."

- Change "two" to "ten," and "hereinbefore" to "hercinabove."

At page 269, in second paragraph, between "fine" and "imprisonment," change "or" to "and."

After fourth paragraph, insert:

"No river or navigable creek in this State shall be so obstructed as to prevent the passage of fish; but in all cases, at least, one-half of the stream shall be left for that purpose; and all fish sluices now existing in the streams of this State are hereby declared lawful fish sluices, and any person who shall be convicted by indictment, in the Court of Sessions, of violating the provisions of this section, shall pay a fine of five hundred dollars."

Strike out fifth paragraph, (which ends on page 270.)

At page 271, strike out the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth lines, and the words "the fine aforesaid," in the nineteenth line. In place thereof, insert "And such owner, in addition to the fine above imposed, shall be liable for all damages thereby sustained."

In the third paragraph, fourth line, after "fence," insert "unless by the order of his master, or of the person having charge of him." In fifth line, strike out "two."

At page 272, strike out "XII. Catawba Indians," as directed by the Commissioner on page 536

In the first paragraph, under the caption "I. Partners," change "or cannot be found" to "and cannot be served." Strike out "suggesting in the declaration, the absence of those not served."

In margin, at same paragraph, insert "altered."

At page 276, in last paragraph, first line, strike out "From and after the first day of July next." Change "every" to "Every."

At page 277, strike out last paragraph.

At page 278, in first paragraph, strike out "signed by him in the presence of two or more credible witnesses." In margin, at this paragraph, insert "A. A. iii., 707."

The Commission recommend that the first paragraph, under the caption, "III. Husband and wife," be stricken out, and the law, therefore, be repealed.

Add in margin, at this paragraph, "See *Myers v. Griffiths & Powell*, II Rich., 560."

At page 279, in fourth marginal reference, change "24" to "16."

At page 280, in second paragraph, strike out all after "and" in fourth line, and in place thereof, insert "on conviction, failing to give the security aforesaid, shall be liable to execution, as defendants convicted of misdemeanors now are."

In third paragraph, strike out, "But though he be discharged from imprisonment;" and change "the" in same line to "The."

At page 281, in first paragraph, strike out the first four lines, and the word "that," in fifth line. Change "any" in fifth line to "Any." In sixth, ninth and thirteenth lines, before "Parish," insert "District or."

In second paragraph, first line, before "Parish," insert "District or." In second line, strike out "the," and insert "such District or." In sixth line, strike out "the" and insert "such District or." In seventh line, before "Parish," insert "District or." In seventh, eighth and ninth lines, strike out "and in case there be no Justice of the Peace in that Parish, then any Justice of the Peace of that county." In tenth line, before "Parish," insert "District or." In fourteenth line, before "Parish," insert "said District or."

At page 282, in first paragraph, before "Parish," insert "District or."

In second paragraph, second line, change "this port" to "any port in this State." In third line, change "this" to "such." In eighth and ninth lines, change "as is hereafter directed" to "by indictment."

Strike out fourth paragraph.

Strike out sixth paragraph, (which ends on next page.)

At page 283, strike out first paragraph, (which begins on page 282.) Strike out the note. Strike out the last paragraph, (which commences with the words, "In this chapter.")

At page 285, in last paragraph, first line, strike out "And," and change "any" to "Any."

At page 286, in third paragraph, after "complaint," insert "on oath." In sixth line of same, between "to" and "issue," insert "enquire into the matter, and thereupon, if he see fit, he shall."

At page 288, the second paragraph, under the caption, "VII. Pilots," to read:

"Commissioners of Pilotage are appointed for the bar and harbor of Georgetown, by the Town Council."

The next paragraph to read:

"Commissioners of Pilotage are appointed for the bar and harbor of Beaufort, Port Royal, by the Town Council of Beaufort."

In margin, change "A. A. 1784, iv., 597," to "A. A. 1832, vi., 474, § 9;" and change "A. A. 1784, iv., 621," to "A. A. 1832, vi., 474 § 9."

At page 290, in fifth paragraph, before "anchor," insert "bring, or attempt to bring, or."

In sixth paragraph, strike out "branch."

At page 291, in first paragraph, strike out, "and the approbation of a Master in Equity."

In second paragraph, strike out "one or more of the Commissioners of the Poor," and insert "a Justice of the Peace."

In second, fourth and seventh marginal references, change "32" to "21."

At page 292, in second paragraph, after "district," insert "or parish."

In fourth paragraph, after "districts," insert "and parishes;" and before "parish," insert "district or."

In second marginal reference, change "32" to "21."

At pages 292 and 293, strike out and insert, as directed by the Commissioner, on page 747.

At page 294, at the end of paragraph, commencing with the word "Provided," add "and were necessary to ascertain the cause of the death." Insert in margin, "Resol. at Dec., 1855."

Strike out, "XI. Registrar of Births, Marriages and Deaths," and all under that caption, on pages 294, 295 and 296.

At page 297, the Commission recommend that all the Chapter, entitled "Chap. VII. The people in their Corporate Relations," (except Article V., Joint Stock Companies,) be omitted from the Code: i. e., that all charters of Cities, Towns, Villages, Banks, Railroads, Ferries, Roads, Insurance Companies, Bridges, etc., be omitted and inserted in a separate volume.

In fourth paragraph, on page 297, after "Wardens," insert "who shall always be freeholders within the town or village, and who shall be."

At page 298, in fourth paragraph, after "Corporation," insert "to be recovered before any Justice of the Peace."

In sixth paragraph, strike out "But," and insert "If the fine shall exceed twenty dollars, it shall be recovered by suit in the Court of Common Pleas, and."

At page 299, in fourth paragraph, after "offenders," insert "and." Strike out, "and the trial of causes small and mean."

In fifth paragraph, change "the seal of the corporation," to "his hand and seal."

At page 300, change "668" to "468."

At page 301, after sixth paragraph, insert "(See Eminent Domain, pages 484, 485.)"

At page 302, in fifth paragraph, second line, change "public road" to "railroad."

At page 304, in second paragraph, strike out "in one of the papers of the City of Charleston." In the eighth line of same paragraph, after "notice," insert "in the nearest newspaper, and." In next line, after "parish," insert "or district."

After second paragraph, insert, as directed by the Commissioner, on pages 747, 748 and 749.

After said insertion, the Commission recommend to insert the following paragraphs:

"Every Railroad Company in this State shall furnish to each passenger to whom a ticket shall be sold a comfortable seat for the entire journey for which such ticket may call. And any Company that shall fail herein shall be liable to a penalty of one thousand dollars, to be recovered by any passenger so deprived of a seat, or by his legal representatives, in a suit in the Court of Common Pleas.

"And if any Railroad Company in this State shall fail to furnish an abundant supply of good drinking water to the passengers, or shall fail to keep all passenger cars occupied with passengers well lighted at night during any journey, such company shall be liable to a penalty of one thousand dollars for each and every offence, to be recovered by suit in the Court of Common Pleas by any passenger on said car or cars who may first sue for the same."

After said insertion, insert as follows:

"In any action against any common carrier, by railroad, whether the same be an incorporated railroad company, or an incorporated company, or an individual or unincorporated association of individuals, undertaking to carry, in whole or in part, by railroad, if the plaintiff shall file with his declaration a statement on oath of the facts, and of the amount of loss or damage sustained, (a copy of which shall be served on any agent of such common carrier,) the said affidavit shall be given to the jury as evidence in the case: *Provided*, that the defendant shall be at liberty, within thirty days thereafter, to file with his plea an affidavit, denying the truth of the same, in which case both affidavits shall be submitted as evidence to the consideration of the jury: *And provided*, also, that in addition to the said evidence so allowed, all common law evidence shall be admitted in said case."

Insert in margin, "A. A. 1863, xiii, 215, § 3."

At page 305, after first paragraph, insert:

"No Bank shall charge on its loans or discounts more than at the rate six per cent. per annum, payable in advance."

At page 307, in last paragraph, strike out "From and after the first day

of January, in the year of our Lord, one thousand eight hundred and sixty."

Change "if" to "If."

At page 313, in last paragraph, after "proxy," insert "who must be a stockholder." Before "directly," insert "as proxy."

At page 314, in first paragraph, strike out "whether declared or not."

In fifth paragraph, first line, after "company," insert "for the construction of a turnpike road, bridge, or causeway, or for the establishment of a ferry."

In third line of fifth paragraph, change "the letters patent" to "such charter."

At page 315, after second paragraph, add paragraph:

"No new charter or act of incorporation, or any extension of a charter or act of incorporation will be granted, unless the applicant or applicants for the same shall have first given three months' public notice, in one or more of the newspapers of this State, in such Districts or Parishes where newspapers are published, at one or more *public* place, of his or their intention to make such application, and shall submit with the same, satisfactory evidence that such notice had been given," with marginal reference, "Resol. 1836, 147."

Also, add following paragraph:

"Every charter of incorporation which shall be granted, renewed or modified, shall, at all times, remain subject to amendment, alteration or repeal, by the legislative authority, unless the Act granting such charter, renewal or modification, shall, in express terms, except it."

Insert in margin, "A. A. 1841, xi., 168, § 41."

At page 316, in ninth and tenth paragraphs, change "debts" to "debt."

At page 319, in third paragraph, after "Recorder," insert "City Attorney," and after "Escheator," insert "Assessor."

At page 321, after second paragraph, insert, as directed by the Commissioner, on page 749.

At page 322, after third paragraph, insert:

"For Appeal—See Eminent Domain, page 484, and sub."

At page 329, in fourth paragraph, first line, change "The said College" to "The College of Charleston."

In fourth line, after "Trustees, insert "now in office."

At page 330, in second paragraph, change "is" to "are."

At page 332, in second paragraph, insert, the provisions of the Ordinance referred to.

At page 337, at first paragraph, insert, as directed by the Commissioner, on page 749.

In third paragraph, strike out fourth and fifth lines, and insert in lieu thereof "seven per cent. on his last general tax."

In fourth paragraph, change "St. Philip and St. Michael" to St. Philip's and St. Michael's."

At page 339, in first paragraph, strike out all after "dollars," in ninth line, and insert "to be recovered by indictment in the Court of Sessions."

At page 340, in first paragraph, third line, after "Corporators," insert "who are entitled to vote for members of the Legislature."

After second paragraph, insert "No person shall be eligible to the office of Intendant or Warden, unless he be a Corporator entitled to vote at such election, and hath been a freeholder in said Town twelve months prior to such election."

In fifth paragraph, second line, after "dollars," insert "to be recovered by indictment." In fourth line of fifth paragraph, after "town," insert "to be recovered in like manner."

At page 341, in second paragraph, change "District Court of Beaufort" to "Court of Common Pleas."

At page 342, at the end of second paragraph, change period mark to comma, and add "to be recovered by warrant under the hand of the Intendant and the seal of the Corporation."

In third paragraph, (page 342,) strike out "and liable to the same penalties," in sixth line. In eighth line, strike out "upon."

Between fourth and fifth paragraphs, insert:

"The Commissioners of Pilotage for the bar and harbor of Beaufort shall have the same power; and be required to perform like duties, with those for the bar and harbor of Charleston."

At page 343, in first paragraph, eighth line, after "impose," insert "(provided such fine does not exceed twenty dollars; and when over twenty dollars, the same to be recovered by action in the Court of Common Pleas.)"

At page 344, in last paragraph, before "citizens," insert "male."

At page 345, in the form of oath, change "Wardens" to "Warden."

At page 346, in third line, after "town," insert "to be recovered in either case by indictment."

At page 347, in third paragraph, change "twelve," in fourth and fifth lines, to "twenty." In fifth line, after "Court," insert "of Common Pleas."

At page 352, in second paragraph, between "a" and "copy," insert "certified."

Add to fifth paragraph: "No person, unless entitled to vote, shall be eligible to the office of Intendant or Warden."

At page 353, at the end of fifth paragraph, after "same," insert "and may grant retail and tavern licenses in conformity with the law of this State. All penalties for retailing, when recovered, shall be to the Town Council for the use of the Town."

At page 354, in fifth paragraph, change "capitation" to "commutation."

In margin, change "820" to "830."

At page 355, in second paragraph, after "offense," insert "to be recovered before the Intendant and two Wardens, or any two of them." Strike out the second sentence of second paragraph.

Strike out fifth paragraph, with marginal reference and abstract.

In sixth paragraph, change "a sum not exceeding," to "the sum of," and after "dollars" insert, "to be recovered by indictment." After "offence," at the end of paragraph, insert "to be recovered before the Town Council."

In seventh paragraph, change "Town Council" to "Intendant and Wardens." After "town," insert "except for the trial of small and mean causes."

Strike out eighth paragraph, with marginal reference and abstract.

After marginal reference, "A. A. 1809, viii., 251," insert "A. A. 1859, xii., 830."

At page 356, the first paragraph, under the Caption "X. Columbia," to read:

"A tract of land, two miles square, purchased from Thomas Taylor and James Taylor, on the east side of the Congaree River, near the confluence of Broad and Saluda Rivers, shall be called the City of Columbia, and is the seat of Government of this State."

Strike out marginal reference, and abstract to same paragraph.

In next paragraph, after "corporation," insert "known and called by the name of 'The City of Columbia.'"

At the end of same paragraph, after "ward," insert "who shall be residents of their respective wards."

In next paragraph, before "ballot," insert "general."

At the end of next paragraph, after "taxes," insert "and failing to comply, such person shall be debarred from voting at such election."

At page 357, in fifth paragraph, ninth line, after "offense," insert "except for the trial of small and mean causes."

In sixth paragraph, strike out "for Richland District."

At page 358, in sixth paragraph, last line, strike out "other."

In last paragraph, after "head," insert "and on slaves of non-residents a tax not exceeding two dollars per head."

In margin, change "A. A. 1839, xi., 98," to "A. A. 1839, xi., 68."

At page 359, at the end of second paragraph, change period mark to colon, and add, "and *Provided* further, that no tax shall be laid on any vehicle going to or returning from market."

At the end of last paragraph, change period mark to colon, and add, "*Provided*, that the private property of the citizens of Columbia shall not



be liable in law or equity for the payment of the corporate debts of the said city in any other mode than by a regular and uniform taxation."

At page 360, in third paragraph, second line, before "fine," insert "tax or." In seventh line, before "fine," insert "tax or."

At page 361, the Commission recommend to insert, after second paragraph, as follows:

"The Mayor and Aldermen of the City of Columbia shall have power and authority to pass all needful rules and regulations for the proper government of slaves and free persons of color within the limits of the said City."

Change the second paragraph, under the title "Cheraw," to read, as directed by the Commissioner, on page 761.

At page 363, in second paragraph, fifth line, change period mark to colon, after "town," and add "said penalties to be recovered by indictment."

At page 364, in second paragraph, after "Peace," insert "except for the trial of small and mean causes."

In last paragraph, strike out "for Chesterfield District."

At page 365, in second paragraph, change "correction" to "conviction."

At page 367, in second paragraph, second line, change "oath" to "oaths;" and after "Judge," insert "or Justice."

In same paragraph, after the form of oath therein contained, insert:

"I, A. B., do swear that I will do equal and impartial justice in all causes that come before me as Associate Judge (or Justice) of the Superior Court in the said State, without favor or affection to either party, and that I will not receive myself, or suffer any other person to receive for my use, benefit or advantage, any present of money or money's worth, on account of any action, at any time pending, in the said Court, excepting the salary allowed to me by law."

Insert in margin "7 Stat. 167."

"I do further solemnly swear, that I will, to the best of my ability, so far as I may be concerned in the drawing, balloting, impanneling or summoning of Juries, truly, diligently and uprightly, carry into due and faithful execution the Jury law."

Insert in margin "A. A. 1731, 3 Stat. 282, § 29."

At page 368, after the fourth paragraph, insert the paragraph which the Commissioner, on page 749, directs to be inserted after the last paragraph.

At page 369, in first paragraph, strike out all after "actions" in fifth line.

In second paragraph, after "Equity," in second line, insert "in cases of dower and."

In fifth paragraph, third line, change "or" to "and;" and, after "judg-

ment," insert "for the consideration of such points of law as may be submitted."

After last marginal reference, insert "A. A. 1839, 70, § v."

At page 370, strike out first paragraph with marginal reference.

At the end of the third paragraph, change period mark to semicolon, and add "but in such case process may be served without actual arrest of body."

At the end of last paragraph, after "term," insert "ten days before the time fixed for such Court."

In margin, change "A. A. 1837, xi., 41, § 12, to "A. A. 1839, xi., 28, § 12.

At page 371, in first paragraph, ninth line, after "term," change comma to period mark, and strike out remainder of paragraph.

In first marginal reference, change "106" to "74."

In second, change "1813" to "1814."

At page 372, in fourth line, after "record," change comma to period mark, and strike out remainder of paragraph.

In third paragraph, second line, after "name," insert "the same being suggested on the record."

Insert "Attachment" between "Process" and "Bail," and correct the letters, (as directed by the Commissioner, on page 750.)

In fourth paragraph, third line, before "Nisi Prius," insert "Assizes, Oyer and Terminer, General Jail Delivery."

In last paragraph, sixth line, after "returnable," insert "mesne process."

In next, after "and," insert "final process" according to law, "and be."

In margin, change "107" to "75;" and after last reference add "A. A. 1799, vii., 293, § 2."

At page 373, in second paragraph, change "ejectment" to "Trespass."

The third paragraph to read:

"In actions against a Railroad Company, in law or equity, process may issue from the Court in any District, and be made returnable to the Court of the District where the cause of action arose, and be served personally on the President, wherever he may be found: *Provided*, that such right shall not be construed to prevent the commencement of any action in law or equity in manner hereinbefore provided."

In fourth paragraph, strike out "the arrest of his property," and insert "by any illegal conduct in obtaining the said writ."

In fifth paragraph, change "served" to "executed;" before "property," insert "his;" strike out "capable of being taken in execution as his;" after "found," change period mark to comma, and add, "and shall be returnable in the words 'according to law.'"

In sixth paragraph, strike out "or intermeddled." After "record" change period mark to comma, and add, "and that the judgment in such

cases (although entered up against all the defendants in the pleadings) shall not operate as a devastavit against any defendant who has not been served."

In margin, change "883" to "833," and "109" to "76, § 21."

At page 314, in first paragraph, fifth line, after "record," insert "and proving on the trial." At the end of paragraph, change period mark to colon, and add, "Provided, that no judgment in such action shall affect the absent defendant."

In second paragraph, third line, after "assignee," insert "so styling himself."

In third paragraph, strike out "written," also, "and in a fair and legible hand."

Change first marginal reference to "A. A. 1823, vi., 212."

At page 375, after the first paragraph insert, as directed by the Commissioner, on 750.

In first paragraph, under caption "Attachment," change comma after "London" to period mark, and strike out remainder of paragraph.

In margin, change "100" to "76"

At page 377, at the end of first paragraph, after "prescribe," change period mark to colon, and add, "Provided, that no execution shall issue on such judgment until a recovery is had against the absent defendant."

At page 378, in second paragraph, twelfth line, after "District," insert "once every three months during said year and day."

At page 379, in margin, add to reference at sixth paragraph, "A. A. 1839, xi., 19, § 18."

At page 380, at the end of first paragraph, after "action," change period mark to colon, and add, "Provided, that the Statute of Limitations shall not run against any such judgment, or the cause of action on which it is founded."

After last marginal reference, insert "A. A. 1839, xi., 18, § 18."

At page 382, after last marginal reference, insert "A. A. 1839, xi., 18, § 18."

At page 383, after fourth paragraph, insert:

"The goods and chattles levied on under such attachment may be replevied, and proceedings had against garnishees, as in other cases of attachment where magistrates have jurisdiction."

In margin, at last paragraph, insert marginal references, "A. A. 1763, vii., 204, § 20;" "A. A. 1791, vii., 275, § 13;" "A. A. 1799, vii., 294, § 6;" "A. A. 1839, xi., 78, § 32;" "A. A. 1839, xi., 20, § 21."

At page 384, strike out third paragraph, with marginal reference and abstract.

In fourth paragraph, strike out "at any time pending the action;" and

after "principal," in ninth line, change comma to period mark, and strike out remainder of the paragraph.

In fifth paragraph, first line, change "recovery" to "conversion." In second line, after "entitled," insert "at any time before trial." In fifth line, strike out "a positive," and insert "an." In eighth and ninth lines, strike out "taken it from him, or state circumstances amounting to a conversion," and insert "converted it to his use." In thirteenth line, change "security" to "bond with sufficient surety."

In margin, change "109, § 122" to "76, § 20;" and strike out "See A. A. 1839, xi., 10."

At page 385, in first paragraph, strike out all after the tenth line.

In margin, change "90" to "62."

At page 386, in margin, before "161," insert "v.," and change "41" to "25."

At page 387, in first paragraph, change "14" to "22."

In margin, change "1822" to "1722," and "176" to "177."

At page 388, in first paragraph, first line, change "Union" to "Confederacy."

In fourth paragraph, first line, after "Court," insert "directed to two or more Commissioners, to be appointed by the Clerk." In fifth line, after "duty," insert "including officers of the Lunatic Asylum." In ninth line, after "party," insert "or his attorney." And after "application," in tenth line, strike out remainder of paragraph, and insert "each party suggesting to the Clerk, the names of his Commissioner or Commissioners."

In margin, (page 388,) strike out "1839, xi., 107, § 17," and insert, after last reference, "A. A. 1839, 75, § 17."

At page 389, in fourth paragraph, in third line, strike out "upon," and insert "affidavit." In fifth line, strike out "summoned," and insert "examined."

In margin, at second paragraph, insert "A. A. 1794, 248," and at fourth paragraph, "A. A. 1839, xi., 75, § 17"

At page 390, in fifth paragraph, third line, after "swear," insert "at the time of filing plea;" and after "swear," in sixth line, insert "at the time of filing plea."

In fifth marginal reference, change "vi." to "v."

At page 392, after first paragraph, insert the foot Note directed by the Commissioner, on page 750, to be there inserted.

After second paragraph, strike out the Note, and transfer to third paragraph of page 395, as directed by the Commissioner, on page 750.

In third paragraph, strike out "the writing be denied on oath, or some matter pleaded in defense," and insert "a defense is made," and insert, in margin, abstract "Not to prove liquidated demand, unless defense is made."

In last paragraph, third line, before "actions," insert "all," and strike out "of tort," in same line and in margin.

After last paragraph, insert:

"Note—In *Scarborough vs. Reynolds*, at Appeal Court, Fall 1859, the Court overruled *Vaughan & Code*, 2 Rich., 49, and restored *Nance and Palmer*, 2 Bail., 88. So where the recovery is for thirteen dollars, (except where reduced by payments below twenty dollars,) costs will follow."

In first marginal reference, change "xii." to "viii."

At page 393, in first paragraph, fifth line, strike out "executors or administrators of the," and in same line, after "plaintiff," insert "or, if he be dead, his executors or administrators."

After first paragraph, insert, as directed by the Commissioner, on page 750.

In next paragraph, sixth line, change "plaintiff" to "plaintiffs," and then insert "or plaintiff."

At page 394, in first marginal reference, change "xi., 108, § 18," to "vi., 160."

At page 395, strike out paragraph commencing with the word "Decrees," being the paragraph directed by the Commissioner, on page 750, to be stricken out.

At page 398, after second paragraph, transfer from page 405, to this place, "Judicial Sales," and all that follows to "Court of Sessions," as directed by the Commissioner, on page 750.

In last marginal reference, change "172" to "121."

At page 399, in fourth paragraph, first line, change "person" to "prisoner in execution." In third line, after "discharge," insert "and on his discharge shall fail to assign and surrender, as far as in his power, the property in such schedule mentioned."

At page 402, in margin of third paragraph, insert "New."

At page 405, as directed by the Commissioner, on page 751, transpose second and fourth paragraphs, so that the second shall be fourth and the fourth second.

In third paragraph, fourth line, after "preference," insert "or having made a false return, or having gone without the prison walls or prison rules, as the case may be."

Between third and fourth paragraph, as transposed, insert:

"A. A. 1833, v., 491. "A Judge sitting in open Court may submit to the jury, already impaneled, any such issue. If the said issue be made before a Justice of the Peace or Commissioner of Special Bail, he shall place the names of twenty-four neighboring freeholders in a box, and from them draw eighteen, and directed the Sheriff of the District to summon the freeholders, whose names shall be thus drawn, to attend at the Court House

of the District, and at a time to be fixed by said Justice or Commissioner of Special Bail; and from them shall be drawn twelve, who shall be impaneled to try the said issue; and if from the eighteen freeholders so summoned, twelve cannot, from any cause, be impaneled, then the number shall be completed from the number originally selected.

"The freeholders so summoned shall be liable to the same fine for non-attendance, without sufficient cause, to which jurors now are for non-attendance at the Court; and the Justice or Commissioner of Special Bail shall return the names of any freeholders who shall neglect to attend, to the Clerk of the Court of Common Pleas of the District, who shall proceed against the said defaulters as against non-attending jurors.

"The Justice or Commissioner of Special Bail shall be entitled to receive, out of the property assigned by the prisoner, the sum of two dollars, as compensation for his services in hearing and trying any such application in any case not litigated; and whenever the same may be litigated, the sum of four dollars, to be paid to him out of the property of the prisoner, if the final decision be against the prisoner; but if it be in his favor, the said sum of four dollars shall be paid by the plaintiff; and the Sheriff shall receive the sum of five dollars, as compensation for summoning the said freeholders, to be paid out of the property of the prisoner, if his application be refused, and, if granted, by the plaintiff; and the said Justice or Commissioners of Special Bail is empowered to issue executions against the property or person so liable to pay the said sum.

If the verdict of the jury, or of the freeholders, so impaneled, as aforesaid, be in favor of the prisoner, and the plaintiff should appeal, the prisoner shall be entitled to be discharged from confinement, on his giving bond and sufficient sureties to the plaintiff, to be forthcoming, and to abide by the decision of the Court of Appeals; and if the said appeal be determined against the prisoner, and he be not surrendered (which a surety is hereby authorized to do) before the first day of the Circuit Court next succeeding the determination of such appeal, then the Clerk of the Court shall, on the application of the plaintiff, or his agent, forthwith issue a *scire facias* on the said bond against the prisoner and his sureties, as in cases of estreated recognizances; but, if the said prisoner shall appear, or be surrendered as aforesaid, then the said Judge, Justice or Commissioner of Special Bail, shall forthwith proceed to impanel a jury and try the case, as hereinbefore provided for, with the same liabilities, rights and privileges as aforesaid."

After paragraph second, (on page 405,) transposed to be fourth, insert, as directed by the Commissioner, on page 751.

In place of "Judicial Sales," and what follows down to "Court of Sessions," insert the first of the two paragraphs, directed by the Commissioner, on page 751, to be there inserted.

At page 406, strike out first paragraph, under caption "Court of Sessions."

At page 407, in second paragraph, first line, after "accused," insert "in cases of felonies." In second line, strike out "where he is tried."

In third paragraph, change "published and carried into effect" to "passed on the defendant at the next Circuit Court."

At page 409, in second paragraph, under the caption "I. Mode of Appointment and qualification." After ("See Title, Public Officers,") insert "and the following oath:"

"I do further solemnly swear, that I will to the best of my ability, so far as I may be concerned in the drawing, balloting, impanneling or summoning of Juries, truly, diligently and uprightly carry into due and faithful execution the Jury law."

At page 416, in second paragraph, change "Magistrates' and Constables' Roll," to "Roll of Justices of Peace and Constables;" and change "Magistrate" to "Justice of the Peace."

At page 417, in sixth paragraph, change "Magistrate" to "Justice of the Peace."

At page 418, in second paragraph, strike out "within two weeks after the adjournment of the said Court."

At page 424, in fourth paragraph, change "Monday" to "Tuesday."

At page 126, the last marginal reference, to read "A. A. 1839, xi., 106, § 8."

At page 427, first paragraph, after "forfeitures," insert "or other moneys." In second line, after "him," insert "by order or permission of Court." In fifth line, after "given," insert "of the receipt of such fines and forfeitures, within one week."

At page 430, the third Circuit to be changed as follows: "A. A. 1848, xi., 525: Chesterfield, Marlborough, Darlington, Marion, Horry, Georgetown, Williamsburg."

In fourth, transpose "Kershaw" and "Clarendon."

At page 431, in margin of fourth paragraph, insert "New."

At page 434, in margin of fourth paragraph, insert "A. A. 1850, 67."

In fifth paragraph, change "Petitioners" to "Petitions."

At page 438, in second paragraph, strike out all after "husbands," in fourth line, and insert "to admit Guardians ad litem, to grant commissions of *dedimus potestatem*, to take the answers of defendants who are absent, and grant commissions to take the examination of witnesses either in the State or abroad," (according to the direction, with some modification, of the Commissioner, on page 751.)

In third paragraph, fifth line, after "merits," insert "and they shall

possess the same powers as a Chancellor at Chambers, to grant orders for writs of *Ne Exeat* and *Attachment* in all cases of practice."

At page 440, in fourth paragraph, strike out "and if detained more than six months, unless for good cause, as defaulter."

At page 441, at the end of third paragraph, strike out "nor be invested on personal security."

After third paragraph, insert:

"It shall be the duty of the Chancellor, on the first day of each term, to call on the Master to render his annual reports."

At page 445, in fourth paragraph, first line, after "dollars," insert "or in cases not litigated."

At page 446, in fourth paragraph, eighth line, after "one," insert "or more." Change "City of Charleston" to "State." Strike out "and posted at the door of the Court House." The Commission recommend that after "just," in fourteenth line of same paragraph, be added, "and issue the process necessary to enforce the execution, or compel the performance of the said decree; the Plaintiff first giving sufficient security in such sum as the said Court shall think proper, to abide such order as may be made on the defendant's appearing to the suit, and paying such cost to the plaintiff as the Court shall order."

In the margin of the remainder of said paragraph, insert "New or altered."

At page 447, strike out third paragraph.

At page 448, in margin, change "8" to "21," and after "1791, vii., 259, § 5," insert "1840, xi., 115, § 21."

At page 449, in margin, change "277" to "279."

At page 451, strike out first paragraph.

In third paragraph, fourth line, after "party," insert "or his solicitor." Strike out "from the intimation," and insert "after notice."

The fourth paragraph to read:

"Where any decree shall be delivered during the sitting of the Court of Appeals, an appeal therefrom may be docketed immediately, and heard at the same Court, on giving four days' notice to the opposite party."

At page 452, strike out sixth paragraph.

At page 453, strike out and insert, as directed by the Commissioner, on page 751.

At page 454, in fourth paragraph, before "Georgetown," insert "Beaufort."

At page 455, after first paragraph, insert the paragraph, directed by the Commissioner, on page 751, to be inserted after the sixth paragraph, at page 454.



In second paragraph, after "Appeals," insert "for Charleston, and also for Columbia."

In third paragraph, after "salary," insert "of each." Change "Librarian" to "Librarians."

Omit the insertions and changes, directed by the Commissioner, on pages 751 and 752, to be made at page 455.

In fourth paragraph, (page 455,) change "three" to "six," and insert in margin "A. A. 1862 and 3, 94."

At page 456, in second paragraph, change "one hundred and fifty" to "two hundred," and, in margin, insert "A. A. 1862 and 3, 94."

At page 457, in fifth paragraph, change "attainted" to "convicted," and "stigmatical offense" to "of the crimen falsi."

In last paragraph, strike out "or Assistant Judges."

At page 458, in last paragraph, strike out "of sixty-three cents or more."

At page 459, at the end of first paragraph, add :

"The Sheriff of each district shall procure said tax returns from the tax collector, when ordered by the Court, for the purpose of making out new Jury lists."

In third paragraph, change "beat of drum" to "notice posted." Strike out all after "door," and insert "for two weeks before such day."

At page 461, strike out third paragraph, (which commences with the words "And in case.")

At page 464, strike out third paragraph.

At page 465, in second paragraph, change "one" to "three."

At pages 465 and 466, transpose the paragraphs under the caption : "I. Mode of Appointment and Qualification ;" so that the fifth shall be third, the sixth shall be fifth, and the third shall be sixth.

In lieu of insertion, directed by the Commissioner, on page 752, to be made after said paragraphs, insert :

"The Ordinary shall grant administration in the following manner: After requiring the person or persons applying therefor to file a petition in writing, he shall issue a citation to the kindred or creditors of the intestate or person deceased, to show cause, if any they have, why administration shall not be granted to the person or persons applying therefor, and he shall cause the same to be published on the Court House door of the district in which his office is, for two successive weeks, and also by having it printed once a week, for two successive weeks, after it has been issued in some public Gazette, if any be published in the District."

Insert in the margin "A. A. 1839; xi., 40, § 8."

At page 467, in second paragraph, second line, strike out "executors or." At the end of same paragraph, change period mark to comma, and add,

"regulating the place, time and credit, and, in case of executors, he shall have the same power, if not inconsistent with the will."

In third paragraph, after "arrangements," insert "upon the petition of any person interested." In fourth line, after "value," insert "of the whole real estate of the deceased." At the end of third paragraph, change period mark to colon, and add, "*Provided*, that there shall be a right of appeal to the Court of Common Pleas."

In the last paragraph, strike out "once a week;" and, in lieu of "neighborhood of their residence, if it be," on page 467, and of "known; and if it be not known, in such suitable paper as he may think most likely to effect the intention of notice." On page 468, insert "nearest regularly published newspaper."

At page 468, strike out first paragraph, as above directed.

In second paragraph, seventh line, after "confidence" insert, "a majority of whom shall have power to act."

At page 469, in second paragraph, fourth line, change "his next friend" to "the person desiring the appointment."

In fifth paragraph, strike out second sentence and insert: "When a guardian, accountable to the Ordinary, or an Administrator, shall remove from the State, without having accounted for his guardianship or administration, or where there cannot be personal service of the citation to account, upon petition being filed for an account of such guardianship or administration by any person interested in the estate, it shall be the duty of the Ordinary to cause a rule to be published in the nearest Gazette within the State, requiring the said guardian or administrator, and his or her sureties, to appear on any day fixed and render an account of such guardianship or administration, and to cause a copy of such rule to be served upon such of the sureties as may be living within the State, or the legal representatives of any who may be dead. And, upon the expiration of the rule, the Ordinary shall proceed to take an account of the guardianship or administration, and make a decree thereon, as in other cases. And the decree of the Ordinary shall be evidence to charge the sureties on the guardianship or administration bond, as also the estate of the absent guardian or administrator, if he have any in the State, as if the guardian or administrator had been personally cited to account."

"When a guardian or administrator shall have departed this life without having accounted, and leaving no executor or administrator, it shall be sufficient for the Ordinary to cite the sureties by personal summons, or by notice in the Gazette, as in case of removal from the State, and proceed to take an account, as in other cases. And the said decree shall have the same force and effect against the sureties, as if pronounced against the guar-

dian or administrator in his life time, and shall be evidence to charge them upon the guardianship or administration bond."

In sixth paragraph, (page 469,) strike out "who retains the funds of his ward in his own hands or."

At page 470, strike out second paragraph.

In fifth paragraph, first line, after "account," insert "or any order on the application of proceeds of real estate for the payment of debts."

At page 471, in third paragraph, strike out all after "party" in fourth line, and change semi-colon to period mark.

In margin, change "20" to "25."

At page 473, in first paragraph, under "Penalties," change period mark to comma, and add, "under a penalty of one thousand dollars, to be recovered by indictment, and imprisonment not exceeding one year."

At page 474, strike out the *Note*, also the first paragraph after the note. In second paragraph, after the note, change "The Registers" to "A Register," and after "Conveyances," insert "for Charleston District."

In the next paragraph, change "Districts" to "District," and strike out "and Georgetown."

In last paragraph, change "Districts" to "district," and strike out "and Georgetown."

At page 475, in first paragraph, ninth and tenth lines, strike out "and the Register for Georgetown, in the Court House for that District; each."

In last paragraph, first line, correct typographical error, by changing "Begister" to "Register."

At page 480, the Commission recommend the adoption of the first paragraph, marked in margin as "New."

At page 482, after the fifth paragraph, insert, as directed by the Commissioner on page 752.

The seventh paragraph to read:

"All grants which in other respects are fairly authenticated shall be deemed good, notwithstanding the want of the great seal. The duplicate of the small seal shall be kept and used in Columbia, and the original in Charleston."

Strike out the last paragraph (of one line.)

At page 483, strike out "Catawba Indians," and all subsequent on that page, and the two first paragraphs on page 484.

At page 486, in first paragraph, after "assessed" in second line, insert "or tender thereof, if refused."

At page 487, the commission recommend the adoption of the second paragraph, marked in margin "New."

After the second paragraph, insert, as directed by the Commissioner, on page 752.

Omit the insertion directed by the Commissioner, on page 753, to be made as a foot Note at the end of third paragraph.

In first paragraph, under caption "Conveyance," in fourth line, after "of," insert "and subscribed by," and after "two," insert "or more credible."

At page 490, in second paragraph, first line, before "seven," insert "at any time after the expiration of."

In third line, strike out "or." In fourth line, after "Peace," insert "or a Notary Public," and strike out "of the district in which she resides, or in which the land lies." In seventh and thirteenth lines, strike out "or," and insert a comma; after "Justice," insert "or Notary."

At page 491, the Commission recommend that the last paragraph, which ends on page 492, be stricken out.

At page 492.

After third paragraph, on page 492, insert as directed by the Commissioner, on pages 753, 754, 755 and 756, except as the contents of said pages are altered, as follows:

After page 754, in second paragraph, strike out "sales." After "Columbia," insert "within sixty days from the time of execution," and strike out "and that deed that is first thus recorded shall have priority."

Strike out fifth paragraph.

In seventh paragraph, after "title," insert "reserving any interest in the chattel in the vendor."

At page 755, in second paragraph, strike out the second sentence, (which commences with the words "And if.")

Page 492, continued. In last paragraph, first line, change "negroes" to "personal property."

At page 493, in second paragraph, first line, after "Commissioners," insert "to be appointed by the Court."

In third paragraph, sixteenth line, change "purchase" to "consideration." In nineteenth line, change "they" to "it." In fourth paragraph, change "negroes" to "personalty."

Strike out last paragraph.

At page 495, in fourth paragraph, change "ten" to "fifteen," and strike out "in open Court."

At page 496, at the end of first paragraph, after "land," insert "or such other person as may be in possession of the land."

At page 497, at the end of fifth paragraph, in place of "accordingly," insert "as in such case is provided by law."

At page 498, strike out third paragraph, (which commences with the word "When.")

In margin of fourth paragraph, insert "New."

In last paragraph, strike out "landlord's will and demand made," and insert "will of the lessor, or his heirs or assigns." Strike out "the landlord," in last line, and insert "such lessor or his heirs or assigns." Strike out "for the space of."

At page 499, in first paragraph, first line, strike out "ten days." Change "landlord" to the lessor, his heirs or assigns."

Strike out second and third paragraphs and insert :

"Whereupon the Justices shall place the names of twenty-four neighboring freeholders in a box, and from them draw the names of eighteen, and shall thereupon issue their warrant in the nature of a summons, directed to the Sheriff or any Constable of the District, commanding such officer to summon the said eighteen freeholders to attend at a certain time, within four days, and at a place appointed; and from the said eighteen freeholders so summoned, twelve shall be drawn in the same manner, who shall be impaneled to try the facts: *Provided*, that if from the said eighteen, so summoned, the number of twelve cannot, from any cause, be had, the the Justices are authorized to complete the number from the remainder originally selected. And the said Justices shall also summon the said lessee, or tenant, or any other person claiming or coming into possession under him, at the same time, and in the same way, likewise to appear before them, to shew cause, if any such lessee or tenant or other person have, why possession of the premises should not be forthwith restored to such lessor, his heirs or assigns; and if, upon hearing the case, they shall be satisfied that the petitioner is entitled to the possession of the premises in question, they shall so find, whereof the said Justices shall make a record, and shall thereupon issue their warrant, directed to the Sheriff of the District, commanding him forthwith to deliver to such lessor, his heirs or assigns, full possession of the premises, and to levy all expenses incurred of the goods and chattels of the lessee or tenant, or other person in possession, as aforesaid."

Insert in margin "A. A. 1839, xi., 21, § 23."

In fourth paragraph, change "elected" to "selected."

In fifth paragraph, change "The Sheriff's compensation" to "The compensation of the Sheriff or Constable."

At page 500, do not insert the paragraph stated at page 535 to have been omitted at page 500.

At page 501, add to fourth paragraph, (which commences with the words "No goods,") as directed by the Commissioner on page 756.

At page 504, after the third paragraph, insert, as directed by the Commissioner, on page 756

Do not make the insertion, directed by the Commissioner, in "Errata," on page 536.

At page 506, strike out fourth paragraph, (which commences with the

words "If negroes,") the same being incorporated in paragraph on page 549.

At page 508, insert as first paragraph on this page:

"The proceeds arising from the sale of the property assigned shall be deposited for safe keeping in the Bank of the State of South Carolina, or one of its branches, in the joint names of the assignees and agents, and subject to their joint drafts."

Before "Debtor and Creditor," insert, as directed by the Commissioner, on page 760.

Under "Debtor and Creditor," insert the two paragraphs, directed by the Commissioner, on page 756, to be inserted, placing them as follows: The paragraph on page 756, commencing with the words, "The money," to be the first paragraph under caption "Debtor and Creditor." The paragraph on page 508, commencing with the words, "Every creditor," to be the second; and the paragraph on page 756, commencing with the words, "If a debtor," to be the third.

In paragraph which commences with the word "Assignees," insert "bills," in first line, before "bonds." In third line, after "assignees," insert, "so styling themselves in their own writ."

In last paragraph, change "pounds" to dollars."

At page 509, in first paragraph, change "pounds" to "dollars."

In third paragraph, sixth line, after "oath," insert "in open Court."

Strike out "Judgments," and the paragraph that follows, as directed by the Commissioner, on page 757.

At page 510, in second paragraph, eleventh line, change "information" to "indictment"

At page 511, in last line; strike out "and payment."

At page 512, in first line, strike out "of a substantial part of the purchase money."

At page 514, after third paragraph, insert, as directed by the Commissioner, on page 757.

In first paragraph, after "Weights and Measures," change "by the standard of London," to "as provided by the Constitution of the Confederate States."

At page 515, in margin, change "1850" to "1851."

At page 516, the Commission recommend the adoption of the paragraph on this page.

At page 517, the Commission recommend the adoption of the third paragraph on this page, marked in the margin as "New."

At page 518, alter the last paragraph to read:

"Lands acquired by any person after making his will shall pass thereby in the same manner and to the same extent as personal estate thus ac-

quired. And in margin, strike out "Altered," "not," and, "but be distributable."

At page 519, omit the insertion, directed by the Commissioner, on page 757, to be made after the second paragraph on this page. Leave third paragraph as it is.

Strike out fourth paragraph and note to same.

At page 521, in second line, after "issue," insert "of the marriage," as directed by the Commissioner, on page 758.

The third paragraph to read :

"Wills may be admitted to probate in common form, upon the oath of one or more of the subscribing witnesses, or, if the witnesses be dead or out of the State, by proof of handwriting."

In fourth paragraph, change "next of kin" to "heirs at law and distributees."

At page 522, in first paragraph, first line, after "form," insert "The citation to prove a will in solemn form, shall be by personal notice to such parties as are in the State." In lieu of the following part of the paragraph, insert "And if any person interested be absent from the State, a notice of the proceedings shall be addressed to him by name, and published at least once a month for three months in some newspaper of the State."

At page 523, in fifth paragraph, fifth line, after "estate," insert, "twenty days' notice in writing being first given to the opposite party."

In margin of third paragraph insert "New."

At page 524, after first paragraph, insert, as directed by the Commissioner, on page 758.

In second paragraph, fourth and fifth lines, strike out "or their legal representatives."

In fourth paragraph, second and third lines, strike out "with good and sufficient security in a sum equal to the value of the estate at least," and insert "in a penalty double the amount of the estimated value of the testator's personal estate, with two or more good sureties, the clear aggregate value of whose estate shall not be less than the penalty of the bond."

At page 525, in the blank in fifth line, insert "Ordinary."

In last paragraph, first, second and third lines, strike out "with good security, to approved by the Ordinary, in a sum equal to the full value of the estate," and insert "in a penalty double the amount of the estimated value of the personal estate of the deceased, with two or more good sureties, the clear aggregate value of whose estate shall not be less than the penalty of the bond."

At page 527, the first marginal reference to read "A. A. 1839, xi, 42, 43."

At page 528, in fourth paragraph, first line, after "executors," insert

"and administrators;" and after "annually," insert "in the month of January." At the end of the same paragraph, after "occur," insert "and shall also be liable, after rule, to attachment for contempt."

In fifth paragraph, after "executor," in fifth line, insert "or administrator."

After fifth paragraph, insert the paragraph, directed by the Commissioner, on page 758, to be inserted after fourth paragraph.

At page 529, at the end of fourth paragraph, after "loss," insert "to be recovered by action on the case against such executors, or by action of debt on the bond of such sureties."

At page 530, after the first paragraph, insert, as directed by the Commissioner, on page 758.

In third paragraph, first line, after "sale," the Commission recommend to insert "by an executor," and insert "New" in margin.

Strike out fourth paragraph.

In fifth paragraph, eleventh line, change "debtors" to "creditors."

After fifth paragraph, insert, as directed by the Commissioner, on page 759.

In sixth paragraph, first line, after "testator," insert "or intestate." In second line, after "emblemments," insert "which shall be severed before the last day of December following." In third line, after "executor," insert "or administrator, subject to debts, legacies and distribution, taxes, overseer's wages and expenses of physic, food and clothing, being first paid."

In same line, strike out "agri."

At page 531, in first paragraph, strike out "culture," and insert "making a crop." In second line, after "executors," insert "or administrators."

The changes in this paragraph are recommended by the Commission.

In fifth paragraph, third line, after "Master," insert "in Equity." In sixth line, strike out "or," and insert "and if none then."

At page 532, in first paragraph, second line, after "bond," insert "without security." In fourth line, after "collected," insert "and received."

Strike out last paragraph.

At page 539, in fourth paragraph, thirteenth line, change "information" to "indictment."

At page 540, the Commission recommend the adoption of the section or paragraph numbered "7," on this page, which is new.

At page 545, in the Note, second line, change "primitive" to "punitive."

At page 549, in the foot note, tenth line, insert "a" between "by" and "separate." In nineteenth line, change "executing" to "executory."

At page 551, the Commission recommend the extension as to *Prohibition*, in third paragraph.



At page 553, after the first paragraph, insert :

"No bail shall be required in any suit on a penal law, unless by such law expressly permitted;" and marginal reference "A. A. 1785, vii., 215," as directed by the Commissioner, (except omitting word "special,") on page 761, which insertion the Commission recommend.

In seventh paragraph, strike out, "and no wager of law shall be allowed."

In the margin, at first paragraph, insert "St. vii., 216." At fifth paragraph, change "Plaintiff" to "Defendant." At seventh paragraph, insert "The action of *Detinue* defined."

At page 554, in first paragraph, second line, after "that," insert "twelve days notice in writing, before the time of trial." Strike out in same, and next line, "at the time of pleading, notice." In ninth line, after "liberty," insert "after notice of discount."

Strike out the last paragraph, and the foot note thereto, marked "a."

At page 556, in first paragraph, strike out "ecclesiastical." After "tribunal," insert "or officer having the legal custody of such will." In third line, after "State," insert "twenty days' notice in writing being first given to the opposite party."

The last paragraph to read :

"2. All exemplifications of the Acts of Assembly, and attested copies of all records of this State, signed by the keepers of such records, shall be receivable in evidence in the Courts of this State."

The marginal abstract to read, "Acts of Assembly, and copies of records receivable in evidence." Strike out "The proviso is new."

At page 557, in second paragraph, third line, after "defendant," insert "at time of filing plea." In fourth line, after "oath," insert "at time of filing plea, that."

Strike out third paragraph.

At page 560, in fourth paragraph, change "petition" to "proceeding."

In margin, annex to third paragraph, the abstract, commencing with "Changed."

At page 565, in second paragraph, strike out "sounding merely in damages." Change "verdict shall not exceed twelve 24-100 dollars," to "plaintiff shall recover less than thirteen dollars."

At page 567, strike out first paragraph.

At page 583, at the end of Fees of Sheriff, insert :

"For summoning freeholders to try questions before Justices between Landlord and Tenant, to be paid by the unsuccessful party. 10.00."

At page 588, the Commission remark of Chapter XI., that it is obsolete; but they recommend its adoption.

At page 589, in second paragraph, change "Act of Distributions" to "laws for the distribution of the estates of intestates."

At page 593, in second paragraph, fifth line, after "district," insert "from whence or."

At page 594, in first paragraph, first line, change "murder or manslaughter" to "homicide."

The Commission recommend the adoption of the second paragraph, which is marked "New."

At page 595, in third paragraph, fifteenth line, change "poor" to "insolvent."

At page 596, in fifth line, change "double" to "treble. In eighth line, change, "12 84-100" to "twenty."

At page 597, the Commission recommend the adoption of the two first paragraphs of Chapter II.

At page 598, in second paragraph, strike out "or attainder."

At pages 599 and 600, strike out "Profanity," and all that follows, down, to "Desecration of the Lord's Day."

At page 600, in the first, third and fifth paragraphs, under caption "Desecration of the Lord's Day," change "two" to "five." In the fifth paragraph, third line, after "day," insert "except in cases of emergency or absolute necessity."

At page 601, in first paragraph, change "set the offender publicly in the stocks, for the space of two hours," to "commit the offender to the jail of the District, for the space of one day." Strike out the following part of said paragraph.

In fourth paragraph, tenth line, after "discharged," insert "by any Judge or Chancellor, at Chambers, on motion or on petition, and on proof made." Insert in margin "A. A. 1712, ii., 398."

At page 602, in margin, after references at first paragraph, insert "Journal of Convention, page 761." Change "A. D. 1731, iv., 286," to "A. D. 1731, iii., 286."

At page 603, insert, under first marginal reference, "Stat. vii., 462."

At page 604, the Commission recommend the adoption of the first paragraph.

In paragraph sixth, (numbered 5,) in first line, after "burning" insert "or setting fire to." In second line, after "thereof," insert "or any house of any kind within the curtilage, or house or room wherein any person may habitually sleep, whereby such dwelling-house or sleeping apartment may be endangered." In same line, before "any barn," insert "of burning in the night time." Strike out "in which any grain or corn may happen to be."

In seventh paragraph, (numbered 6,) strike out "whether principals or accessories before the fact."

At page 604 and 605, include in parenthesis the words "including in the

term church, all houses erected and used for, or dedicated to Divine worship," and add "buildings let for public exhibitions, coach-house, gin-house, store-house, ware-house, grist or saw mill, railroad depot or railroad bridge, coach or cotton factory, or other house used for manufacturing purposes, whether principles, or accessories before the fact."

At page 605, in section numbered 9, after "ensue" insert "within six months."

After section numbered 12, insert section "13. All persons convicted a second time of stealing any horse, mare, gelding, colt, filly, mule or ass."

In margin, change "597" to "507;" "470," to "466."

At page 606, in second paragraph, first line, after "person," insert "in endeavoring to apprehend or in making pursuit after such burglar or felon."

In section numbered 13, change "13" to "14." In first line, after "master" insert "or other officer."

In section numbered 14, change "14" to "15."

At page 607, change numbers of sections "15," "16," "17" and "18," to "16," "17," "18" and "19."

In second paragraph of page, after "sloop" strike out comma, and insert "or." After "brig" strike out "or petty anger."

In margin, add to last reference "II. 424."

At page 609, in second paragraph, after "governance," insert "and against the will."

At page 610, in first paragraph, strike out "public hall, assembly room, lecture room, store house, or out-house, or any." In fourth line, after "dollars," insert "or more."

At page 611, the fifth paragraph to read:

"Any person convicted of grand larceny shall be punished by fine and imprisonment, at the discretion of the Court, and whipping, not exceeding thirty-nine lashes." Insert in margin "*Altered.*"

The sixth paragraph, (including the portion on page 612,) to read:

"Any person who shall steal any horse, mare, gelding, colt, filly, mule, or ass, on conviction thereof, for the first offence, besides fine and imprisonment, at the discretion of the Court, shall receive not less than fifty or more than two hundred lashes; and for the second offence shall suffer death."

At page 612, in second paragraph, strike out "pillory in addition to."

In the third paragraph, strike out "or pillory in addition to," and insert "and" before "whipping."

In fourth paragraph, fifth and sixth lines, strike out "be guilty of an attempt to commit a felony, and." In sixth line, strike out "shall."

At page 613, at the end of third paragraph, after "thereof," change period mark to colon, and add, "*Provided*, that this is not to prevent the catching of, or fishing for, any floating or swimming fish within the limits of any oyster bed."

In fourth paragraph, strike out "or pillory."

At page 614, in first paragraph, first line, after "records," insert "with intent to defraud any person whomsoever."

In second paragraph, ninth line, after "coining," insert the "same."

Strike out last paragraph and foot note.

At page 615, strike out caption "Duelling."

At page 616, in margin, change "684" to "634."

At page 618, in first paragraph, second line, before "burn," insert "set fire to or." In same line, before "burnt," insert "set on fire or." In third and fourth lines strike out "bar or." In fourth and fifth lines strike out "or any public hall, assembly room, lecture room, manufactory, store-house, or out-house."

At page 619, in second paragraph, after "fine," strike out comma, and insert "and." Strike out "or whipping."

At page 620, in first paragraph, fifth line, after "property," insert "or shall sell; barter or expose to sale any kind of property which has been before sold, bartered or exchanged by the person so selling, bartering or exchanging, or by any person or persons to the benefit and advantage of the person so selling, bartering or exchanging; or shall be a party thereto;"

The Commission recommend the adoption of the second paragraph on same page, which is marked in the margin as "New."

At pages 621, 622 and 623, Chapter XL, comprising those pages, is new. The Commission recommend the adoption of the same.

At page 624, in first paragraph, fifth line, strike out "or pillory."

In second paragraph, strike out "or stand in the pillory."

At page 625, in second paragraph, ninth line, before "conviction," insert "indictment and."

In margin, change "493" to "495."

At page 626, strike out all after second line.

At page 627, the Commission recommend the adoption of the section or article, entitled "Clandestine Burial," which is marked in the margin as "New."

In section, under title "Retailing near place of public worship," in first line, before "liquor," insert "spirituous;" before "sold," insert "retailed." Strike out "by retail" in same line, and insert "or otherwise disposed of."

At page 631, in fourth paragraph, fifth line, after "fine," insert "and costs of execution."

In sixth paragraph, second line, before "person," insert "or." Strike out all after "conviction," and insert, in lieu thereof, "shall be whipped, not exceeding thirty-nine lashes, and be fined and imprisoned at the discretion of the Court."

At page 622, strike out third paragraph.

At page 633, in first paragraph, fourth line, before "brought," insert "by warrant."

In second paragraph, seventh line, strike out "be assessors of," and insert "act with."

At page 634, at the end of second paragraph, change period mark to comma, and add "by the Clerk."

The Commission recommend the adoption of the third paragraph, which is marked "New" in margin.

At page 635, in last paragraph, fourth line, after "officer," insert "or the Solicitor of the Circuit."

At page 636, in last line, after "Sheriff," insert "or any Constable."

At page 637, in first line, change "twenty-four" to "eighteen." In second line, strike out "such." After "cases," in same line, insert, "of tenants holding over."

In third paragraph, last line, after "have" insert "had." At the end of paragraph third, before period mark, insert "for two years next preceeding."

At page 638, in fourth paragraph, after "Council," insert "of Charleston."

The Commission recommend the adoption of the first paragraph on same page, which is marked "New."

At page 639, the Commission recommend that the section, entitled "Concerning Incestuous Marriages," which is directed by the Commissioner, on page 762, to be inserted at the end of Book IV., be not inserted.

At page 643, before "Chapter I.," insert "Part I., Police."

At page 650, in fifth paragraph, strike out the first word "That," and change the next word "the" to "The."

At page 653, strike out "Part —." For "Chapter —," read "Chapter III.," as, directed by the Commissioner, on page 759.

At page 654, strike out "XIV. Protection against suits." Change "XV" to "XIV."

At page 655, strike out "A. A. 1857, xii; 1859, xii," in margin. Insert in margin after "277," opposite to the thirteenth line, "1857, xii, 616; 1859, xii, 772."

At page 685, strike out "Ib., 373, in margin, and insert in place thereof "A. A. 1841, xi, 192."

At page 695, strike out "Ib., 197, § 98," in margin, and insert "A. A., 1841, xi, 204."

At page 699, strike out "Ib., § 140," in margin, and insert "A. A. 1841, xi, 214."

At page 711, in last paragraph, first line strike out "protest" and insert "process."

At page 718, change "XV." to "XIV."

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